

Sec. 7. Minnesota Statutes 1953, Section 429.111, is amended to read:

429.111 Charter provisions, effect. Any city of the second class operating under special legislative charter *and any municipality operating under a home rule charter may proceed either under this chapter or under its charter in making an improvement unless a home rule charter or amendment adopted after April 17, 1953, provides for making such improvement under this chapter or under the charter exclusively.*

Sec. 8. Minnesota Statutes 1953, Section 475.61, Subdivision 1, is amended to read:

475.61 Tax levies. Subdivision 1. The governing body of any municipality issuing general obligations shall, prior to delivery of the obligations, levy by resolution a direct general ad valorem tax upon all taxable property in the municipality to be spread upon the tax rolls for each year of the term of the obligations. The tax levies for all years shall be specified and such that if collected in full they, together with estimated collections of special assessments and other revenues pledged for the payment of said obligations, will produce at least 5 percent in excess of the amounts needed to meet when due the principal and interest payments on the obligations. Such resolution shall create a separate sinking fund or a special account in the municipality's regular sinking fund for each issue of obligations, and shall irrevocably appropriate the taxes so levied and any special assessments or other revenues so pledged to that fund or account; *but a common sinking fund may be created for two or more successive issues of improvement bonds issued in accordance with Minnesota Statutes, Chapter 429.*

Approved April 25, 1955.

CHAPTER 812—S. F. No. 1347

An act relating to the subpoena of nonresident witnesses in criminal cases and grand jury investigations and summoning of witnesses in this state testifying in another state; amending Minnesota Statutes 1953, Sections 634.06, 634.07 and 634.08.

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

Section 1. Minnesota Statutes 1953, Section 634.06, is amended to read:

634.06 Residents required to testify in another state.
If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in criminal actions *or grand jury investigations* in this state certifies under the seal of such court that there is a criminal action pending in such court, *or that a grand jury investigation has commenced or is about to be commenced*, that a person being within this state is a material witness in such action, *or grand jury investigation*, and that his presence will be required for a specified number of days at the trial of such action, *or at such grand jury investigation*, upon presentation of such certificate to any judge of the district court of the county in which such person resides, or the county in which such person is found if not a resident of this state, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, either for the prosecution or the defense in such criminal action, *or for the purpose of the grand jury investigation*, that it will not cause undue hardship to the witness to be compelled to attend and testify in the action, *or grand jury investigation*, in the other state, and that the laws of the state in which the action is pending, *or the grand jury investigation has commenced or is about to be commenced*, and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process, he shall make an order, with a copy of the certificate attached, directing the witness to attend and testify in the court where the action is pending, *or the place where such grand jury has commenced or is about to be commenced*, at a time and place specified in the certificate.

If the witness, who is named in such order as above provided after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, *or the place where such grand jury investigation has commenced or is about to be commenced*, and \$5 for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed by such order, he shall be guilty of constructive contempt of court, and shall be punished according to law.

Sec. 2. Minnesota Statutes 1953, Section 634.07, is amended to read:

634.07 Nonresidents required to testify in this state.

If a person, in any state which by its laws has made provision for commanding persons within that state to attend and testify either for the prosecution or the defense in criminal actions, *or for the purpose of a grand jury investigation which has commenced or is about to be commenced*, in this state, is a material witness in an action pending in a district court, *or a grand jury investigation which has commenced or is about to be commenced*, in this state, a judge of such court may issue a certificate, under the seal of the court, stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness resides, or the county in which he is found if not a resident of that state.

If the witness is ordered by the court to attend and testify in a criminal action *or a grand jury investigation* in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, *or the place where the grand jury investigation has commenced or is about to be commenced*, and \$5 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the order of the court shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

Sec. 3. Minnesota Statutes 1953, Section 634.08, is amended to read:

634.08 Exemptions; arrest, service of process. If a person comes into this state in obedience to a court order directing him to attend and testify in a criminal action, *or grand jury investigation*, in this state he shall not, while in this state, pursuant to such court order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under such order.

If a person passes through this state while going to another state in obedience to a court order requiring him to attend and testify in a criminal action *or grand jury investigation* in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state pursuant to such court order.

Approved April 25, 1955.