

mental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$100 or more, shall promptly forward a written report of the accident to the commissioner on such form as he shall prescribe.

Approved March 22, 1982

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### CHAPTER 595 — S.F.No. 1538

*An act relating to peace officers, private detectives, and protective agents; providing for unclassified civil service status of employees of board of peace officer standards and training; clarifying the use by certain protective agents and private detectives of the word "patrol" in their names; correcting a statutory reference; providing for appointment of peace officers, constables and deputy constables in towns; requiring towns to notify the peace officers standards and training board before employing law enforcement officers; amending Minnesota Statutes 1980, Sections 214.04, Subdivision 3; 326.337, Subdivision 1; 367.03, Subdivisions 1, 2, and 3; 367.22; 367.40, Subdivisions 3 and 4; 367.41; Minnesota Statutes 1981 Supplement, Sections 357.09, Subdivision 2; and 367.42, Subdivision 1; repealing Minnesota Statutes 1981 Supplement, Section 382.28.*

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

Section 1. Minnesota Statutes 1980, Section 214.04, Subdivision 3, is amended to read:

Subd. 3. The executive secretary of each health related and non-health related board shall be the chief administrative officer for the board but he shall not be a member of the board. He shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive secretaries and other employees of the following boards shall be hired by the board, and the executive secretaries shall be in the unclassified civil service: dentistry; medical examiners; nursing; pharmacy; accountancy; architecture, engineering, land surveying and landscape architecture; barber examiners; cosmetology; electricity; and teaching; and peace officer standards and training. The executive secretaries serving the remaining boards shall be hired by those boards, and shall be in the unclassified civil service except for part-time executive secretaries, who are not required to be in the unclassified service. Boards not requiring a full-time executive secretary may employ such services on a part-time basis. To the extent practicable the sharing of part-time executive secretaries by

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boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive secretaries of the boards and employees of the attorney general, shall be classified civil service employees of the department servicing the board. To the extent practicable the commissioner shall insure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 2. Minnesota Statutes 1980, Section 326.337, Subdivision 1, is amended to read:

Subdivision 1. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without *Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish* armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the words "police", "constable", "highway patrol," "state patrol," "trooper," "law enforcement", or the name of the local city, county or state on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by a police department, highway patrol, constable, or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor.

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Sec. 3. Minnesota Statutes 1981 Supplement, Section 357.09, Subdivision 2, is amended to read:

Subd. 2. When mileage is allowed the sheriff it shall be computed from the place where the court is usually held and shall be at the rate provided to state employees pursuant to section ~~43.327~~ 43A.18, plus eight cents per mile notwithstanding any other provisions of law to the contrary.

Sec. 4. Minnesota Statutes 1980, Section 367.03, Subdivision 1, is amended to read:

Subdivision 1. **OFFICERS, TERMS.** Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, and except as otherwise provided in this section, there shall also be elected at each annual town meeting one town clerk, and one treasurer, three law enforcement officials. The positions may be filled by any combination of (a) peace officers, (b) constables, or (c) deputy constables. Each of these officers shall hold office for a term of two years and ~~until their successors are elected and qualified.~~

Sec. 5. Minnesota Statutes 1980, Section 367.03, Subdivision 2, is amended to read:

Subd. 2. **VACANCIES.** When a vacancy occurs in any town office the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies; provided, that a vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term. Law enforcement vacancies shall be filled by appointment by the town board.

Sec. 6. Minnesota Statutes 1980, Section 367.03, Subdivision 3, is amended to read:

Subd. 3. **CONSTABLES.** The town, by majority vote at its annual town meeting, may decide ~~that less than three law enforcement officials be elected or that no law enforcement official be elected, effective at the next succeeding town election and thereafter, except that any office so terminated may be reinstated by like procedure to authorize the town board to appoint three or less law enforcement officers.~~ The positions may be filled by any combination of (a)

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peace officers, (b) constables, or (c) deputy constables. The board of supervisors shall notify the board of peace officer standards and training in writing at least 14 days before the first day of employment of a peace officer, constable or deputy constable. In the event no law enforcement official is ~~elected~~ appointed, the duties of a constable described by law relative to election procedure may be delegated to any person so appointed by the board of supervisors for a period of time no greater than that to which a constable is elected and setting forth such compensation as the board of supervisors shall deem reasonable.

