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REPORT  
OF THE  
ATTORNEY GENERAL  
1973 - 1974

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## INTRODUCTION

The job of the Attorney General is to act as lawyer for the citizens of Minnesota and for state government. We worked hard at our job in the past two years.

A principal focus of our efforts on behalf of citizens was consumer protection. We believe that protection of the dollars of our people in a time of skyrocketing prices is especially important. It is important for all of us to get the most for our money.

Consumer protection puts buyer and seller on an equal footing so that our American system of free enterprise can work in the marketplace.

Consumer protection not only helps consumers, but also helps legitimate businessmen by removing the unfair competition of fly-by-night operators and by building consumer confidence in the fairness of the marketplace.

We commenced more than 40 consumer lawsuits as a last resort to right wrongs and to inform others of improper practices.

One suit brought refunds to tens of thousands of Gift House stamp savers.

Just as important, we handled consumer complaints from thousands of Minnesotans on matters ranging from business opportunity schemes to guarantees, undelivered merchandise, batteries, "free" gifts, loans, rentals and telephone solicitations.

We also went to court to remedy and prevent harm to Minnesotans in areas other than consumer protection--crime, antitrust, the environment, utilities, natural resources and health were a few--and we went to the Legislature to win passage of several new laws that we felt were necessary.

Legal action put several "fences" of stolen property in jail, stopped an apartment project on the banks of the St. Croix River, sought to stop Reserve Mining Company's daily discharge of 67,000 tons of taconite tailings into Lake Superior, cut Minnesota telephone bills \$1 million a year, fought discrimination, prevented reversals of criminal convictions on appeal and fought the energy crisis.

We commenced lawsuits to win release of hundreds of millions of dollars of federal highway, social service, pollution and education funds impounded by federal officials.

We appointed a lawyer to devote his full energies to the problems of rural Minnesota.

Some of the new laws the Legislature passed at our urging provide penalties of \$25,000 for consumer fraud, penalize polluters \$10,000 a day, protect citizens against double payment for home improvements, protect mobile home owners and make it easier to prosecute "fences" and increase the penalties.

Perhaps the most important part of the Attorney General's job as lawyer for the citizens is to be accessible to Minnesotans.

Thousands of citizens phone, write or visit us every year.

Some want an answer to a question, and others want the solution to a problem.

We try to answer all the questions and find solutions to all the problems.

We also meet with citizens in communities throughout Minnesota.

The other aspect of the Attorney General's job is to provide legal services for state government. We take our responsibility very seriously.

Our lawyers wrote contracts, collected taxes, approved leases, went to court, handled disciplinary proceedings, gave legal advice to public officials and sought to assist the operations of state government in many other ways.

We are working hard in the Attorney General's office, and we hope we are making a contribution.

#### OFFICE ACTIVITIES

##### CONSUMERS

Our litigation record in consumer matters was as follows:

Forty-One Consumer Lawsuits Were Initiated. Twenty-six were primarily concerned with consumer fraud and false advertising. Four suits were concerned with pyramid sales schemes, four with odometer tampering, three with bait and switch sales practices, three with violations of the Home Solicitation Act of 1973 and one with cruelty to animals.

Forty-One Suits Were Closed. Thirty-eight resulted in permanent injunctions, one in an order for payment of damages to the state, one in dismissal by the state and one in dismissal by the court. Payment of punitive damages was ordered in two cases and restitution in five.

Twenty-Four Consumer Cases Are Pending. Three cases are on appeal from judgments favorable to the state.

Some of the significant cases handled by our Consumer Protection Division were as follows:

- An attempt by Gift House Stamp Company to change its stamp redemption policy was successfully challenged. More than \$310,000 was refunded to 68,000 stamp savers.

- Suits were commenced against several used car dealers for tampering with the mileage recorded on automobile odometers. A permanent injunction was obtained in one suit, and the other suits are pending.

