

vehicle charge does not apply to taxicabs operated under a local cartage permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which must be painted or prominently displayed on both sides of vehicles used by the local cartage carrier under authority of the permit.

Sec. 8. Minnesota Statutes 1986, section 221.60, subdivision 2, is amended to read:

Subd. 2. **FORM AND FEES.** A motor carrier engaged in interstate commerce shall register its interstate transportation authority or exemption before February 1 of each year on a form prescribed by the commissioner. The fee for the initial registration is \$25. The fee for each identification stamp is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. ~~No fee may be collected from a local cartage carrier that provides interstate transportation only within the zone described in United States Code, title 49, section 10526(b)(1)(1984).~~ A local cartage carrier shall register its interstate transportation each year when it pays the local cartage carrier permit or annual renewal fee.

Approved June 3, 1987

CHAPTER 394—H.F.No. 1113

An act relating to state departments and agencies; abolishing the Minnesota humane society as a state agency and authorizing its formation as a state federation of county and district societies; providing for the powers and duties of county and district societies and for the prevention of cruelty to animals; amending Minnesota Statutes 1986, sections 16B.51, subdivision 1; 43A.27, subdivision 2; 343.01; 343.06; 343.10; 343.11; 343.12; 343.22, subdivision 1; 343.29, subdivision 1; 346.37, subdivision 6; and 347.37; repealing Minnesota Statutes 1986, section 343.08.

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

Section 1. Minnesota Statutes 1986, section 16B.51, subdivision 1, is amended to read:

Subdivision 1. **SUPERVISION BY COMMISSIONER.** The commissioner shall supervise and control the making and distribution of all reports and other publications of all kinds issued by the state and state agencies when not otherwise prescribed by law. The commissioner shall also prescribe the manner and form of issuing reports required by sections 8.08; 16A.50; 35.03; 139.08, subdivision 5; 256.01; 268.12, subdivision 2; 299C.18; ~~343.08~~; and 360.015, subdivision 17.

Sec. 2. Minnesota Statutes 1986, section 43A.27, subdivision 2, is amended to read:

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

Subd. 2. **ELECTIVE ELIGIBILITY.** The following persons, if not otherwise covered by section 43A.24, may elect coverage for themselves or their dependents at their own expense:

(a) A state employee, including persons on layoff from a civil service position as provided in collective bargaining agreements or a plan established pursuant to section 43A.18;

(b) An employee of the board of regents of the University of Minnesota, including persons on layoff, as provided in collective bargaining agreements or by the board of regents;

(c) An officer or employee of the state agricultural society, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, ~~Minnesota humane society~~, state office of disabled American veterans, state office of the American Legion and its auxiliary, or state office of veterans of foreign wars and its auxiliary;

(d) A civilian employee of the adjutant general who is paid from federal funds and who is not eligible for benefits from any federal civilian employee group life insurance or health benefits program; and

(e) An officer or employee of the state capitol credit union or the highway credit union.

Sec. 3. Minnesota Statutes 1986, section 343.01, is amended to read:

343.01 PURPOSES; POWERS; COUNTY ORGANIZATION.

Subdivision 1. **FORMATION AUTHORIZED.** ~~The Minnesota humane society is hereby confirmed and continued, with all existing powers, A state federation of county and district societies for the prevention of cruelty to animals may be created as a corporation under chapter 317 for the purpose of inculcating humane principles, the enforcement of law, and the prevention of cruelty, especially to animals provided in section 343.06. The Minnesota humane society federation may make reasonable rules governing the humane care, treatment, transportation, and in extreme cases the disposition by death or sale of animals as it deems expedient to accomplish its purposes. It may appoint representatives in any county where no active county or district society exists, for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the society federation throughout the state. This society The federation and all county and district societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Appointed agents must have training and experience in activities relating to prevention of cruelty to animals or enforcement of laws relating to cruelty to animals. Branches of the society, consisting of not less than ten members, may be organized in any part of the state to prosecute the~~

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work of the society in their several localities under rules established by it. It the federation may make rules and bylaws as are necessary to implement the provisions of its authority under this chapter and under chapter 317.

Subd. 2. **NAME OF SOCIETY FEDERATION.** It shall be unlawful for any organization, association, firm or corporation not authorized by this chapter to refer to itself as or in any way to use the names Minnesota federated humane societies, Minnesota society for the prevention of cruelty, the Minnesota humane society, or any combination of words or phrases using the above names which would imply that it represents, acts in behalf or is a branch of said society the federation.

Subd. 3. **POWERS AND DUTIES.** The society federation must be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education, and the attorney general, or their designees shall serve as ex officio, nonvoting members of the board. The membership terms, compensation, removal, and filling of vacancies of board members other than ex officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chair and other officers as deemed necessary. Meetings must be called by the chair or at least two other members. The board shall appoint an executive director who shall serve in the unclassified civil service at the board's pleasure. The executive director may employ other staff who shall serve in the unclassified civil service. The commissioner of administration upon request of the executive director shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost designated in accordance with chapter 317. The powers, duties, and organization of the federation and other matters for the conduct of the business of the federation shall be as provided in chapter 317 and in the federation's articles of incorporation and bylaws.

Sec. 4. Minnesota Statutes 1986, section 343.06, is amended to read:

343.06 DUTIES PURPOSE.

It shall be the duty purpose of the Minnesota state federation of county and district humane society societies to secure assist in the enforcement of the laws for the prevention of wrongs to animals; to assist in the organization of district and county societies and the appointment of local and state agents, and give them representation in the state society federation; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to animals which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of animals.

