

the remainder of that academic year.

Sec. 10. Minnesota Statutes 1978, Section 356.32, Subdivision 1, is amended to read:

356.32 PROPORTIONATE ANNUITY IN CERTAIN CASES. Subdivision 1. **PROPORTIONATE RETIREMENT ANNUITY.** Notwithstanding any provision to the contrary of the laws governing any of the retirement funds referred to in subdivision 2, any person who is employed in a position covered by any such fund, who has credit for at least three years but less than ten years of allowable service in such fund or a combination of such funds, and who is required to terminate service pursuant to a mandatory retirement statute, or who terminates service at age 65 or older for any reason shall be entitled upon application to a proportionate retirement annuity from each such fund in which he has allowable service credit, based upon his allowable service credit at the time of ~~mandatory~~ retirement; provided, however, that nothing in this section shall prevent the actuarial reduction of an annuity for which application is made prior to normal retirement age.

Sec. 11. Minnesota Statutes 1978, Section 423.076, is amended to read:

423.076 RETIREMENT; POLICE AND FIRE DEPARTMENTS. A compulsory retirement age of not less than 65 years may be established for persons on the payroll of a police or fire department which does not come within the provisions of section 423.075 ~~or 423.26~~ without being a violation of section 181.81 or section 363.02, subdivision 6.

Sec. 12. Minnesota Statutes 1978, Section 473.419, is amended to read:

473.419 MANDATORY RETIREMENT AGE. An employee of the transit operating division of the metropolitan transit commission and an employee on leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division shall terminate employment on the first day of the month next following the month in which the employee reaches the age of 65; ~~provided, however, that an employee of the transit operating division may be employed beyond the age of 65 at the option of the metropolitan transit commission; but shall not be employed beyond the first day of the month next following the month in which the employee reaches the age of 70.~~

Sec. 13. **EFFECTIVE DATE.** This act shall be effective the day following final enactment.

Approved April 23, 1979.

CHAPTER 41—H.F.No.330

An act relating to courts; eliminating erroneous and ambiguous references relating to

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municipal courts outside Hennepin and Ramsey Counties; amending Minnesota Statutes 1978, Sections 480.055, Subdivision 1; 487.01, Subdivision 8; 487.16; 487.38; 488A.113; 488A.282; 525.011, Subdivision 1; 525.013, Subdivisions 1 and 8; and 525.014.

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

Section 1. Minnesota Statutes 1978, Section 480.055, Subdivision 1, is amended to read:

480.055 **RULES NOT IN CONFLICT.** Subdivision 1. **OTHER COURTS.** Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of district courts, pursuant to sections 484.52 ; and 484.33, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter ~~488~~ 488A , may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 2. Minnesota Statutes 1978, Section 487.01, Subdivision 8, is amended to read:

Subd. 8. All municipal courts and magistrate courts existing pursuant to a municipal ordinance, charter, or legislative act located in counties covered by sections 487.01 to 487.39 are hereby abolished as of July 1, 1972, except the courts located in St. Louis county are hereby abolished as of January 1, 1974, unless an earlier date is designated by a county board or county boards pursuant to Laws 1971, Chapter 951, Section 45 ; ~~and no additional municipal courts shall be formed therein pursuant to the provisions of chapter 488 .~~

Sec. 3. Minnesota Statutes 1978, Section 487.16, is amended to read:

487.16 **MINOR CIVIL AND CRIMINAL JURISDICTION.** The county court shall also have jurisdiction in all civil and criminal cases ~~now residing~~ , on the effective date of Laws 1971, Chapter 951 and Laws 1973, Chapter 679, in municipal courts ~~as provided in chapter 488~~ other than municipal courts in Hennepin and Ramsey Counties , except that notwithstanding any law to the contrary, no county court shall have gross misdemeanor jurisdiction.

Sec. 4. Minnesota Statutes 1978, Section 487.38, is amended to read:

487.38 **JUDGES' MEETINGS.** The county court judges in meeting assembled may formulate and revise the general rules of practice in county courts as they deem expedient, conformable to law, and not inconsistent with the county court act or the rules for county courts promulgated by the supreme court. Any other proper business pertaining to county courts may also be transacted. The actual and necessary expenses incurred by attending judges shall be paid as provided in section 487.02. The judges shall also have the powers conferred by section 525.06, upon judges of the probate courts, the powers conferred by section 488.18, upon judges of the municipal courts of the state, and the powers conferred upon judges acting as juvenile court judges by section 260.103.