- We initiated suits against several bulk meat dealers involved in both bait and switch tactics and in short weighing consumers. A permanent injunction was obtained in one suit, and the remaining suit is pending.

- We won suits against transient peddlers of magazines who were not properly licensed and who made false representations. Permanent injunctions prohibiting the companies from doing business within the state were obtained.

- A permanent injunction and a penalty for failure to

properly register were obtained against a company which falsely represented its products were produced by handicapped workers.

- Civil penalties and a permanent injunction were recovered against a firm which fraudulently represented that it was conducting a free stereo drawing. The findings of fact issued by the court have been used by numerous consumers in conciliation court actions to recover their losses.

- A court order was obtained which immediately halted the operation of an insolvent consignment automobile sales business. Before the business was allowed to reopen, it was required to establish procedural safeguards which prevented additional money losses by consumers.

- Suits were commenced against several companies involved in fraudulent business opportunity schemes. A permanent injunction was obtained in one suit, and the remaining suits are pending.

- Permanent injunctions were obtained against several buyers' clubs which misrepresented the services they supplied and the potential savings.

- A suit challenged the sales presentation used by the publishers of a major encyclopedia.

- A permanent injunction was obtained against a company which fraudulently reported, by way of mail solicitations, that consumers had won free vacation trips. This case is on appeal to the Minnesota Supreme Court.

- A permanent injunction and an offer of restitution were obtained against a company which was involved in the fraudulent sale of hearing aids.

- A phony non-profit corporation was permanently enjoined from doing business in the state.

- An order for recovery of damages was obtained against a circus which used fraud in the sale of its tickets.

The Consumer Protection Division received approximately 40,000 telephone calls and took action on approximately 14,000 items of mail. The Consumer Protection Division was able to obtain an acceptable resolution of approximately 70 percent of the complaints brought to its attention.

Our lawyers also spoke to many groups of citizens concerning consumer protection.

#### SOLICITOR GENERAL

The Solicitor General and his staff of lawyers carry the primary responsibility for litigation involving the state.

Four hundred forty-four cases are on the Solicitor General's docket. One hundred ninety-nine cases were added to the docket, while 69 were closed.

Significant cases handled by the Solicitor General included:

- Legal action which prevented the development of a high-rise apartment complex on the Wisconsin side of the St. Croix River near Hudson.

• Pyramid sales. We coordinated a private class action lawsuit against Koscot Interplanetary, Inc., which resulted in a money judgment for Minnesota citizens totalling more than \$1.2 million.

• A successful defense of the Liquor Wholesalers Act of 1974 in state district court. The trial court's decision for the state is on appeal.

• Litigation probating the Edyth Bush Estate. The litigation in a \$5.5 million settlement for the state.

• Pending litigation involving the non-rotation of the state legislative candidates on the ballot.

• A successful suit to force a rollback of a Northwestern Bell Telephone Company rate increase. The suit resulted in the return of more than \$1 million to telephone users in Minnesota. We also intervened in Public Service Commission consideration now under way of a new rate increase request.

• A pending suit against the Internal Revenue Service to prevent it from collecting federal telephone excise taxes based on an amount which includes the Minnesota sales tax.

• A constitutional defense of the Minnesota Abortion Act of 1974. The case is pending in federal district court.

• Litigation involving the 1971-72 Department of Public Welfare nursing home reimbursement rate freeze. The trial court's decision in favor of the state was recently upheld by the Minnesota Supreme Court.



- A successful injunctive action against a Minnetonka home for retarded children which was found by this office and the Department of Public Welfare to be rendering inadequate care.

- Successful representation, in more than 15 separate actions, of state district court judges and supreme court justices in lawsuits commenced against them by dissatisfied litigants. Two of those actions reached the U.S. Supreme Court.

- Defenses of 10 annexation and consolidation orders of the Minnesota Municipal Commission. Six of those matters were dismissed by the court in favor of the state. Three were dropped by the appealing party prior to decision, and one matter is pending.

