

daytime activity centers for the mentally retarded and cerebral palsied, the governing body of any city, town, village, or county may levy annually upon all taxable property in such city, town, village, or county, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one-half mill as to any city, town or village. The governing body of any city, town, village, or county may make such a levy, where necessary, separate from the general levy. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns, villages and counties.

Sec. 7. Minnesota Statutes 1971, Section 252.23, is amended to read:

**252.23 ELIGIBILITY REQUIREMENTS.** An applicant shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

(1) Provide daytime activities for any or all of the following classes of persons:

Mentally retarded and cerebral palsied children who can benefit from the program of services, including those school age children who have been excused or excluded from school;

Mentally retarded and cerebral palsied children and adults who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counselling services to parents or guardians of mentally retarded and cerebral palsied persons who may register at the center;

(3) Comply with all rules and regulations duly promulgated by the commissioner of public welfare.

Approved April 11, 1974.

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**CHAPTER 481—H.F.No.1425**  
[Coded]

*An act relating to the supreme court; authorizing promulgation of rules of evidence by the supreme court.*

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

Section 1. **[480.0591] SUPREME COURT; RULES OF EVIDENCE.** Subdivision 1. **AUTHORITY TO PROMULGATE.** The supreme Changes or additions indicated by underline deletions by ~~strikeout~~

court may promulgate rules of evidence regulating all evidentiary matters in civil and criminal actions in all courts of the state. Such rules shall not abridge, enlarge or modify the substantive rights of any person.

**Subd. 2. ADVISORY COMMITTEE.** Before any such rules are adopted the supreme court shall appoint an advisory committee consisting of eight lawyers licensed to practice law in the state and at least two judges of the district court and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules.

**Subd. 3. RECOMMENDATIONS BY JUDICIAL COUNCIL.** The judicial council, upon the request of the supreme court or upon its own initiative in accordance with the provisions of Minnesota Statutes, Chapter 483, may at any time make recommendations to the court concerning such rules.

**Subd. 4. DISTRIBUTION OF PROPOSED RULES; HEARING.** Before any such rule is adopted, the supreme court shall distribute copies of the proposed rule to the judiciary and attorneys of the state for their consideration and suggestions and give due consideration to such suggestions as they may submit to the court. The Minnesota state bar association, or a professional judicial organization may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing thereon. The court shall thereupon grant a hearing thereon within six months after the filing of the petition.

**Subd. 5. PROMULGATION. (1) EFFECTIVE DATE OF RULES; PUBLICATION.** All rules promulgated under this act shall be effective at a time fixed by the court and shall be published in the appendix to the official reports of the supreme court and shall be bound therewith.

**(2) PRINTING, PUBLISHING AND DISTRIBUTING.** The commissioner of administration shall print, publish and distribute copies thereof to the judiciary and attorneys as required by law. The commissioner shall make 500 copies available, without cost, to the superintendent of the bureau of criminal apprehension for distribution by him to local law enforcement agencies of the state.

**Subd. 6. PRESENT LAWS EFFECTIVE UNTIL MODIFIED; RIGHTS RESERVED.** Present statutes relating to evidence shall be effective until modified or superseded by court rule. If a rule of evidence is promulgated which is in conflict with a statute, the statute shall thereafter be of no force and effect. The supreme court, however, shall not have the power to promulgate rules of evidence which conflict, modify, or supersede the following statutes:

(a) Statutes which relate to the competency of witnesses to testify, found in Minnesota Statutes, Sections 595.02 to 595.025;

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(b) Statutes which establish the prima facie evidence as proof of a fact;

(c) Statutes which establish a presumption or a burden of proof;

(d) Statutes which relate to the privacy of communications; and

(e) Statutes which relate to the admissibility of certain documents.

The legislature may enact, modify, or repeal any statute or modify or repeal any rule of evidence promulgated under this section.

Approved April 11, 1974.

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**CHAPTER 482—H.F.No.1634**  
**[Coded in Part]**

*An act relating to commitment proceedings involving mentally ill and inebriate persons; amending Minnesota Statutes 1971, Sections 253A.02, Subdivisions 3 and 4; 253A.07, Subdivisions 13, 17, and 21; 253A.21, Subdivision 5, and by adding a subdivision; and 525.11.*

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

Section 1. Minnesota Statutes 1971, Section 253A.02, Subdivision 3, is amended to read:

Subd. 3. **MENTALLY ILL; COMMITMENT.** "Mentally ill person" means any person diagnosed as having a psychiatric or other disorder which substantially impairs his mental health and ~~who is~~ as being in need of treatment or supervision . For the purpose of involuntary commitment of a person as mentally ill it is necessary for the court to find: (a) that the person is a mentally ill person, and (b) that involuntary hospitalization is necessary for the welfare of the person or the protection of society as defined in section 253A.07, subdivision 17, clause (a).

Sec. 2. Minnesota Statutes 1971, Section 253A.02, Subdivision 4, is amended to read:

Subd. 4. "Inebriate person" means any person determined as being incapable of managing himself or his affairs by reason of the habitual and excessive use of intoxicating liquors, narcotics, or other drugs . For the purpose of involuntary commitment of a person as inebriate it is necessary for the court to find: (a) that the person is an inebriate person, and (b) that involuntary hospitalization is necessary for the welfare of the person or the protection of society as defined in section

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