

(7) Prescribe the speed at which and the conditions under which cars of livestock shall be moved by any carrier within the state in intrastate shipments.

(8) Prescribe the fees necessary to cover cost of supervision and weighing and the method of assessment and collection thereof.

(9) Prescribe reasonable regulations for handling property, passenger, baggage, express and mail, partly over privately owned rights-of-way and partly over highways, so that reasonable and adequate accommodations and service may be afforded.

(10) Prescribe the extent to which any designated carrier, upon its petition, may be relieved from the operation of the principles established by section 218.021, subdivision 1, clauses (6), (7) and (8).

Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to him to have an interest in the matter and publish notice of the petition in the state register. The commissioner may grant the petition 30 days after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption shall be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without hearing, the petitioner may request within 30 days of receiving a notice of denial, and shall be granted, a contested case hearing on the application.

Sec. 13. Minnesota Statutes 1976, Section 219.741, is amended to read:

219.741 APPLICATION FOR REMOVAL. Any railroad company desiring to abandon, close for traffic, or remove any of its tracks described in section 219.681 shall first make application to the commissioner in writing. Before passing upon such application the commissioner shall fix a time and place for hearing and a notice of such hearing shall be served upon all interested persons so far as known to the commissioner follow the procedure set out in section 218.041, subdivision 3.

Sec. 14. Minnesota Statutes 1976, Section 53.03, Subdivision 3, is repealed.

Sec. 15. This act is effective in respect to applications, claims and petitions received by appropriate agencies on and after July 1, 1977.

Approved May 27, 1977.

CHAPTER 347—H.F.No.1305

[Coded in Part]

An act relating to Minnesota Statutes; providing for the correction of erroneous,

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ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.531; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

REVISOR'S BILL

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

Section 1. **REVISOR'S BILL.** Minnesota Statutes 1976, Section 3.973, is amended in line 15 by deleting "state auditor" and inserting in lieu thereof "commissioner of finance"

Sec. 2. Minnesota Statutes 1976, Section 4.12, Subdivision 2, Clause (7), is amended in line 2, by deleting "16.165" and inserting "16A.30"; and in line 3, by deleting "administration" and inserting "finance"

Sec. 3. Minnesota Statutes 1976, Section 10.13, is amended in line 2 by deleting "state auditor" and inserting "commissioner of finance"; and in line 3 by deleting "auditor's"

Sec. 4. Minnesota Statutes 1976, Sections 15.055 and 43.37 are repealed.

Sec. 5. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.054] PUBLIC EMPLOYEES NOT TO PURCHASE MERCHANDISE FROM GOVERNMENTAL AGENCIES; EXCEPTIONS; PENALTY. No officer or employee of the state or any of its political subdivisions shall sell or procure for sale or have in his possession or control for sale to any other officer or employee of the state or the subdivision, as appropriate, any property or materials owned by the state or subdivision except pursuant to conditions provided in this section. Property or materials owned by the state or a subdivision, except real property, and not needed for public purposes, may be sold to an employee of the state or the subdivision after reasonable public notice at public auction or by sealed bid if the employee is the highest responsible

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bidder and if he is not directly involved in the auction or sealed bid process. Requirements for reasonable public notice may be prescribed by other law or ordinance so long as at least one week's published or posted notice is specified. A state employee may purchase no more than one motor vehicle from the state in any 12 month period. A person violating the provisions of this section is guilty of a misdemeanor. This section shall not apply to the sale of property or materials acquired or produced by the state or subdivision for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the state or a political subdivision from selling or having in his possession for sale public property if the sale or possession for sale is in the normal course of the employee's duties.

Sec. 6. Sections 4 and 5 are effective the day following final enactment.

Sec. 7. Minnesota Statutes 1976, Section 15.55, is amended in line 8 by deleting "regulations" and inserting " rules " and in line 9 by deleting "administration" and inserting " personnel "

Sec. 8. Minnesota Statutes 1976, Section 16A.129, is amended in line 3 by deleting "thereby or employed therein" and inserting in lieu " employed by the various officials, departments, and agencies of the state government and institutions "

Sec. 9. Minnesota Statutes 1976, Section 17B.22, Subdivision 3, is repealed.