The Solicitor General's staff also assisted other lawyers in the Attorney General's Office with litigation matters.

#### CRIME

We lost none of the criminal appeals to the Minnesota Supreme Court which we handled to preserve convictions won by outstate prosecutors.

Convictions were affirmed in 17 cases, and 27 appeals are pending.

Our lawyers assisted in 28 criminal trials. Five trials resulted in convictions, 17 trials are pending and six cases were dismissed prior to trial.

We assisted county attorneys in 21 post-conviction and habeus corpus proceedings. Eighteen were won or are pending, and three

were lost.

Our organized crime intelligence unit is identifying organized criminal activity in Minnesota and is coordinating law enforcement action against the activity.

The unit is composed of four investigators, a data analyst, and clerical assistance under the direction of an assistant attorney general. Federal funds are paying for the unit.

One result of the efforts of our organized crime unit was the breakup of a major "fencing" operation in the Twin Cities area in cooperation with federal and local law enforcement officers. The case concerned the buying and selling of stolen property. Five persons were arrested, convicted and imprisoned.

Reports since the arrests and convictions indicate thieves are finding it more difficult to market stolen clothing and other articles in the Twin Cities area.

We also gathered, evaluated and reported information on rustling to local law enforcement officers in 1973.

#### ANTITRUST

Our lawyers worked on antitrust cases concerning plumbing fixtures, cast iron pipe, farm implements, dairy products, automobiles, mobile homes, drugs and coal.

A drug suit provided more than \$1.1 million in damages to the state and local governments. Two other suits were settled for more than \$50,000.

Civil penalties totalling \$24,000 were levied under the Antitrust Act of 1971.

Four suits for injunctive relief are pending. Three involve practices of mobile home park operators, and one challenges a dairy firm's restriction of its routemen to certain territories and prices.

Our lawyers are investigating the petroleum industry in Minnesota. One member of our staff was appointed to assist the Federal Trade Commission in its litigation against eight major oil companies.

#### CORRECTIONS

Our lawyers won three lawsuits, one was settled, two were dismissed, one case was lost, four are on appeal and seven are pending in trial court.

The cases concerned conditions at the prison medical facility, inmate religious freedom, sentence laws, inmate labor, conjugal visits, medical paroles, disclosure of reports, treatment programs and employee discharges.

We assisted in more than 75 parole revocation proceedings. Pursuant to recent U.S. Supreme Court decisions, we helped with some 20 institutional disciplinary proceedings.

Our lawyers also handled more than 65 claims against the Department of Corrections for damage to private vehicles by escaping

inmates, expenses of local law enforcement officers in recaptures and damage to property of inmates.

#### UTILITIES AND TRANSPORTATION

We appeared in 11 lawsuits on behalf of the Public Service Commission.

In one of the suits our lawyers defended the Public Utilities Act of 1974 against a challenge to its constitutionality. Six of the suits concerned carrier rates and permits, and two others involved railroad crossings.

We have opposed several requests for railroad abandonments, and our victory in the Wanda-Sanborn abandonment fight was upheld on appeal.

Our lawyers assisted the Public Service Commission at several hearings.

We also assisted the commission in implementation of the Public Utilities Act of 1974, which provides for regulation of gas and electric utilities.

#### INSURANCE

Legal activities on behalf of the Insurance Division included the following:

- We aided the commissioner in investigation and prepared legal documents to assess and collect fines from 11 companies for

transacting insurance business through unlicensed agents.

- We aided in investigation and prepared legal documents to revoke the licenses of three agents and to suspend the license of one agent.

- We assisted in negotiation with an insurance company resulting in the revision of the firm's billing statements so that they no longer constitute an unfair trade practice by automatic enrollment.

- We found that one company's claim representatives were misinterpreting the Minnesota comparative negligence law and obtained from the company satisfactory assurances that their claim representatives were properly instructed in the application of the statute. Claim adjustments were made in some cases.

