

prohibited the gift or purchase at the next succeeding session.

Sec. 6. Minnesota Statutes 1976, Section 105.53, is amended to read:

105.53 **APPLICATION.** Sections 105.37 to 105.55 shall not in any way supersede or amend the provisions of Minnesota Statutes 1945, Sections 92.45 and 110.13.

Nothing in sections 105.37 to 105.55 shall apply to authorize the commissioner to require a permit for the original construction of dams, reservoirs or control works in existence on and prior to July 1, 1937; except as may be necessary to protect the health and safety of the people of the state.

Sec. 7. **APPROPRIATION.** There is appropriated from the general fund to the commissioner of natural resources the sum of \$200,000 for the fiscal year ending June 30, 1979 for the examination of dams, reservoirs, control structures, and waterway obstructions. The sum of \$250,000 for the fiscal year ending June 30, 1979 is appropriated for the repair and reconstruction of state owned dams and for the state's share of grant-in-aid to local governmental units to repair and reconstruct dams. The commissioner of natural resources may increase the authorized personnel complement of the department of natural resources by not more than four positions to accomplish these purposes.

Sec. 8. **[105.535] RULES.** The commissioner of natural resources shall promulgate rules pursuant to this act by April 1, 1979. These rules shall include provisions which exclude from permit requirements, minor dams such as those less than six feet in height or which impound less than 50 acre-feet of storage at maximum storage elevations. This does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of 15 acre-feet, regardless of height. Rules shall include a fee schedule to cover the cost of dam inspection and shall classify structures to adequately define risks and hazards involved in relation to public health, safety and welfare. The rules shall not impose a field inspection fee on any state agency, political subdivision of the state or federal governmental agency.

Sec. 9. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 780-H.F.No.2159

An act relating to courts; increasing the maximum salary for district court reporters; permitting personal jurisdiction over non-residents for causes of action relating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Sections 486.05, Subdivision 1; and 543.19, Subdivision 1.

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

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

Section 1. Minnesota Statutes 1976, Section 486.05, Subdivision 1, is amended to read:

486.05 **DISTRICT COURT; REPORTERS' SALARIES.** Subdivision 1. The judge by an order filed with the county auditors on or before the second Monday in June; ~~1975;~~ shall annually fix and establish the salary of the court reporter at an amount not exceeding ~~\$19,100~~ \$22,500 per year, and, in such order, each judge, except those judges in the second and fourth judicial districts, shall apportion the salaries of the reporters in their respective districts among the several counties, and each county shall be required by such order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

All laws now in force relating to the salary of district court reporters inconsistent herewith relating to any and all counties are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall not apply to the second and fourth judicial districts.

Sec. 2. Minnesota Statutes 1976, Section 543.19, Subdivision 1, is amended to read:

543.19 **PERSONAL JURISDICTION OVER NON-RESIDENTS.** Subdivision 1. As to a cause of action arising from any acts enumerated in this subdivision, a court of this state with jurisdiction of the subject matter may exercise personal jurisdiction over any foreign corporation or any non-resident individual, or his personal representative, in the same manner as if it were a domestic corporation or he were a resident of this state. This section applies if, in person or through an agent, the foreign corporation or non-resident individual:

(a) Owns, uses, or possesses any real or personal property situated in this state, or

(b) Transacts any business within the state, or

(c) Commits any ~~to~~ act in Minnesota causing injury or property damage, or

(d) Commits any ~~to~~ act outside of Minnesota causing injury or property damage within in Minnesota, if, ~~(1) at the time of the injury, solicitation or service activities were carried on within Minnesota by or on behalf of the defendant, or (2) products, materials or things processed, serviced or manufactured by the defendant were used or consumed~~

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within Minnesota in the ordinary course of trade subject to the following exceptions when no jurisdiction shall be found:

(1) Minnesota has no substantial interest in providing a forum; or

(2) the burden placed on the defendant by being brought under the state's jurisdiction would violate fairness and substantial justice; or

(3) the cause of action lies in defamation or privacy.

Approved April 5, 1978.

CHAPTER 781-H.F.No.2160

[Coded in Part]

An act relating to retirement; various retirement funds; placing a general limitation on public retirement annuities, requiring a study and report; defining a term for purposes of the correctional employees plan; providing a proportionate annuity in certain instances; repealing a limitation on the average salary used for computing annuities; prospective discontinuation of the variable annuity program; modification in early retirement ages and reduction factors; increase in certain employee contributions; amending Minnesota Statutes 1976, Sections 352.116, Subdivision 1; 352.91, Subdivision 2; 354.42, Subdivision 2; 354.44, Subdivisions 1, 6 and 7; 354.62, Subdivisions 1 and 2; and 354A.12; Chapters 354, by adding a section, and 356, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 422A.32, Subdivision 2; repealing Minnesota Statutes 1976, Section 356.34, as amended.

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

Section 1. Minnesota Statutes 1976, Section 352.116, Subdivision 1, is amended to read:

352.116 ANNUITIES UPON RETIREMENT. Subdivision 1. **REDUCED ANNUITY BEFORE AGE 65.** Any employee who retires prior to age 65 shall be paid the normal retirement annuity provided in sections 352.115, subdivisions 2 and 3, or 352.715, subdivision 2, as the case may be, reduced by ~~one-half of one percent for each month that the employee is under age 65 on the last day for which he is entitled to service credit as provided in section 352.01, subdivision 11, clause (3); or the date state service terminated; or the date the application for the annuity is filed with the director, whichever is later; so that the reduced annuity shall be the actuarial equivalent of the annuity which would be payable to the employee if the employee deferred receipt of the annuity from the day the annuity begins to accrue to age 65,~~ provided however that if an employee is entitled to credit for not less than 30 years allowable service, ~~such reduction shall be applied only for each month the employee is under the retirement annuity shall be reduced so that the reduced annuity shall be the actuarial equivalent of the annuity which would be payable to the employee if the employee deferred receipt of the annuity from the day the annuity begins to accrue to age 62.~~

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