

judgment has not been entered. Pending actions for dissolution or separation are deemed to have been commenced on the basis of irretrievable breakdown. Evidence adduced after February 28, 1979 shall be in compliance with sections 1 to 63.

(c) Notwithstanding section 645.35, sections 1 to 63 apply to all proceedings commenced after February 28, 1979 for the modification of a judgment or order entered prior to March 1, 1979.

(d) In any action or proceeding in which an appeal was pending or a new trial was ordered prior to March 1, 1979, the law in effect at the time of the order sustaining the appeal of the new trial governs the appeal, the new trial, and any subsequent trial or appeal.

Sec. 62. INSTRUCTIONS TO REVISOR. Whenever the term "alimony" appears in the next or subsequent editions of Minnesota Statutes, the revisor of statutes is directed to substitute "maintenance" or an equivalent term.

Whenever the term "separate maintenance" appears in the next or subsequent editions of Minnesota Statutes, the revisor is directed to substitute "legal separation".

Sec. 63. REPEALER. Minnesota Statutes 1976, Sections 517.17; 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67, are repealed.

Sec. 64. EFFECTIVE DATE. This act is effective March 1, 1979.

Approved April 5, 1978.

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#### CHAPTER 773-H.F.No.2044

*An act relating to trees; authorizing municipal subsidies to certain persons; requiring an investigation of uses of diseased wood; authorizing the transfer of certain trees purchased from the state; extending the special levy authority for sanitation and reforestation; clarifying utilization of appropriations for shade tree disease control; authorizing extension of temporary rules; amending Minnesota Statutes 1976, Sections 89.38 and 89.391; and Minnesota Statutes, 1977 Supplement, Sections 18.023, Subdivisions 4 and 11; and 275.50, Subdivision 6.*

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

Section 1. Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. **SUBSIDIES TO CERTAIN OWNERS.** A municipality may provide subsidies to nonprofit organizations, to owners of private residential property of five acres or less, to owners of property used for a homestead of more than five acres but less than 20 acres and to nonprofit cemeteries, however organized, for the approved treatment or removal of diseased shade trees.

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Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of approved treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or approved treatment under such terms and conditions as may be determined by the governing body of the municipality.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. **REPORT TO THE LEGISLATURE.** On or before January 31 of each year, the commissioner shall report to the legislature on the preceding year's approved disease control programs and any experimental programs conducted pursuant to subdivision 10a. The commissioner, with the assistance of the Minnesota energy agency, shall investigate and evaluate the potential uses of wood infected with shade tree disease, including the uses as an alternative energy source and as a component in the construction or manufacture of new products. The commissioner shall include the results of the investigation and any recommendations for proposed relevant legislation in the report to the legislature due on or before January 31, 1979.

Sec. 3. Minnesota Statutes 1976, Section 89.38, is amended to read:

**89.38 PROHIBITION; PENALTIES.** It shall be unlawful for a period of ten years from the date of purchase for any person who purchases trees from the commissioner to use or permit the use of planting stock furnished hereunder for any purpose not authorized hereunder, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished hereunder for replanting on any ground other than his own or for any purpose not authorized hereunder. Any violation of this section shall be a misdemeanor.

Sec. 4. Minnesota Statutes 1976, Section 89.391, is amended to read:

**89.391 NURSERY INSPECTION CERTIFICATES; LIMITATIONS ON ISSUANCE.** No certificate of inspection shall be issued pursuant to section 18.51 by the commissioner of agriculture to a person who is determined by the commissioner of natural resources to have purchased trees from him pursuant to sections 89.35 to 89.39 and who is selling, giving, removing, or permitting the removal of the trees with roots attached, in violation of section 89.38.

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 6, is amended to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977, and terminating with the levy made in ~~1977, payable in 1978~~ 1978, payable in 1979. A governmental subdivision may

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make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1974, taxes payable 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437.

Sec. 6. Of the money appropriated by Laws 1977, Chapter 90, Section 14, Subdivision 1, Clauses (a) and (b), one-half is available for expenditure in the calendar year ending December 31, 1977, and one-half is available in the calendar year ending December 31, 1978.

The conditions set forth in this section supersede Laws 1977, Chapter 90, Section 14, Subdivision 1, so far as they are inconsistent therewith.

Sec. 7. Notwithstanding the limitations provided in section 15.0412, the temporary rules adopted by the commissioner of agriculture pursuant to Laws 1977, Chapter 90, Section 12 are effective until permanent rules are adopted. The conditions set forth in this section supersede Laws 1977, Chapter 90, Section 12, so far as they are inconsistent therewith.

Sec. 8. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved April 5, 1978.

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CHAPTER 774-H.F.No.2093

[Coded in Part]

*An act relating to retirement; transfer of pension coverage for university of Minnesota peace officers to the public employees police and fire fund; terminating the university of Minnesota police department retirement plan and fund; transfer of assets and records.*

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

Section 1. [353.661] UNIVERSITY OF MINNESOTA PEACE OFFICERS; PENSION AND RETIREMENT COVERAGE. Subdivision 1. TRANSFER OF PENSION COVERAGE FOR EXISTING EMPLOYEES. Notwithstanding any provisions of law to the contrary, as of July 1, 1978, all active peace officers employed by the university of Minnesota at any campus or facility of the university shall cease to be members of the university of Minnesota police department retirement plan and fund and shall cease to have any accrual of service credit, rights, or benefits under that plan. From and after July 1, 1978, any active peace officer shall be a member of the public employees police and fire fund, shall be considered a police officer for purposes of chapter 353 if otherwise meeting the requirements of section 353.64, and shall have any past service as a peace officer with the university of Minnesota credited as allowable service by the public

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