- We defended two declaratory judgment actions, one of which is pending.

- We assisted the Insurance Division in reviewing the reorganization of the Title Insurance Company.

- We cooperated with the Pennsylvania Insurance Department in their obtaining a consent order against a company which was doing business unlawfully in Minnesota. A fine was levied and misleading advertising abated.

We also held hearings and promulgated rules relating to health maintenance organizations and credit life and accident and health insurance. The credit insurance rules are under

attack in state district court.

## ENVIRONMENT

Litigation for the Pollution Control Agency and Environmental Quality Council included:

- An injunction ordering a stop to Reserve Mining Company's daily discharge of 67,000 tons of taconite tailings into Lake Superior. The case is on appeal.
- A court order to release \$121 million in federal funds for sewage treatment facilities. The federal government impounded the money. The case is on appeal.
- A pending suit seeking the first assessment of civil penalties against a polluter in Minnesota.
- Settlement of a suit against the City of Bemidji to compel upgrading of sewage facilities. The city agreed to update its treatment facilities with the aid of a federal grant.
- Defense of a pending suit challenging regulations concerning environmental impact statements.
- The successful defense of the Environmental Rights Act of 1971.

Several other suits were dismissed or settled after firms installed pollution abatement equipment or set an installation schedule.

We have assisted the Pollution Control Agency in negotiation of more than 100 stipulation agreements providing schedules for

compliance with air, water and solid waste regulations. Millions of dollars worth of pollution abatement equipment will be installed as a result of the agreements. Koch Refining Company, for example, will install \$30 million worth of air and water pollution control equipment at Pine Bend.

Our lawyers represented the Pollution Control Agency and Environmental Quality Council at more than 40 public hearings involving promulgation of regulations, consideration of permit and variance applications, revocation of permits and adoption of programs.

We initiated an administrative procedure whereby alleged polluters are brought before the Pollution Control Agency by the issuance of a show cause order. This procedure has proved most effective, and its use is expanding.

We represented the Pollution Control Agency before a licensing board of the U.S. Atomic Energy Commission concerning a license for Northern States Power Company's Prairie Island nuclear power plant. We represented the state before the Atomic Energy Commission at a rulemaking hearing on regulations to control the amount of radioactive effluents discharged from nuclear power plants.

A major project was assisting the state in its efforts to obtain from the U.S. Environmental Protection Agency approval to assume and operate the National Pollutant Discharge Elimination System permit program. This program requires a permit for every

discharge into the waters of Minnesota. Minnesota was one of the first states to obtain the program, and the Pollution Control Agency is now in the process of issuing and enforcing some 1,400 permits.

We also represented the Pollution Control Agency in several Environmental Protection Agency administrative enforcement proceedings against Minnesota polluters.

#### EDUCATION

The litigation record of our lawyers was as follows:

- Four appeals to court of department orders to consolidate school districts were dismissed upon stipulation, and one case is pending.

- We won a suit in the Minnesota Supreme Court challenging the constitutionality of a consolidation statute.

- A suit filed by the state challenging federal impoundment of education funds was dismissed upon stipulation that federal funds not be withheld.

- We won a suit to stop illegal activity in the state by an out-of-state private trade school.

- Two suits challenging the state's system of financing public education were voluntarily dismissed.

- A suit challenging the state's work activity program for the handicapped was voluntarily dismissed.

- A suit challenging the commissioner's authority to order the cessation of extra-curricular activities was voluntarily dismissed.



- A suit to stop payment of school transportation aid and to stop some types of transportation was dismissed upon stipulation.

- A suit to prevent transfer of students was dismissed voluntarily.

- A suit challenging a hearing procedure of the state board in a teacher certificate revocation hearing is pending.

An administrative appeal is pending before the federal government on an expenditure of federal education funds by a local school district.

