

reflect; and

(d) The number of procurement contracts which were designated and set aside pursuant to this section but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to regular procurement procedures.

Sec. 2. **EFFECTIVE DATE.** This act is effective for fiscal years commencing after June 30, 1979.

Approved May 14, 1979.

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#### CHAPTER 87—S.F.No.1245

*An act relating to city of Duluth; providing for the management and operation of the Spirit Mountain recreation area authority; amending Laws 1973, Chapter 327, Sections 2, Subdivision 2; 5, Subdivision 4; 7, as amended; and 8.*

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

Section 1. Laws 1973, Chapter 327, Section 2, Subdivision 2, is amended to read:

Subd. 2. ~~The management of~~ Policy direction for the authority is hereby vested in seven directors appointed, after consultation with the planning commission and the park and recreation board, by the mayor of the city of Duluth. Directors must be approved by resolution of the city council. In selection of directors preference shall be given to persons having knowledge and background in business, finance and management. They shall serve without compensation, but may be reimbursed for necessary expenses incurred in the fulfillment of their duties. The term of three of the original directors shall be two years each and the term of four of the original directors shall be three years each, and until their successors are appointed and qualify. Thereafter, terms of directors shall be three years and until their successors are appointed and qualify. All terms shall expire on June 30. Vacancies occurring by reason of resignation, death, or removal for neglect or failure to perform the duties of a director shall be filled for the unexpired term by the mayor of Duluth following the same procedure as in the original appointments. Every appointee who fails within ten days after notification of his appointment to file with the city clerk his oath or affirmation to perform faithfully, honestly, and impartially the duties of his office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed herein. Directors shall not have any personal financial interest, direct or indirect, in any contract with the authority, or be engaged in any capacity where a conflict of interest may arise.

Sec. 2. Laws 1973, Chapter 327, Section 5, Subdivision 4, is amended to read:

Subd. 4. The directors of the authority shall have the power:

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~~(a) To appoint and dismiss at its their discretion an executive director and such fix the director's compensation. The executive director shall exercise all the powers of the authority except those explicitly assigned to the directors. The executive director shall report to the chairman of the board of directors at the times and about the matters the chairman requires. The executive director may:~~

~~(a) Appoint~~ other executive and administrative employees as ~~the authority deems~~ necessary, including consultants, except attorneys; and ~~to~~ prescribe the duties and fix the compensation of ~~such executive director and the~~ other executive and administrative employees or consultants. Neither the executive director nor any executive or administrative employees of the authority shall be within the civil service classifications of the city of Duluth. The provisions of Minnesota Statutes, Sections 197.45 to 197.47 shall not be applicable to any employee of the authority employed pursuant to this section:

~~(b) To Hire~~ such other employees as may be necessary for the operation of the recreation area. These employees shall not be subject to civil service classification, nor shall the provisions of Minnesota Statutes, Sections 197.45 to 197.47 apply to their positions;

~~(c) To prescribe or provide for a policy or policies of insurance for the defense and indemnification of the city of Duluth; its officers and employees; and directors, executive director, executive and administrative officers of the authority; and other employees of the authority against claims arising against them out of the performance of duty; whether such claims be groundless; or otherwise. Premiums for any policies of insurance required by this subdivision shall be paid for out of the operating funds of the Spirit Mountain recreation area authority;~~

~~(d) (c) To Utilize~~ the services and facilities of the department of finance, department of personnel and the city treasurer of the city of Duluth in the implementation of this act; and to pay the city for all charges and costs for such services. The city attorney and the purchasing agent shall be the attorney and purchasing agent, respectively, for the authority; and the authority shall reimburse the city for all charges and costs incurred by the city therefor;

~~(e) To authorize and direct the city treasurer to invest, in the manner provided by law; any funds held in reserve; or sinking funds; or any funds not required for immediate disbursement;~~

~~(f) To Fix, alter, change, and collect fees, rentals, and all other charges to be made for all services or facilities furnished by the authority to the public, or to any persons; or public or private agencies;~~

The directors of the authority may also

(a) Prescribe or provide for a policy or policies of insurance for the defense and indemnification of the city of Duluth, its officers and employees, and the directors, executive director, executive and administrative officers of the authority, and other employees of the authority against claims arising against them out of the performance of

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duty, whether the claims are groundless, or otherwise. Premiums for any policies of insurance required by this subdivision shall be paid for out of the operating funds of the Spirit Mountain recreation area authority;

(b) Authorize and direct the city treasurer to invest, in the manner provided by law, any funds held in reserve, or sinking funds, or any funds not required for immediate disbursement; and

(c) Review, approve and amend the budget for the authority and approve expenditures within the budget.

Sec. 3. Laws 1973, Chapter 327, Section 7, as amended by Laws 1974, Chapter 345, Sections 1 and 2, is amended to read:

Sec. 7. **REVENUE BONDS.** Subdivision 1. Notwithstanding any limitations imposed by law or by the charter of the city of Duluth, the directors of the authority may issue negotiable revenue bonds for any one or more of its purposes. Revenue bonds under this section shall be issued in such amounts, times, and series as the authority directors shall determine by resolution, but shall not be issued until approved and ratified by resolution of the city council. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, and other terms of the bonds, shall be subject to the provisions of Minnesota Statutes, Sections 475.54 to 475.56. Said bonds shall not exceed a total of \$2,000,000. Bonds issued under this section may be issued for public sale or negotiated sale.

Subd. 2. Revenue bonds issued under this section shall not constitute a debt of the city of Duluth, and no tax levy may be compelled for their payment, but they shall be payable only from the revenues of the recreation area, or parts thereof, pledged by the authority directors, and confirmed by the city council, to payment of principal thereof and interest thereon; and they shall so recite. At or before the issuance of revenue bonds, the authority directors, by resolution, and upon approval and ratification of the city council, shall pledge and appropriate to the payment of principal and interest the net revenues of the Spirit Mountain recreation area, or some part thereof, after provision for reasonable and necessary expenses of operation and maintenance, as described and defined in the authorizing resolution.

