

be equipped with a marker or markers which may consist of flags, lamps, flashing lights or reflectorized devices.

Approved April 22, 1971.

CHAPTER 142—H.F.No.1484

An act relating to railroads; requiring certain equipment on locomotives; amending Minnesota Statutes 1969, Section 219.551, Subdivision 6.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 219.551, Subdivision 6, is amended to read:

Subd. 6. **RAILROADS; LOCOMOTIVES; EQUIPMENT.** Each operating unit purchased new, and not reconditioned, put into service from an initial terminal shall be equipped with a dry hopper, gas or electric incinerator or other suitable toilet facility, if such operating unit is used for a road operation of 50 miles or more away from the initial terminal. After July 1, 1972, each consist used in road operations of 50 miles or more away from the initial terminal shall have at least one operating unit equipped with a dry hopper, gas or electric incinerator or other suitable toilet facility; provided, however, in the case of transfer or switching service or emergency or emergency need for additional diesel power equipment, this requirement shall not apply. When put into service from an initial terminal, all diesel toilet facilities shall be in a sanitary, clean and operating condition.

Approved April 22, 1971.

CHAPTER 143—S.F.No.153

[Coded in Part]

An act relating to public welfare; actions to determine paternity of illegitimate children; amending Minnesota Statutes 1969, Chapter

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257, by adding sections; Sections 257.27 and 257.28; repealing Minnesota Statutes 1969, Sections 257.18, 257.19, 257.20, 257.21, 257.22, 257.23, 257.24, 257.25, and 257.26.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.251] PUBLIC WELFARE; ILLEGITIMATE CHILDREN; PATERNITY. The father of a child born out of wedlock is liable, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement, including her suitable maintenance for not more than eight weeks next prior and not more than eight weeks thereafter, and for the education, necessary support and funeral expenses of the child. A child born out of wedlock includes a child born to a married woman by a man other than her husband.

Sec. 2. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.252] ENFORCEMENT. Paternity may be determined upon the civil complaint of the mother, child, or the public authority chargeable by law with the support of the child. If paternity has been determined or has been acknowledged according to the laws of this state, the liabilities of the father may be enforced in the same or other proceedings (1) by the mother, child, or the public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support, or funeral expenses, or (2) by other persons to the extent that they have furnished the reasonable expenses of pregnancy, confinement, education, necessary support, or funeral expenses.

Sec. 3. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.253] INITIATION OF PROCEEDING. A proceeding for the determination of paternity is initiated by filing a verified complaint of the mother, child, or the public authority chargeable by law with the support of the child, in the district court of this state, and by personal service upon the defendant of a copy of the verified complaint setting the date and place for appearance of the defendant before the district court.

Sec. 4. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.254] COUNTY ATTORNEY; DUTIES. When requested to do so by a district court judge, public welfare or other social service agency, and in all other cases when the petitioner is unable to employ

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an attorney through inability to immediately pay for such services, the county attorney may appear on behalf of and represent the complainant in all proceedings under sections 1 to 13 of this act and sections 257.27 to 257.33 and shall obtain and present such evidence as may be necessary. In those cases initiated in which the county attorney, acting in his official capacity, represents the complainant, no filing fee shall be required by the clerk of court.

Sec. 5. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.255] LIMITATION ON RECOVERY FROM FATHER. The father's liabilities under this chapter for past education and necessary support of the illegitimate child are limited to a period of four years next preceding the commencement of an action.

Sec. 6. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.256] LIMITATIONS ON RECOVERY FROM FATHER'S ESTATE. The obligation of the estate of the father for liabilities under sections 1 to 13 of this act and sections 257.27 to 257.33 is limited to amounts accrued prior to his death and such sums as may be payable for dependence under other laws.

Sec. 7. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.257] REMEDIES. The district court has jurisdiction of a civil action under sections 1 to 13 of this act and sections 257.27 to 257.33 and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education, necessary support, or funeral expenses for legitimate children apply. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All remedies under the Uniform Reciprocal Enforcement of Support Act are available for enforcement of duties of support under sections 1 to 13 of this act and sections 257.27 to 257.33.

Sec. 8. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.258] TIME OF TRIAL. If the issue of paternity is raised in an action commenced during the pregnancy of the mother, the trial shall not, without the consent of the alleged father, be held until after the birth or miscarriage but during such delay testimony may be perpetuated according to the laws of this state.

Sec. 9. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

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[257.259] CLOSED TRIAL. Upon the trial in district court the judge may at his discretion exclude the general public from attendance at such trial and shall do so at the request of either party.

Sec. 10. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.261] JUDGMENT. Subdivision 1. Judgments under sections 1 to 13 of this act and sections 257.27 to 257.33 may be for periodic payments which may vary in amount. The court may order payments to be made to the mother or to some person, corporation, or agency designated to administer them under the supervision of the court. Upon due notice to the county welfare board or the commissioner of public welfare and the duly appointed guardian, if any, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the commissioner of public welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child; or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals for the purposes hereinbefore specified.

Subd. 2. Before the issuance of any order pursuant to subdivision 1 or court approval of a settlement agreement authorized by Minnesota Statutes 1969, Section 257.28, the county welfare board or the commissioner of public welfare shall recommend to the court the sum of money, or its equivalent, that is proper and adequate for the care, maintenance, and education of the illegitimate child.

Subd. 3. In any proceeding brought pursuant to sections 1 to 13 of this act, the mother of an illegitimate child may recover the costs of the action paid or incurred by her, including a reasonable amount for attorney's fees.

Sec. 11. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.262] CONTEMPT. A defendant who fails to comply with any order of the court is guilty of civil contempt of court, and shall also be subject to all the penalties for failure to care for and support such illegitimate child, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity.

Sec. 12. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

[257.263] SECURITY. The court may require the alleged father to give bond or other security for the payment of the judgment.

Sec. 13. Minnesota Statutes 1969, Chapter 257, is amended by adding a section to read:

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[257.264] VENUE. An action under sections 1 to 13 of this act and sections 257.27 to 257.33 may be brought in the county where the alleged father is present or has property or in the county where the mother resides, or in the county where the child may be found, if it is likely to become a public charge therein.

Sec. 14. Minnesota Statutes 1969, Section 257.27, is amended to read:

257.27 COMPROMISE. The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child as it deems equitable and just for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section ~~257.23~~ 257.261.

Sec. 15. Minnesota Statutes 1969, Section 257.28, is amended to read:

257.28 SETTLEMENT. The commissioner of public welfare shall ~~have authority to accept from the alleged, acknowledged, or adjudicated father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child in full settlement of all obligations for the care, maintenance, and education of such child and hold or dispose of the same as ordered by the court. Such settlement shall discharge the alleged, acknowledged, or adjudicated father of all further liability, civil and criminal, on account of such child, provided that such settlement shall not affect any his liability of the father for the expenses of pregnancy, confinement, and mother's maintenance under section 257.24~~ 257.251.

Sec. 16. Minnesota Statutes 1969, Sections 257.18, 257.19, 257.20, 257.21, 257.22, 257.23, 257.24, 257.25, and 257.26, are repealed.

Sec. 17. This act is effective July 1, 1971.

Approved April 22, 1971.

CHAPTER 144—S.F.No.174

An act relating to education; combining duties of school board office of clerk and treasurer in independent school districts; amending Minnesota Statutes 1969, Section 123.34, Subdivision 1.

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