We helped the department force financial reorganization of a private trade school and obtain a consent order to prevent illegal activity by a private trade school solicitor.

Administrative hearings concerning the licenses of two private trade schools are pending.

#### HIGHER EDUCATION

Our lawyers represented the State College Board, State Board for Community Colleges, Higher Education Coordinating Commission and Higher Education Facilities Authority.

The litigation record was:

- Five lawsuits won.
- One suit settled.
- Eight pending.

Most of the litigation concerned teacher dismissals, nonrenewals and pay disputes.

We also assisted with 13 administrative hearings. Most involved teacher nonrenewals and dismissals.

Our lawyers defended against 23 money claims and four claims before the Human Rights Department.

#### SECURITIES AND REAL ESTATE

In addition to securities, real estate and subdivided land matters, our lawyers now assist the Securities Division with franchise and charities matters under new state laws.

We represented the division in several lawsuits. Among the issues raised in the suits were several tests of laws administered by the division, including the real estate licensing and securities laws. One suit involved the management of residential property by an unlicensed person, and another concerned the sale of notes, mortgages and contracts for deed by a land developer using a Minnesota promoter. A third suit involved application of the subdivided land sales practices law to the sale of land near statutory cities.

In administrative proceedings, licenses of many real estate brokers, real estate salesmen and securities brokers were revoked or suspended. Some licensees were censured.

Several cease and desist orders were issued banning offers and sales of unregistered franchises.

Cease and desist orders were also issued to three subdivisions for selling unregistered subdivided land.

An order was issued to a subdivider for a hearing on alleged improper sales practices.

#### BANKING

We represented the Department of Commerce in appeals of six rulings on applications for bank charters and one ruling on an application to change a bank location.

The Minnesota Supreme Court affirmed the ruling in one case, state district courts affirmed two rulings, appellants dropped one case and three cases are pending.

The supreme court upheld approval of a new savings and loan association.

In a pending administrative action, a detached facility for a St. Paul bank is opposed.

#### HUMAN RIGHTS

The litigation record of our lawyers is as follows:

Minnesota Supreme Court. We won a suit concerning failure to grant maternity leave, and the victim received \$5,000, a

return to former position and restoration of seniority and benefits. A pending case involves an award of \$12,300 back pay and retroactive seniority to two alleged victims of racial discrimination in employment.

State District Courts. One case was lost, and four are pending. The cases involve racial, sexual and religious discrimination.

We also assisted the department in 10 proceedings before hearing examiners. We won two, lost one, four decisions are pending, one matter was settled, one hearing is pending and one hearing is in progress. Most of the proceedings involved alleged sex discrimination.

Our lawyers assisted the department in obtaining 20 conciliation agreements without the need to resort to hearings or litigation.

The agreements resulted in payment of more than \$10,000 in damages. The agreements concerned refusals to hire on the basis of race and sex, refusal to serve refreshments on the basis of race, adverse comments in a personnel file, discriminatory grooming standards, unequal health insurance benefits, sexually discriminatory want ads, unequal employment agency referrals and termination of rental agreement on the basis of race.

#### NATURAL RESOURCES

Legal activity included:

Condemnation. Seven cases are pending, three were closed.

Car Confiscations. One case is pending, 13 were closed.

Quiet Title Actions. Three cases pending, four closed.

Title Registration Actions. Twenty-six pending, 51 closed.

Other Cases. Twenty-two pending, 24 closed.

In one pending case, we are trying to stop U.S. Army Corps of Engineers channelization of the Cache River in Arkansas, because the project would cut the Minnesota mallard duck population by 15 percent. Arkansas provides winter habitat for Minnesota ducks. Other cases concern wetlands, Indian rights and mining.

We also did other work for the department.

Hearings. Two hearings were held on snowmobile regulations, one on regulations for boat storage in the Boundary Waters Canoe Area, six on water surface zoning regulations, one on utility crossing rules, one on water permit fees, one on regulations for wild and scenic rivers, one on drainage regulations, one on rules for scientific and natural areas and 14 on water permit applications.