Sec. 5. Minnesota Statutes 1978, Section 488A.113, is amended to read:

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488A.113 COURTS ABOLISHED. All courts in Hennepin county except district and probate courts are abolished as of January 1, 1965 ; ~~including municipal courts established but not organized under the provisions of section 488.03~~ . The municipal court of the city of Minneapolis is merged into the municipal court of the county of Hennepin as hereinafter provided, as of January 1, 1965.

Sec. 6. Minnesota Statutes 1978, Section 488A.282, is amended to read:

488A.282 COURTS ABOLISHED. All courts in Ramsey county, except the supreme, district and probate courts, are abolished as of the effective date of Laws 1973, Chapter 708 ; ~~including municipal courts established but not organized under the provisions of section 488.03~~ . The municipal court of the city of Saint Paul is merged into the municipal court of the county of Ramsey as hereinafter provided, as of the effective date of Laws 1973, Chapter 708.

Sec. 7. Minnesota Statutes 1978, Section 525.011, Subdivision 1, is amended to read:

525.011 CIVIL AND CRIMINAL JURISDICTION. Subdivision 1. Except in the counties having a city of the first class or in counties having a population of more than 30,000 according to the 1950 federal census; of Hennepin and Ramsey the probate court shall also exercise the powers, duties and jurisdiction conferred upon ~~municipal courts by chapters 488 487 , 491, 492, and 493 ; or under any other law enacted in lieu thereof which provides for uniform powers, duties and jurisdiction of municipal courts .~~

Sec. 8. Minnesota Statutes 1978, Section 525.013, Subdivision 1, is amended to read:

525.013 JURY TRIALS. Subdivision 1. Except as otherwise provided in chapter ~~488 487 , or in any other law enacted in lieu thereof which provides for uniform powers, duties, and jurisdiction of municipal courts;~~ the laws relating to jury trials in the district court apply to jury trials in a probate court under sections 525.011 to 525.015.

Sec. 9. Minnesota Statutes 1978, Section 525.013, Subdivision 8, is amended to read:

Subd. 8. Whenever a petit jury is desired by a party to a proceeding in probate court under sections 525.011 to 525.015, and such jury is permitted by law, such party shall request such jury, in writing, when the case is set for trial and pay the fees prescribed by chapter ~~488; or any other law enacted in lieu thereof which provides for uniform powers, duties, and jurisdiction conferred upon municipal courts 487~~ . The court, by order, may waive the payment of jury fees in a criminal case if it appears that the defendant is unable to make such payment.

Sec. 10. Minnesota Statutes 1978, Section 525.014, is amended to read:

525.014 PLEADING, PRACTICE, PROCEDURE, AND APPEALS. Subdivision 1. Pleading, practice, procedure, and the forms thereof in civil actions shall be the same in ~~Changes or additions indicated by underline deletions by strikeout~~

probate court as in the ~~municipal county~~ court under Minnesota Statutes, chapter 488; or any other law enacted in lieu thereof which provides for uniform powers, duties, and jurisdiction of municipal courts 487.

Subd. 2. Appeals from any judgment of a probate court exercising the powers, duties, and jurisdiction in certain civil and criminal cases under sections 525.011 to 525.015, shall be made in the same manner as in the ~~municipal county~~ courts under ~~Laws 1959, Chapter 660, and any act amendatory of or supplementary thereto~~ chapter 487.

Approved April 23, 1979.

CHAPTER 42—H.F.No.396

An act relating to welfare; altering the conditions under which a day care facility will be considered a single family residential use of property for zoning purposes; amending Minnesota Statutes 1978, Section 245.812, Subdivision 3.

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

Section 1. Minnesota Statutes 1978, Section 245.812, Subdivision 3, is amended to read:

Subd. 3. A licensed ~~day care~~ or residential facility serving six or fewer persons or a licensed day care facility serving ten or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

Approved April 23, 1979.

CHAPTER 43—S.F.No.322

An act relating to guardianship; providing that a petition for guardianship may be treated as a petition for conservatorship; providing for the transfer of guardianship to conservatorship; amending Minnesota Statutes 1978, Sections 201.15; 525.551; and 525.61.

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

Section 1. Minnesota Statutes 1978, Section 201.15, is amended to read:

201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS. The judge of probate in each county in the state shall report monthly to the county auditor the name, age and address of each individual 18 years of age or over residing in the county who, during the month preceding the date of the report, was placed under a guardianship of the person or adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, or as a psychopathic personality, and

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