Sec. 10. Minnesota Statutes 1976, Section 33.13, is amended in line 3 by deleting "state auditor" and inserting " legislative auditor "

Sec. 11. Minnesota Statutes 1976, Section 41.57, Subdivision 1, is amended in line 5 by deleting "quaranteeing" and inserting " guaranteeing "

Sec. 12. Minnesota Statutes 1976, Section 43.051, Subdivision 1, is amended in line 12 by inserting after "state," and before "if" " except as provided in section 354.44, subdivision 1a, or "

Sec. 13. Minnesota Statutes 1976, Section 43.051, Subdivision 2, is amended in line 5 by deleting "director" and inserting in lieu " commissioner "

Sec. 14. Minnesota Statutes 1976, Section 55.095, is amended in line 3 after "year" and before "safe" by inserting " each "

Sec. 15. Minnesota Statutes 1976, Section 83.26, Subdivision 3, is amended in line 2 by deleting "80" and inserting " 80A "

Sec. 16. Minnesota Statutes 1976, Section 116.36, Subdivision 1, is amended in line 1 by deleting "this section" and inserting " sections 116.36 and 116.37 "

Sec. 17. Minnesota Statutes 1976, Section 116A.20, Subdivision 6, is amended in line 18, by deleting "3" and inserting " 4 "

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Sec. 18. Minnesota Statutes 1976, Section 121.02, Subdivision 1, is amended in line 10 by deleting "2" and inserting "2a "

Sec. 19. Minnesota Statutes 1976, Section 121.11, Subdivision 5, is amended in line 8 by deleting "legislative auditor" and inserting "state auditor "

Sec. 20. Minnesota Statutes 1976, Section 125.05, Subdivision 3, is amended to read:

Subd. 3. **EFFECTIVE DATE.** ~~This act is effective July 1, 1969.~~ Nothing contained herein shall be construed as affecting the validity of a permanent certificate issued prior to July 1, 1969.

Sec. 21. Minnesota Statutes 1976, Section 136A.02, Subdivision 2, is repealed.

Sec. 22. Minnesota Statutes 1976, Section 144.01, Subdivision 1, is amended in line 1 by deleting "as" and inserting "is "

Sec. 23. Minnesota Statutes 1976, Section 144.952, is repealed.

Sec. 24. Minnesota Statutes 1976, Section 144A.19, is amended by adding a subdivision to read:

Subd. 3. The provision of staff, administrative services and office space, the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

Sec. 25. Minnesota Statutes 1976, Section 161.14, Subdivision 19, is amended in line 62 by deleting "2" after "35" and before ")," and inserting in lieu thereof "W "; in line 66 after "Leslie Township" by inserting a "i "; and in line 75 by deleting "9."

Sec. 26. Minnesota Statutes 1976, Section 168.013, Subdivision 17, is amended in lines 3 and 5 by deleting "1(1)" and inserting in lieu "1a ", and in line 6 by deleting "1(5)" and inserting in lieu "1e "

Sec. 27. Minnesota Statutes 1976, Section 168.12, Subdivision 1, Clause 1, is amended in line 1 by deleting "5 and 6" and inserting in lieu "16 and 17 "

Sec. 28. Minnesota Statutes 1976, Section 168.27, Subdivision 22, is amended in lines 9 and 11 by deleting "5" and inserting in lieu "16 ", and in line 12 by deleting "6" and inserting in lieu "17 "

Sec. 29. Minnesota Statutes 1976, Section 169.132, is repealed.

Sec. 30. Minnesota Statutes 1976, Section 176.101, Subdivision 3, Clause (48), is amended in line 7 by deleting "to" after "use" and before "a" and inserting "of "

Sec. 31. Minnesota Statutes 1976, Section 179.65, Subdivision 2, is amended to

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read:

Subd. 2. Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. Public employees in an appropriate unit shall have the right by secret ballot to designate an exclusive representative for the purpose of negotiating grievance procedures and the terms and conditions of employment for such employees with the employer of such unit. ~~Except for employees included in section 179.63, subdivision 10, clause (c), who shall be exempt from contributing until January 1, 1975 only;~~ All public employees who are not members of the exclusive representative may be required by said representative to contribute a fair share fee for services rendered by the exclusive representative in an amount equal to the regular membership dues of the exclusive representative, less the cost of benefits financed through the dues and available only to members of the exclusive representative, but in no event shall the fee exceed 85 percent of the regular membership dues. The exclusive representative shall provide advance written notice of the amount of the fair share fee assessment to the director, the employer and to a list furnished by the employer of all employees within the unit. A challenge by an employee or by a person aggrieved by the assessment shall be filed in writing with the director, the public employer, and the exclusive representative within 30 days after receipt of the written notice. All challenges shall specify those portions of the assessment challenged and the reasons therefor but the burden of proof relating to the amount of the fair share fee shall be on the exclusive representative. The employer shall deduct the fee from the earnings of the employee and transmit the fee to the exclusive representative 30 days after the written notice was provided, or, in the event a challenge is filed, the deductions for a fair share fee shall be held in escrow by the employer pending a decision by the director pursuant to section 179.71, subdivision 2.