Commissioner's Orders. Forty-five game and fish orders were prepared, two orders on migratory waterfowl sanctuary and 28 appointment and delegation orders.

Delinquent Timber Accounts. Eight accounts were uncollectible, 36 were collected and 21 are pending.

Land Exchanges. Eighteen exchanges were completed, and 29 are pending.

Claims. Action on 20 claims was completed, and no claim is pending.

Land Title Work. Two hundred forty-six titles were handled concerning game and fish projects, 18 involving lands and forestry and 169 concerning parks and recreation.

Document Approvals. A total of 4,389 documents were approved.

We drafted more than 100 pieces of legislation for the department.

#### HEALTH

We won four lawsuits while representing the State Board of Health, two suits were settled by stipulation favorable to the board, three cases are on appeal and eight cases are pending before state district courts.

Most of the suits involved the certificate of need law.

Our lawyers represented the board in many contested case hearings.

We helped collect \$7,000 in assessments against health care facilities for license violations. We also settled 20 appeals from correction orders, and 29 cases are pending. Five cases are pending on the validity of assessments.

Five pending cases involve decertification, and contested cases against a mortician and a plumber were settled in favor of the board.

## LABOR AND INDUSTRY

Legal services provided the Department of Labor and Industry included:

Litigation. Our lawyers won an injunction against an unlicensed fee employment agency, two suits are pending against agencies for false advertising and misrepresentations, one pending suit seeks an injunction against violation of a minimum wage order and one suit is pending to compel an employer to allow a safety inspection under the occupational health and safety law.

Disciplinary Hearings. Two administrative disciplinary actions by the department are pending.

Rules Hearings. We represented the department at four administrative rules hearings.

Other Activity. Our lawyers represented the department in five contested cases and 10 administrative default matters before the Occupational Safety and Health Commission. Twenty cases are pending.

Claim. We successfully defended the department against one money claim before the Legislative Claims Commission.

## MANPOWER SERVICES

We represented the Department of Manpower Services as follows:

Collection Activities. A total of 1,023 suits in state district courts to collect delinquent unemployment compensation

taxes, interest and penalties. Forty-five contested cases were disposed of, 758 judgments were docketed and 260 proofs of claim were filed in bankruptcy, probate, receivership and corporate dissolution proceedings. A total of \$411,497.18 in delinquent taxes, interest and penalties was collected.

Other Litigation. We won 10 cases concerning employment matters, lost two and settled one. Seven cases are pending.

#### SPECIAL COMPENSATION

State law provides a Special Compensation Fund to encourage employment of physically impaired employees, pay benefits to employees of uninsured employers and pay supplementary benefits to injured employees.

Our lawyers participated in 579 pre-trials, 412 hearings, 106 depositions and 94 administrative appeals for the fund. We won six appeals to court and lost one.

#### HIGHWAYS

We appeared on behalf of the Highway Department and Public Safety Department in the following actions and proceedings:

Condemnation of Land for Highways. Ninety-three state district court hearings on petitions to condemn, 456 hearings before court-appointed commissioners to determine land value, 50 state



district court trials on value and seven Minnesota Supreme Court appeals.

Implied Consent Proceedings to Revoke Licenses of Drinking Drivers Who Refused to Take Alcohol Test. Four hundred twenty-three municipal and county court hearings were won, 172 lost, 839 dismissed with revocation and 69 other dismissals. Fifty-three state district court trials were won, 29 lost, 36 dismissed with revocation. Ten Minnesota Supreme Court decisions were won, one lost and 12 pending.

Eighty-one other state district court proceedings related to revocation or suspension of driver's licenses for reasons other than violation of the implied consent law.

Claims by State Against Damages of Highways. A total of \$845,353.72 was collected, mostly through negotiation.

A suit to force the federal government to release \$30 million in highway funds is pending.

