

(7) For recording each instrument required by law to be recorded by him, ~~ten cents~~ \$1 per folio.

Approved May 19, 1983

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**CHAPTER 176 — H.F.No. 140**

*An act relating to public utilities; requiring public utilities to consider customer schedule needs when reading nonaccessible meters; proposing new law coded in Minnesota Statutes, chapter 216B.*

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

**Section 1. [216B.075] PUBLIC UTILITY METER READING; ACCOMMODATION OF CUSTOMER SCHEDULING NEEDS.**

Notwithstanding any other provision of rule or policy to the contrary, every public utility providing natural gas or electricity at retail shall make a reasonable effort to obtain readings at least once every 18 months from nonaccessible meters. Readings shall be obtained at times that meet the needs of customer schedules. Utilities shall make a reasonable effort to provide evening and Saturday or Sunday meter reading service at no extra charge to a customer whose work or other schedule makes a business hour reading of meters a hardship. Utilities may refuse to read a customer's meter during nondaylight hours if such activity could threaten the safety of the utility meter-reading employee.

A utility may also allow a customer to self-read the customer's meter for periods of time not to exceed 18 months, provided that the customer is reminded periodically of the potentially serious financial consequences of errors in self-reading.

A utility may terminate service to a customer who refuses to allow a utility company employee access to a nonaccessible meter for a period of 18 months or more.

Approved May 19, 1983

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**CHAPTER 177 — H.F.No. 166**

*An act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of*

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*fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.121, subdivision 3; 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 388.051; 388.09; 388.18, subdivision 5; 481.17; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 488A.03, subdivision 10; 488A.10, subdivision 11; and 574.34; proposing new law coded in Minnesota Statutes, chapter 487.*

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

Section 1. Minnesota Statutes 1982, section 169.121, subdivision 3, is amended to read:

Subd. 3. **CRIMINAL PENALTIES.** A person who violates this section or an ordinance in conformity ~~therewith~~ with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity ~~therewith~~ with it within five years of a prior conviction under this section or an ordinance in conformity ~~therewith~~ with it; and

(b) A person who violates this section or an ordinance in conformity ~~therewith~~ with it within ten years of two or more prior convictions under this section or an ordinance in conformity ~~therewith~~ with it.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 2. Minnesota Statutes 1982, section 169.129, is amended to read:

**169.129 AGGRAVATED VIOLATIONS; PENALTY.**

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 or an ordinance in conformity ~~therewith~~ with it before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the ~~district~~ county court.

Sec. 3. Minnesota Statutes 1982, section 299D.03, subdivision 5, is amended to read:

Subd. 5. **FINES AND FORFEITED BAIL MONEY.** (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by ~~such employees~~ officers of the state patrol,

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shall be paid by ~~such~~ the person or officer collecting ~~such~~ the fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which ~~such~~ these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of ~~such~~ these receipts shall be credited to the general revenue fund of the county. The other five-eighths of ~~such~~ these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by ~~such~~ these employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of ~~such~~ these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of ~~such~~ these receipts shall be credited to the general revenue fund of the county.

Sec. 4. Minnesota Statutes 1982, section 357.13, subdivision 1, is amended to read:

Subdivision 1. **CITY POLICE; WITNESS FEES.** No police officer of any city shall receive any witness fee in a suit or prosecution brought in the name of the state, but any county or city may reimburse him for expenses actually incurred therein.

Sec. 5. Minnesota Statutes 1982, section 388.051, is amended to read:  
388.051 **DUTIES.**

It is ~~the~~ duty of The county attorney ~~to~~ shall:

- (a) Appear in all cases in which the county is a party;
- (b) Give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;
- (c) Prosecute felonies, including the drawing of indictments found by the grand jury, ~~gross misdemeanors~~ and, to the extent prescribed by law, ~~violations of~~

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gross misdemeanors, misdemeanors, petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;

(d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;

(e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Sec. 6. Minnesota Statutes 1982, section 388.09, is amended to read:

**388.09 OTHER ATTORNEY EMPLOYED.**

Subdivision 1. GENERAL PROVISIONS. When there is no county attorney, the county board may employ any competent attorney to perform ~~such~~ legal services for the county as may be necessary. The board may employ an attorney other than the county attorney ~~either~~ to assist him ~~or~~, to appear for the county or any county officer ~~thereof~~ in any action in which ~~such~~ the county or officer in his official capacity is a party, or to advise the board or its members in relation thereto to the action, or in relation to any other matter affecting the interests of the county, ~~and.~~ The county may pay such the attorney out of the funds of the county.

Subd. 2. MISDEMEANORS; OTHER PROSECUTIONS. Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these attorneys or members of the firms assistant county attorneys or employees of the county where the county attorney has responsibility for the prosecution of these charges. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.

Sec. 7. Minnesota Statutes 1982, section 388.18, subdivision 5, is amended to read:

Subd. 5. **BUDGET FOR OFFICE.** The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other

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fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other expenses necessary in the performance of the duties of said the office; and (3) (4) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office and. The board is authorized to appropriate funds therefor for those purposes.

Sec. 8. Minnesota Statutes 1982, section 481.17, is amended to read:

**481.17 COUNTY, CITY, AND SCHOOL DISTRICT ATTORNEYS.**

In all counties in this state having a population of not more than 12,000, the offices of county attorney, city attorney, and school district attorney shall not be deemed incompatible and may be held by the same person. For the purposes of prosecution of violations of state laws, municipal ordinances, charter provisions, or municipal regulations, the offices of county attorney and city attorney shall not be deemed incompatible and may be held by the same person, regardless of the population of the county.