Sec. 32. Minnesota Statutes 1976, Section 192.551, is amended in lines 7 and 8, by deleting "state auditor" in three places and inserting in lieu " legislative auditor "

Sec. 33. Minnesota Statutes 1976, Section 193.149, is amended in line 2 by deleting "state auditor" and inserting " legislative auditor "

Sec. 34. Minnesota Statutes 1976, Section 202A.25, Subdivision 1, Clause (a) is amended in lines 2 and 3 by deleting "commissioner of the public service commission,"

Sec. 35. Minnesota Statutes 1976, Section 207.19, Subdivision 1, is amended in line 18 by deleting "30" and inserting in lieu " 20 "

Sec. 36. Minnesota Statutes 1976, Section 222.50, Subdivision 5 is amended in line 1 by deleting "2" and inserting " 4 "

Sec. 37. Minnesota Statutes 1976, Section 246.02, Subdivision 2 is amended in lines 3 and 4 by deleting "Nursing Home" and inserting in lieu " State Hospital ", and in line 4, after "Ah-Gwah-Ching", by deleting "State Hospital" and inserting in lieu " Nursing Home "

Sec. 38. Minnesota Statutes 1976, Section 252.24, Subdivision 1, is amended in lines

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4 and 5 by deleting "257.081, 257.101, 257.111, 257.123 and 257.175" and inserting "245.782, 245.783, 245.791, 245.801, 245.803 and 257.175 "

Sec. 39. Minnesota Statutes 1976, Section 256B.04, Subdivision 10, is amended in line 1 by deleting "The state agency shall"

Sec. 40. Minnesota Statutes 1976, Section 256B.04, Subdivision 11, is amended in line 1 by deleting "The state agency shall"

Sec. 41. Minnesota Statutes 1976, Section 260.171, Subdivision 6, is amended in line 5 by deleting "have the received" and inserting in lieu "have received the "

Sec. 42. Minnesota Statutes 1976, Section 270.50, is amended in line 20 by deleting "the effective date of this act" and inserting "April 11, 1974"

Sec. 43. Minnesota Statutes 1976, Section 273.13, Subdivision 6, is amended in line 18 by deleting ", and in section 124.03"

Sec. 44. Minnesota Statutes 1976, Section 273.13, Subdivision 7, is amended in line 29, by inserting ", " after "5" and before "which"

Sec. 45. Minnesota Statutes 1976, Section 297.13, Subdivision 1, is amended to read:

297.13 REVENUE, DISPOSAL. Subdivision 1. **CIGARETTE TAX APPORTIONMENT ACCOUNT.** Notwithstanding any other provisions of law, ~~for all periods beginning after the date of final enactment of this act to carry out the provisions of this act, the provisions of this section shall be applicable:~~ five and one-half percent of the revenues received from taxes, penalties and interest under sections 297.01 to 297.13 shall be deposited by the commissioner of revenue in the general fund and credited to a special account to be known as the "natural resources account," which is hereby created. Expenditures shall be made from said account only as may be authorized by law to carry out the provisions of this act and in conformance with the provisions of chapter 16. Five and one-half percent shall be deposited in the general fund and credited to the "natural resources acceleration" account for the purposes provided in Laws 1969, Chapter 879, Section 4. The balance of the revenues derived from taxes, penalties, and interest under sections 297.01 to 297.13 and from license fees and miscellaneous sources of revenue shall be deposited by the commissioner in the general fund and credited to the general fund.