A suit by outdoor advertising firms challenging the constitutionality of the state billboard law was concluded. It will result in the removal of several hundred billboards.

#### TAXES

Legal services for the Department of Revenue included:

Minnesota Supreme Court. Nine cases won, seven lost and 23 pending.

State District Courts. Fifty-nine cases won, 12 lost, 140 settled and 243 pending.

Minnesota Tax Court. Twenty-three cases won, 62 awaiting decision, 17 lost, 115 settled, 212 pending.

Probate Courts. Eight cases won, one lost, one settled and eight pending.

We commenced 1,796 default judgment actions in state district courts to collect income, withholding and sales taxes and won 1,486 judgments.

A total of \$3,287,277.01 was collected. Remaining to be collected are 3,881 accounts.

#### WELFARE

We represented the Department of Public Welfare in 19 federal and 17 state court cases.

Our lawyers prosecuted Minnesota's claim for social service funds impounded by the federal government. We also defended the department's reform of its public assistance standards and reached a settlement concerning procedures for the return of state hospital patients from provisional discharges.

We also represented the department in 44 public assistance appeals, 16 Legislative Claims Commission hearings, 12 commitment hearings, 11 guardianship cases, 11 civil service hearings, seven habeus corpus petitions, four license appeals and more than 100

collection matters.

## PUBLIC EMPLOYEE RETIREMENT ASSOCIATION

One case in which the Public Employees Retirement Association is a defendant is pending in a state district court.

## ADMINISTRATION

Our lawyers had the following record in litigation:

- Won two suits for damage to state motor vehicles.
- Won five personnel appeals, lost one and three pending.
- Six construction contract suits pending. They concern liquidated damages and breaches of contract.

Our record in arbitration was:

- Won three proceedings to resolve construction project disputes.
- Won three proceedings to resolve labor disputes, lost one and two pending.

Our lawyers reviewed some 8,000 contracts, drafted more than 200 agreements and prepared a model consultant contract for all state agencies.

We responded to hundreds of bidding inquiries from state officials, vendors and local officials and prepared a summary of laws and court decisions for local officials on bidding.

Our lawyers prepared 75 deeds, conducted 20 title searches, drafted 21 easements and performed legal services in connection with several real property sales.

We reviewed 62 sets of administrative rules for form and execution and presented a course on rules to lawyers.

#### OTHER AGENCIES

Our lawyers provided legal services to the more than 125 other state agencies. Among the agencies are the State Agricultural Society, State Board of Medical Examiners, State Board of Pharmacy, State Arts Council, Adjutant General, Boxing Commission, Historical Society and Zoological Board.

#### OTHER WORK

The Attorney General has several responsibilities in addition to lawsuits.

Our work included legal advice to state officials, attendance at agency meetings, legal review of all new laws for the Governor, drafts and appraisals of documents and forms, assistance with administrative proceedings, drafts of rules and regulations, drafts of legislative proposals, legal advice on purchases, work on real estate transactions, legal opinions, legal advice on disciplinary proceedings, legal work on contracts and presentations to various government and citizen groups.

We answered thousands of citizen inquiries and handled

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thousands of citizen complaints. We also met with citizens throughout the state to pass along information, listen to opinions, solve problems and answer questions.

### LEGISLATION

The Legislature has acted favorably on several major proposals which we drafted and pushed. Some of the new laws:

CORRECT the mechanic's lien law so that citizens no longer face the possibility of paying twice for home improvements.

PROVIDE \$25,000 penalties for consumer fraud.

GIVE citizens three days to cancel contracts made with door-to-door salesmen.

PROVIDE penalties of \$10,000 a day for polluters.

MAKE it easier to convict "fences" of stolen property and increase the penalties.

PROHIBIT altering of odometers.

REGULATE buying clubs.

PROHIBIT "exclusive brand" arrangements in the liquor industry.

PROTECT mobile home owners.