Sec. 9. Minnesota Statutes 1982, section 487.25, subdivision 10, is amended to read:

Subd. 10. **PROSECUTING ATTORNEYS.** Except as otherwise provided by law, violations of state law which are petty misdemeanors, misdemeanors, or violations of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred if that municipality has an attorney. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law which are petty misdemeanors, misdemeanors, or gross misdemeanors, or violations of a municipal ordinance, charter provision, rule, or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

Sec. 10. Minnesota Statutes 1982, section 487.33, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITION.** Except as otherwise provided by sections 487.01 to 487.39 or 574.34, the clerk of county court shall pay to the county

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treasurer all fines, penalties and fees collected by him, all sums forfeited to the court and all other moneys received by him.

Sec. 11. Minnesota Statutes 1982, section 487.33, subdivision 5, is amended to read:

Subd. 5. **ALLOCATION.** The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed which employed or provided by contract the arresting or apprehending officer and the name of the municipality or other subdivision of government which employed the prosecuting attorney or otherwise provided for prosecution of the offense for each fine or penalty and the total amount of fines or penalties collected for each ~~such~~ municipality or other subdivision of government. On or before the last day of each month, the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and ~~one-half~~ one-third of all fines or penalties collected during the previous month for offenses committed within ~~such the~~ municipality or subdivision of government from persons arrested or issued citations by officers employed by the municipality or subdivision or provided by the municipality or subdivision by contract. An additional one-third of all fines or penalties shall be paid to the municipality or subdivision of government providing prosecution of offenses of the type for which the fine or penalty is collected occurring within the municipality or subdivision, imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city whether or not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as otherwise provided by law, all other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer of the county in which the funds were collected who shall dispense ~~the same~~ them as provided by law.

Sec. 12. **CHISAGO COUNTY; EXCEPTION.**

Sections 5 to 11 do not apply to Chisago county and cities within it. Laws 1975, chapter 392, sections 1 and 2 shall continue to govern prosecutions for offenses alleged to have occurred within Chisago county. The county attorney of Chisago county shall also prosecute petty misdemeanor violations of state law alleged to have occurred within the county, and may also prosecute alleged violations of municipal charter provisions or municipal rules or regulations when requested to do so by the municipality, in addition to the offenses he is authorized to prosecute under Laws 1975, chapter 392, sections 1 and 2.

Sec. 13. **[487.332] JOINT POWERS.**

Nothing contained in this act shall supersede any powers any governmental unit has under section 471.59.

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Sec. 14. Minnesota Statutes 1982, section 488A.03, subdivision 10, is amended to read:

Subd. 10. **ORDER FOR PRISONER RELEASE.** When a person is confined to the Minneapolis workhouse and a fine is remitted, a sentence stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which he was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the clerk and under the court's seal shall be furnished to the superintendent of the Minneapolis workhouse. All costs of confinement or imprisonment in any jail or workhouse shall be paid by the municipality or subdivision of government in Hennepin county in which the violation occurred, except that the county shall pay all costs of confinement or imprisonment incurred as a result of a prosecution of a gross misdemeanor.

Sec. 15. Minnesota Statutes 1982, section 488A.10, subdivision 11, is amended to read:

Subd. 11. **PROSECUTING ATTORNEYS.** Except as otherwise provided in this subdivision, the attorney of the municipality in which the violation is alleged to have occurred ~~shall have~~ has charge of the prosecution of all violations of the state laws, including violations which are gross misdemeanors, and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for ~~said~~ the violations. The county attorney ~~shall have~~ has charge of the prosecution of a violation triable in municipal court and shall prepare a complaint for ~~said~~ the violation:

(a) if he is specifically designated by law as the prosecutor for the particular violation charged; or

(b) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal census is less than 2500 and whose governing body ~~(, or the town board~~ is in the case of a town, ~~the town board~~) has accepted this paragraph by majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin county or by a member of the state patrol.

Paragraph (b) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2500 or more, regardless of whether or not it has previously accepted the paragraph.

Sec. 16. Minnesota Statutes 1982, section 574.34, is amended to read:

**574.34 FINES, HOW DISPOSED OF.**

Subdivision 1. **GENERAL.** Fines and forfeitures not specially granted or appropriated by law shall be paid into the treasury of the county where ~~the same~~ they are incurred.

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**Subd. 2. MUNICIPAL PROSECUTION; GROSS MISDEMEANORS.** If a city or municipal attorney prosecutes a gross misdemeanor offense, the proceeds of any fine collected by the court shall be disbursed in the same manner as though the offense was a misdemeanor prosecuted by the city or municipal attorney in county or municipal court. The county shall pay for any costs associated with incarceration.

**Sec. 17. EFFECTIVE DATE.**

This act is effective January 1, 1984.

Approved May 19, 1983

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**CHAPTER 178 — H.F.No. 167**

*An act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.*

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

**Section 1. DILWORTH ON-SALE LICENSE.**

Notwithstanding any law to the contrary, the city of Dilworth may issue one club on-sale intoxicating liquor license to an Eagles Club located within the city. The license shall be in addition to the number authorized by Minnesota Statutes, section 340.11, subdivision 5a. The fee shall be that required by section 340.11, subdivision 11, and all other provisions of chapter 340 not inconsistent with this section shall apply to the license.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective upon approval by the Dilworth city council and compliance with Minnesota Statutes, section 645.021.

Approved May 19, 1983

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**CHAPTER 179 — H.F.No. 189**

*An act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.*

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