Sec. 46. Minnesota Statutes 1976, Section 336.9-104, Clause (m), is amended in line 3 by deleting "327.61" and inserting "327.62"

Sec. 47. Minnesota Statutes 1976, Section 336.9-105, Clause (1), Subparagraph (a), is amended in line 2 by deleting ", contract right"

Sec. 48. Minnesota Statutes 1976, Section 336.9-105, Clause (1), Subparagraph (c), is amended in line 2 by deleting ", contract rights"

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Sec. 49. Minnesota Statutes 1976, Section 336.9-501, Clause (3), is amended in line 4 by inserting after "336.9-504" and before the parentheses the words and figures "and section 336.9-505 "

Sec. 50. Minnesota Statutes 1976, Section 336.9-404, is amended in line 2 by deleting "1976" and inserting "1977 "

Sec. 51. Minnesota Statutes 1976, Section 340.039, is amended in line 5 by deleting "Minnesota Statutes 1971"

Sec. 52. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, Clause (d), is amended by deleting "Municipalities" and inserting in lieu thereof "Cities "

Sec. 53. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended in line 3 by deleting "Municipalities" and inserting in lieu thereof "Cities "

Sec. 54. Minnesota Statutes 1976, Section 465.58, is amended to read:

465.58 **LEAGUE OF CITIES.** Any city of this state, whether organized under the general laws or a special or home rule charter, or any town having the powers of a statutory city under section 368.01, may appropriate through its council or town board, out of its general fund, money to pay the annual dues in the League of Minnesota ~~Municipalities~~ Cities and the actual and necessary expenses of such delegates as such council or town board may designate to attend meetings of the league.

Sec. 55. Minnesota Statutes 1976, Section 355.30, is amended in line 2 by deleting "355.301" and inserting "355.30 "

Sec. 56. Minnesota Statutes 1976, Section 375.18, Subdivision 8, is amended in line 12 by deleting "in" and inserting in lieu "to "

Sec. 57. Minnesota Statutes 1976, Section 458.19, is amended in line 3 by deleting "war department" and inserting in lieu "department of defense "

Sec. 58. Minnesota Statutes 1976, Section 462.364, is amended to read:

462.364 **INCONSISTENT LAWS.** ~~Minnesota Statutes 1961, Sections 412.221, Subdivision 29, 462.01 to 462.11, 462.18 to 462.23, 465.21 to 465.25 and 471.26 to 471.33 are repealed.~~ Inconsistent special laws and general laws of special application are superseded by sections 462.351 to 462.364 to the extent of inconsistency. Nothing in sections 462.351 to 462.364 is to be construed to affect, alter or modify the provisions of Special Laws of 1887, Chapter 108, or Laws 1933, Chapter 93.

Sec. 59. Minnesota Statutes 1976, Section 462A.04, Subdivision 1, is amended in line 8 by deleting "483B.02" and inserting "473.123 "

Sec. 60. Minnesota Statutes 1976, Section 462A.22, Subdivision 10, is amended to read:

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Subd. 10. All of the official books and records of the agency shall be subject to audit by the ~~state auditor~~ legislative auditor in the manner prescribed for other agencies of state government. The agency is authorized also to employ and to contract in its resolutions and indentures for the employment of independent accountants for the audit of books and records pertaining to any fund or funds; ~~and the state auditor is authorized to cooperate with such accountants as provided in sections 6.64 to 6.70.~~

Sec. 61. Minnesota Statutes 1976, Section 485.01, is amended in line 1 by deleting "elected"

Sec. 62. Minnesota Statutes 1976, Section 549.06, is amended in line 6 by deleting "549.05" and inserting " 549.04 "

Sec. 63. Minnesota Statutes 1976, Section 609.556, Subdivision 1, is amended in line 1 by deleting "609.345"

Sec. 64. Minnesota Statutes 1976, Section 645.44, Subdivision 5a, is amended to read:

Subd. 5a. **PUBLIC MEMBER.** "Public member" means a person who is not, or never was, a member of the profession or occupation being licensed or regulated or the spouse of any such person, or a person who ~~has not, or never has been employed by or had a financial interest in; had~~ does not have or has never had, a material financial interest in either the providing of the professional service being licensed or regulated, or an activity directly related to the profession or occupation being licensed or regulated.

Sec. 65. Laws 1971, Chapter 427, Section 17, is repealed.

Sec. 66. Laws 1974, Chapter 22, Section 5, is repealed.

Sec. 67. Laws 1974, Chapter 256, is repealed.

Sec. 68. Laws 1976, Chapter 127, as compiled in Laws of Minnesota for 1976, is reenacted, effective retroactively to April 3, 1976.

Approved May 27, 1977.

CHAPTER 348—H.F.No.1421

[Coded]

An act relating to natural resources; designating wild rice as the official state grain; amending Minnesota Statutes 1976, Chapter 1, by adding a section.

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

Section 1. Minnesota Statutes 1976, Chapter 1, is amended by adding a section to
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