Sec. 7. Minnesota Statutes 1980, Section 367.22, is amended to read:

**367.22 LAW ENFORCEMENT OFFICIAL'S BOND.**

Before entering upon his duties, and within ten days after he is notified of his ~~election or~~ appointment, every law enforcement official shall give bond to the town, in a sum directed and with sureties approved by the chairman of the town board, conditioned for the faithful discharge of his official duties. The chairman shall endorse such approval on the bond, and cause it to be filed with the town clerk, for the benefit of any person aggrieved by the acts or omissions of the law enforcement official, and any person so aggrieved, or the town, may maintain an action thereon, in his own name, against the law enforcement official and the sureties.

Sec. 8. Minnesota Statutes 1980, Section 367.40, Subdivision 3, is amended to read:

Subd. 3. "Constable" means any individual employed, ~~or appointed or~~ elected by a political subdivision who is charged with the prevention and detecting of crime, the enforcement of the general criminal laws of the state, and who has full powers of arrest. The term shall apply even though the individual exercises his powers and duties on a part-time basis with or without receipt of compensation.

Sec. 9. Minnesota Statutes 1980, Section 367.40, Subdivision 4, is amended to read:

Subd. 4. "Deputy constable" means any individual employed, ~~or appointed or~~ elected by a political subdivision to fulfill law enforcement duties but who is prohibited from carrying a firearm while exercising his powers and duties and who has powers of arrest no greater than those of any citizen not a peace officer or constable. The term shall also include individuals voluntarily assisting local police or sheriff departments unless they qualify as constables or peace officers.

Sec. 10. Minnesota Statutes 1980, Section 367.41, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

### 367.41 CONSTABLES AND PEACE OFFICER LICENSING REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS.

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any constable employed ~~or elected on or after July 1, 1979~~ on or after the effective date of this act, by any political subdivision of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training pursuant to section 626.8463, clauses (a) to (c).

Subd. 4. Any individual seeking employment ~~or election~~ as a deputy constable pursuant to section 367.03 shall provide evidence that the county sheriff has determined, after checking criminal records and histories through the Minnesota crime information system, that he has not been convicted of a felony within ten years.

Subd. 5. Any individual seeking ~~election or~~ employment as a peace officer pursuant to section 367.03 ~~on or after July 1, 1979~~ on or after the effective date of this act shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 367.42, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any deputy constable employed ~~or elected on or after July 1, 1979~~ on or after the effective date of this act by a political subdivision of the state of Minnesota shall have the following powers and duties:

- (a) To have the powers of arrest of a private person;
- (b) To perform the duties of a constable prescribed by law relative to election procedure;
- (c) To perform the following duties at the direction of the county sheriff or constable:
  - (i) To inspect communication wire and cable or records of such wire and cable pursuant to section 325E.21;
  - (ii) To conduct hotel lien sales pursuant to section 327.06; and
  - (iii) To conduct public auction sales of unclaimed property pursuant to sections 345.04 and 345.05.
- (d) To arrest any individual who, in the deputy constable's presence, commits a violation of the intoxicating liquor act, chapter 340;
- (e) To provide general administrative or clerical assistance to county sheriffs, local police departments or constables; and

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(f) To provide traffic or crowd control assistance to county sheriffs, local police departments or constables.

Sec. 12. **REPEALER.**

Minnesota Statutes 1981 Supplement, Section 382.28, is repealed.

Sec. 13. **EFFECTIVE DATE.**

Sections 1 to 9 are effective the day after final enactment. The elected law enforcement officers serving in office on the effective date of this act shall serve until the expiration of their terms of office.

Approved March 22, 1982

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**CHAPTER 596 — H.F.No. 1546**

*An act relating to juveniles; providing for the detention of juveniles for whom a motion to refer for prosecution is pending before the court; amending Minnesota Statutes 1980, Section 260.173, Subdivision 4.*

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

Section 1. Minnesota Statutes 1980, Section 260.173, Subdivision 4, is amended to read:

Subd. 4. If a child is taken into custody as one who:

(a) has allegedly committed an act which would constitute a violation of a state law or a local ordinance if he were an adult; or

(b) is reasonably believed to have violated the terms of his probation, parole, or other field supervision under which he had been placed as a result of behavior described under clause (a);

he may be detained in a shelter care or secure detention facility. If the child cannot be detained in another type of detention facility, and if there is no secure detention facility for juveniles within the county, a child described in this subdivision may be detained up to 48 hours in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime, in quarters separate from any adult confined in the facility which has been approved for the detention of juveniles for up to 48 hours by the commissioner of corrections, or, if continued detention is required and there is no secure detention facility for juveniles available for use by the county having jurisdiction over the child, such child may be detained for no more than eight days from and including the date of the original detention order in separate quarters in any jail or other adult facility for the confinement of persons charged with or convicted of crime.

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