Sec. 5. Minnesota Statutes 1986, section 343.10, is amended to read:

343.10 COUNTY AND DISTRICT SOCIETIES.

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A county societies society for the prevention of cruelty to animals may be formed in any county and a district society for the prevention of cruelty to animals may be formed in any group of two or more contiguous or noncontiguous counties or parts of counties by not less than seven incorporators; and the members; at a meeting called for that purpose, may elect not less than three of their number directors, who shall continue in office until their successors have qualified. County and district societies shall be created as corporations under chapter 317 and as provided in the bylaws of the state federation.

Sec. 6. Minnesota Statutes 1986, section 343.11, is amended to read:

343.11 ACQUISITION OF PROPERTY, APPROPRIATIONS.

Every county and district society for the prevention of cruelty to animals may acquire, by purchase, gift, grant, or devise, and hold, use, or convey, real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county, or the council of any city, in which such societies exist, may, in its discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money not otherwise appropriated, not to exceed in any one year the sum of \$4,800 or the sum of 50 cents per capita based upon the county's or city's population as of the most recent federal census, whichever is greater; provided, that no part of the appropriation shall be expended for the payment of the salary of any officer of the society.

Sec. 7. Minnesota Statutes 1986, section 343.12, is amended to read:

343.12 DUTIES OF PEACE OFFICERS.

Upon application of any appointed agent at large or county agent in the agent's county of appointment agent appointed by the federation or a county or district society, it shall be the duty of, any sheriff or the agent's deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county or district for custody and care.

Sec. 8. Minnesota Statutes 1986, section 343.22, subdivision 1, is amended to read:

Subdivision 1. **REPORTING.** Any person who has reason to believe that a violation of ~~section 343.21~~ chapter 343 has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of ~~section 343.21~~ chapter 343 has

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occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation, along with a doctor of veterinary medicine.

Sec. 9. Minnesota Statutes 1986, section 343.29, subdivision 1, is amended to read:

Subdivision 1. **DELIVERY TO SHELTER.** Any ~~sheriff, constable, statutory city marshal, police~~ peace officer, or any agent of the ~~Minnesota society~~ federation or ~~other county or district~~ societies for the prevention of cruelty, may remove, shelter, and care for any ~~horse or other animal found exposed to the weather and not properly blanketed, or any animal remaining more than one hour without attention in cold or inclement weather, which is not properly sheltered from cold, hot, or inclement weather~~ or any animal not properly fed and watered, or provided with suitable food and drink. When necessary, a ~~sheriff, constable, marshal, police~~ peace officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified, and the ~~officer, or~~ the person having possession of the animal, shall have a lien thereon for its care and keeping, the reasonable value of the food and drink furnished, and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within five days after notice, redeem the animal by paying the expenses ~~incurred pursuant to authorized by~~ this subdivision, the animal may be treated as an estray.

Sec. 10. Minnesota Statutes 1986, section 346.37, subdivision 6, is amended to read:

Subd. 6. **REPORTS OF ABUSE, CRUELTY, OR NEGLECT.** A veterinarian must report known or suspected cases of abuse, cruelty, or neglect to the ~~state humane society or a local humane society~~ peace officers and humane agents as provided in 343.12 and 343.29.

Sec. 11. Minnesota Statutes 1986, section 347.37, is amended to read:

347.37 INSPECTION; ENFORCEMENT.

The board of animal health shall cause to be inspected from time to time all dog kennels licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.

Any duly authorized agent of the board, any sheriff, or sheriff's deputy, or police officer, or ~~state humane agent~~ appointed pursuant to section 343.01, is granted the power and the authority to enter upon the premises of any dog kennel at any time during the daylight hours for the purposes herein set forth, and for the purposes of inspecting the compliance with the provisions of sec-

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tions 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 347.31 to 347.40.

Sec. 12. REPORT TO LEGISLATURE.

The commissioner of administration shall, by January 1, 1988, report to the legislature on the implementation of sections 1 to 11. The report must include the number of counties that have established or maintained county humane societies, the number and location of district societies, and a summary of any efforts to establish a state federation of county and district societies.

Sec. 13. DISSOLUTION AND TRANSFER OF ASSETS.

The commissioner of administration shall, on the effective date of sections 1 to 11, begin proceedings to dissolve the corporation known as the Minnesota humane society, confirmed and continued by Minnesota Statutes, section 343.01. Upon notice that a state federation of county and district societies for the prevention of cruelty to animals has registered its incorporation with the secretary of state, the commissioner shall transfer the assets of the dissolved corporation to the successor corporation as provided by chapter 317. The commissioner shall accept contributions or bequests made to the dissolved corporation that are received after its dissolution and determine whether the terms of the donation permit its transfer to the successor corporation. Donations that cannot be transferred to the successor shall be returned to the donor or the estate of the donor.

Sec. 14. REPEALER.

Minnesota Statutes 1986, section 343.08, is repealed.

Sec. 15. EFFECTIVE DATE.

Sections 1 to 14 are effective the day following final enactment.

Approved June 3, 1987

CHAPTER 395—H.F.No. 137

An act relating to criminal procedure; providing a procedure for ordering joint or separate trials for jointly charged defendants; permitting the prosecution to offer a rebuttal closing argument; amending Minnesota Statutes 1986, section 631.07; proposing coding for new law in Minnesota Statutes, chapter 631.

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

Section 1. [631.035] JOINTLY CHARGED DEFENDANTS; SEPARATE OR JOINT TRIALS.

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