Subd. 3. In the authorizing resolution, the authority directors may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; reserves and investment thereof; construction, acquisition, repair, replacement, operation and insurance of the recreation area buildings and facilities; accounting and reports; issuance of parity or subordinate lien bonds; rates and charges to be established or maintained; and such other covenants as the authority directors shall find to be usual and reasonable for the protection of revenue bondholders.

The authority directors may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions of bond registration or replacement, and conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the authority

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directors may be set forth in a trust indenture with a corporation having trust powers appointed by the ~~authority~~ directors, with the approval of the city council, to represent and act for bondholders, and to hold and disburse pledged revenues, and to perform such other duties as may be provided in the trust indenture; such trust indenture may confer or authorize a mortgage lien on the real or operating properties or general funds of the authority.

Subd. 4. Revenue bonds of the authority shall be deemed and treated as instrumentalities of a public government agency, and as such, together with interest thereon, are exempt from taxation.

Sec. 4. Laws 1973, Chapter 327, Section 8, is amended to read:

Sec. 8. **GENERAL OBLIGATION BONDS.** Subdivision 1. In addition to the powers contained in section 7, the directors of the authority may issue, with the approval and ratification of the city council, general obligation bonds to construct, improve, and equip buildings and facilities consistent with fulfilling the purposes of this act within the recreation area.

Subd. 2. General obligation bonds under this section shall be issued in such amounts as required, but in no event shall they exceed the amount of \$1,000,000, at such times and in such series as the ~~authority~~ directors shall determine by resolution, subject to the approval and ratification of the city council, evidenced by resolution. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, or other terms of the bonds, shall be subject to the provisions of Minnesota Statutes, Sections 475.54 to 475.56.

Subd. 3. General obligation bonds under this section shall constitute a debt of the city of Duluth for which the full faith and credit of the city shall be pledged; and a tax levy shall be compelled for their payment; and they shall so recite.

Subd. 4. The authority shall maintain a sinking fund for the payment of its general obligation bonds, to which it the directors shall, by said resolution, irrevocably appropriate taxes levied for the payment of principal and interest on said bonds. Any surplus amount resulting from an excess levy shall be transferred to a special account in said sinking fund after the principal and interest for which the tax was levied and collected has been paid. The ~~authority~~ directors may, on or before October 15 in any year, by appropriate action, transfer to this sinking fund account any money on hand and available in its ~~own~~ the authority treasury from earnings or other income and may cause its secretary to certify to the county auditor the total amount in said account which it will use to pay principal or interest or both on its general obligation bonds, and the county auditor shall reduce by that amount the levy otherwise provided for that year, collectible in the ensuing year. The amount of funds so certified shall be set aside by the authority, and shall be used for no other purpose than payment of principal and interest on the bonds. Notwithstanding any other provision of this act, accrued interest on said bonds shall be transferred to said sinking fund and be used for the payment of principal and interest on the bonds.

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Sec. 5. This act is effective upon approval by the governing body of the city of Duluth and compliance with Minnesota Statutes, Section 645.021.

Approved May 14, 1979.

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#### CHAPTER 88—S.F.No.345

*An act relating to certain political subdivisions; regulating fees charged by law libraries; amending Laws 1933, Chapter 291, Section 4, as amended; and Laws 1967, Chapter 223, Section 1.*

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

Section 1. Laws 1933, Chapter 291, Section 4, as amended by Laws 1949, Chapter 568, Section 2; Laws 1957, Chapter 224, Section 2; Laws 1969, Chapter 861, Section 2; and Laws 1971, Chapter 610, Section 1, is amended to read:

Sec. 4. Subdivision 1. After the filing of ~~such the~~ certificate with the clerk of the ~~district court~~, it shall be the duty of the ~~clerk administrator of the fourth judicial district~~ to collect in each civil suit, action or proceeding filed in ~~such the district, municipal and probate courts of the district court~~, in the manner in which other fees are collected therein; and in addition thereto, as law library fees, the sum of \$4 a law library fee from the plaintiff, petitioner or person instituting ~~such the~~ suit, action or proceeding, at the time of filing of the first paper therein, and the sum of \$4 from each defendant, respondent, intervenor or other party who shall appear therein, either separately or jointly, to be collected at the time of the filing of the first paper by ~~such the~~ defendant, respondent, intervenor or other party or at the time when his or their appearance is entered in the case. Such law library fees shall be costs in the case and taxable as such.

Subd. 2. After the filing of a certified copy of such certificate with the clerk of any municipal court in such county, it shall be the duty of such clerk to collect in each civil suit, action or proceeding filed in such court, in the manner in which other fees are collected therein; and in addition thereto, as library fees, the sum of \$4 from the plaintiff or person instituting such suit, action or proceeding at the time of the filing of the first paper therein. Such law library fees shall be costs in the case and taxable as such. The law library board of trustees shall, with the approval of the Hennepin County board of commissioners, set the amount of the law library fee in the district, municipal and probate courts of the fourth judicial district.

Subd. 3. After the filing of a certified copy of such certificate with the clerk of the probate court of such county, it shall be the duty of such clerk to collect from the person filing in such court a petition for the general or special administration of an estate; a petition for a decree of descent; a petition for the appointment of a guardian; a petition for the probate of a will; or a petition for summary assignment or distribution; at the time of the filing of any such petition, the sum of \$2 as a law library fee; which fee shall be allowed as part of the cost of administration of any such estate. The law library fee is a

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