

which he is employed.

Sec. 47. **APPROPRIATION.** Subdivision 1. There is hereby appropriated from the general fund to the commissioner of finance for the biennium beginning July 1, 1977, the sum of \$300,000 for the purpose of paying the salaries of district administrators.

Subd. 2. There is hereby appropriated from the general fund to the commissioner of finance for the biennium beginning July 1, 1977, the sum of \$1,350,000 for the purposes of paying the compensation increases, reimbursing the expenses, and making other payments to or on behalf of judges which are authorized by this act.

Sec. 48. **[484.70] REFEREES ABOLISHED.** Notwithstanding any other provision of law, the position of referee in the county municipal and district courts of the state is hereby abolished.

Sec. 49. **REPEALER.** Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.34; 484.47; 485.02; 487.03, Subdivision 4; 487.05; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivisions 7 and 8; 488A.18, Subdivision 12; 488A.19, Subdivisions 8, 9 and 10; 490.124, Subdivision 7; 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8 and 9; and Chapters 488; 530; 531; 532; 633 and Extra Session Laws 1971, Chapter 42, are repealed.

Sec. 50. **EFFECTIVE DATE.** Subdivision 1. Sections 25 and 48 are effective July 31, 1978.

Subd. 2. Section 45 is effective the day following final enactment.

Subd. 3. The remainder of this act is effective July 1, 1977.

Subd. 4. On July 1, 1977, a person elected to the office of district court judge, family court division, pursuant to Minnesota Statutes 1976, Section 484.65, Subdivision 1, shall no longer be designated as the district court judge, family court division, but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court.

Approved June 2, 1977.

CHAPTER 433—S.F.No.411

[Coded in Part]

An act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; appropriating money; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivisions 1, 2 and 3; 626.845; 626.846; 626.847; 626.848; 626.85, Subdivision 1;

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626.851, Subdivision 2; 626.853; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.844 and 626.854.

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

Section 1. Minnesota Statutes 1976, Chapter 626, is amended by adding a section to read:

[626.84] PEACE OFFICERS; TRAINING AND LICENSING; DEFINITIONS. For the purposes of section 1 and sections 626.841 to 626.853, 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.

Sec. 2. Minnesota Statutes 1976, Section 626.841, is amended to read:

626.841 ESTABLISHMENT OF BOARD; MEMBERS. There is hereby created in the office of the attorney general the Minnesota peace officer training board; hereinafter referred to as the "board." The board of peace officer standards and training shall be composed of the following 11 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) ~~Two~~ Four members to be appointed by the governor from among the chiefs of police of Minnesota municipalities peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) ~~Two~~ members to be appointed by the governor from among peace officers in Minnesota municipalities other than chiefs of police or county sheriffs;

(d) Two members to be appointed by the governor from among the county attorneys or their assistants in Minnesota; one of whom shall be from a county containing a city of the first class;

(e) The chiefs of police of each city of the first class;

(f) ~~(c)~~ The superintendent of the Minnesota bureau of criminal apprehension or his designee;

(d) Two members appointed by the governor experienced in law enforcement at a

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local, state or federal level who are not currently employed as peace officers;

(g) The chief of the Minnesota highway patrol or his designee;

(h) The special agent in charge of a field office of the federal bureau of investigation in this state or his designee;

(i) The attorney general or his designee, and

(j) (e) Two members to be appointed by the governor from among the general public.

A chairman shall be appointed by the governor from among the members.

Sec. 3. Minnesota Statutes 1976, Section 626.842, is amended to read:

626.842 TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.

Subdivision 1. ~~If any incumbent sheriff, chief of police, peace officer or county attorney so appointed ceases to be a sheriff, chief of police, peace officer or county attorney prior to the expiration of his term as a member of the board, the governor shall be notified by the executive director of the board that a vacancy exists or is about to exist, and the governor shall forthwith appoint some other incumbent sheriff, chief of police, peace officer or county attorney to complete his term. Similar notification shall be made by the executive director of a vacancy existing or about to exist as to a member appointed pursuant to clause (j) and the governor shall make a similar appointment.~~

Meetings shall be called at the request of the executive director, the attorney general, chairman or upon the written request of a majority of the members of the board. All recommendations by the board to the attorney general shall require the affirmative vote of a majority of the members of the board.

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), ~~(c)~~, (d) and ~~(j)~~ (e) on the board shall be as provided in section 15.0575; the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.

Sec. 4. Minnesota Statutes 1976, Section 626.843, Subdivision 1, is amended to
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read:

626.843 RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR. Subdivision 1. The ~~Minnesota peace officer training board may recommend to the attorney general shall adopt~~ rules and regulations with respect to:

(a) ~~The approval or disapproval thereof, certification~~ of peace officer training schools, programs, or courses including training schools for the Minnesota highway patrol. Such schools, programs and courses shall include ~~schools~~ those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, ~~and such courses shall include police training courses taught at vocational schools and trade schools 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 ~~approved~~ certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at ~~approved~~ 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 ~~nonelective~~ peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(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 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) ~~Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories and classifications~~ 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

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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 626.841 to 626.853, and section 1. 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 626.841 to 626.853, and section 1.

Sec. 5. Minnesota Statutes 1976, Section 626.843, Subdivision 2, is amended to read:

Subd. 2. An executive director shall be appointed by and serve in the unclassified service at the pleasure of the governor board. ~~He shall be in the unclassified service and receive compensation, as fixed by the commissioner of personnel; and reimbursement for the expenses within the accounts available by appropriation~~ The executive director shall perform such duties, on behalf of the board, as the board shall prescribe. The board may ~~shall~~ appoint such employees, agents and consultants as ~~they may deem deemed~~ necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service ~~and subject to sections 43.09 to 43.17.~~

Sec. 6. Minnesota Statutes 1976, 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 ~~626.854~~ 626.853;

(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 ~~626.854~~ 626.853;

(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 this act.

Sec. 7. Minnesota Statutes 1976, Section 626.845, is amended to read:

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626.845 **POWERS AND DUTIES.** The executive director, on behalf of the board, shall have the following powers and duties; to be exercised with the approval of the board and to be executed only in full accordance with the rules and regulations promulgated by the attorney general pursuant to section 626.844;

(a) To ~~approve~~ 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 of ~~approval~~ approval to ~~such approved~~ schools, and to revoke such certification of ~~approval~~ when necessary to maintain the objectives and purposes of sections 626.841 to ~~626.854~~ 626.853;

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

(d) To ~~certify~~ license peace officers who have satisfactorily completed certified basic training programs, and to issue appropriate certificates to such peace officers 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 ~~advanced~~ 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 federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out ~~his~~ the powers and duties as set forth in the provisions of sections 626.841 to ~~626.854~~ 626.853;

(j) ~~To report to the board, from time to time, at the regular meetings of the board and at such other times as may be required by the board~~ To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs.

Sec. 8. Minnesota Statutes 1976, Section 626.846, is amended to read:

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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, ~~1967~~ 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 ~~attend a peace officers training course within 12 months of his appointment~~ 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.

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 ~~satisfactorily completed, within the time prescribed by the rules and regulations promulgated~~ been licensed by the board pursuant to sections 626.841 to ~~626.854,~~ an approved peace officer training program 626.853, except as provided in section 626.853. 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 ~~and regulations promulgated pursuant to sections 626.841 to 626.854~~ section 626.843.

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 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. 9. Minnesota Statutes 1976, Section 626.847, is amended to read:

626.847 **COMPULSORY PROGRAM; EXEMPTIONS.** Nothing contained in sections 626.841 to ~~626.854~~ 626.853, except the population limits in sections 626.846 and 626.853, shall be construed to exempt any peace officer ~~charged with the enforcement of the general criminal laws of the state from the provisions of sections 626.841 to 626.854~~ 626.853, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967. ~~The peace officers training board may recommend by a two-thirds vote rules and regulations for minimum basic training for all peace officers who received an appointment prior to July 1, 1967. Upon the adoption of such rules and regulations by the attorney general all such peace officers shall comply with such rules and regulations.~~

Sec. 10. Minnesota Statutes 1976, 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 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

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employees of the bureau.

Sec. 11. Minnesota Statutes 1976, Section 626.85, Subdivision 1, is amended to read:

626.85 INSTRUCTORS; DONATIONS, CONTRIBUTIONS. Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, subject to board rules and to the limitation of funds as appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.

Sec. 12. Minnesota Statutes 1976, Section 626.851, Subdivision 2, is amended to read:

Subd. 2. Any student successfully completing ~~4000~~ hours a program of law enforcement instruction in a post secondary educational ~~law enforcement program which is 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; ~~upon compliance with the requirements prescribed by rules of the attorney general for the Minnesota peace officer training board, to receive the minimum basic police training as established under section 626.843 conducted by the Minnesota bureau of eriminal apprehension in facilities provided by the institute. Upon satisfactory completion of the training course conducted by the bureau the certificate shall be awarded to the individual attend a skills oriented basic training course as established under section 626.843. Nothing contained in section 1 and sections 626.841 to 626.853 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. 13. Minnesota Statutes 1976, Section 626.853, is amended to read:

626.853 PARTICIPATION, POPULATION LIMIT. Notwithstanding other provisions of sections 626.841 to ~~626.854~~ 626.853 to the contrary, peace officers elected or appointed in any governmental unit or combination of governmental units with a total population of more than 500 but less than 1,000 according to the last federal census shall comply with the provisions of sections 626.846 and 626.847 when:

(a) The county board of the county in which such municipality or combination of municipalities is located provides by resolution for reimbursement to such municipality or combination of municipalities for the ordinary and necessary expenses, not including salary, of such officers' attendance at a peace officers training course as set forth in section 626.852 and

(b) The sheriff of such county consents to furnish temporary substitute local protection for such municipality or combination of municipalities, the expenses of which, except for salary, his office shall be similarly reimbursed by the county board.

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Sec. 14. Minnesota Statutes 1976, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of cosmetology examiners established pursuant to section 155.04, the board of assessors established pursuant to section 270.41, the board of architecture, engineering and land surveying established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.541, the board of boxing established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.02, ~~and the board of abstractors established pursuant to section 386.63, and the peace officer standards and training board established pursuant to section 626.841.~~

Sec. 15. **APPROPRIATION.** Subdivision 1. TRANSFER OF EXISTING APPROPRIATIONS. The unencumbered and unexpended balance of all funds appropriated to the Minnesota peace officer training board are transferred and reappropriated to the Minnesota board of peace officer standards and training.

Subd. 2. There is appropriated to the Minnesota board of peace officer standards and training for the purposes specified in this act the sum of \$90,000 for the biennium ending June 30, 1979. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Subd. 3. There is appropriated to the bureau of criminal apprehension the sum of \$115,000 for the training purposes specified in this act for the biennium ending June 30, 1979. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Sec. 16. Minnesota Statutes 1976, Sections 626.844 and 626.854 are repealed.

Sec. 17. The effective date of this act is July 1, 1977.

Sec. 18. **TRANSITION PROVISIONS.** The Minnesota board of peace officer standards and training, created pursuant to section 1, supersedes and replaces the Minnesota peace officer training board. The Minnesota peace officer training board shall cease to exist on and after June 30, 1977.

Approved June 2, 1977.

CHAPTER 434—S.F.No.649

[Coded in Part]

An act relating to taxation; permitting certain appeals of assessments to the
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