REQUIRE landlords to pay interest on damage deposits.

PROHIBIT employment agencies from advertising non-existent jobs.

We will continue our push to win passage of:

A TOUGHER drunken driving law.

A LAW to keep handguns away from criminals, drug addicts, alcoholics, the mentally ill and untrained youths.

## OPINIONS

Several opinions of general interest warrant mention:

### GAMBLING

"Casino nights" sponsored by various clubs and groups for their members are illegal as a violation of state gambling laws. Groups sponsoring casino nights generally purchase prizes with money contributed in whole or in part by members, who are furnished with chips or play money to use at games such as blackjack, dice and roulette. The chips or play money which are accumulated are then used to obtain the prizes which are available either through an auction or at a "general store" set up for the evening. Op. Atty. Gen. 733, March 19, 1974.

### DOCUMENT TAXES

The state mortgage registry tax is payable when a loan is secured by rents payable in the future. The state deed tax is payable when a warranty deed is delivered pursuant to the terms of a contract for deed even though the contract for deed was recorded and the mortgage registry tax was paid. Ops. Atty. Gen. 474-k, June 7, 1974, and 474-k, June 10, 1974.

### PUBLIC BIDDING

Once a governmental unit has awarded a contract to a low

## CRIMINAL LAW

In cases where an indigent criminal defendant faces charges in county court, the county or counties in the county court district are obligated to pay the costs of court-appointed counsel, rather than a municipality. Op. Atty. Gen. 1023-b-3, Jan. 31, 1973.

## STATE OFF-SET POWERS

The state may collect debts by deducting the amount of the debt from a payment it is making to the debtor. Op. Atty. Gen. 24-a, Jan. 16, 1973.

## TOWN HALLS

The decision whether to build a town hall may be made either by ballot or by voice vote at the annual town meeting. Any decision on the amount of money to be raised to build a town hall must be decided by ballot, but no ballot vote is necessary if the town already has funds available to build a town hall. Op. Atty. Gen. 434-b-2, Feb. 13, 1973.

## MUNICIPAL CONTRACTS

Municipalities may not pay contractors the full amount of the contract for local improvements until completion of the

contract, since state law authorizes municipalities to make monthly progress payments of no more than 90 percent of the amount earned under the contract. Op. Atty. Gen. 707-b, April 3, 1973.

#### ALCOHOL PROBLEMS

A person who is intoxicated in public may not be confined in a jail prior to being transported to a detoxification center or other facility equipped to treat alcohol problems, since the 1971 Legislature declared that drunkenness is no longer a crime. Op. Atty. Gen. 1008, April 26, 1973.

#### POLLUTION CONTROL

Counties are authorized to use a general tax levy to finance contracts with private parties who agree to provide solid waste landfills and solid waste disposal services in the county. Counties may establish reasonable rates and charges payable by the users of the disposal services, but may not levy special assessments for such services. Op. Atty. Gen. 125a-68, June 7, 1973.

#### HUMAN RIGHTS ORDINANCES

Municipalities may enact human rights ordinances prohibiting discriminatory conduct whether or not a state law prohibits such conduct and may create a local panel to receive and investigate complaints about discriminatory practices and



refer the complaints to the municipal attorney. Op. Atty. Gen.

1006, Sept. 24, 1973.

#### PUBLIC EMPLOYEES

Public employers must grant dues check off to public employees and public employers cannot demand that the dues check off question be negotiated. Op. Atty. Gen. 270-D, Sept. 28, 1973.

#### MEDICAL CLINICS

Most counties, municipalities and hospital districts have the power to issue bonds for the construction of medical clinics. The rents payable to the governmental unit by physicians, dentists or other health professionals who lease the clinic must be sufficient to pay the principal and interest on the bonds. Op. Atty. Gen. 1001-B, March 30, 1973.

#### PURCHASE OF SCHOOL BUILDING

School districts have the authority to purchase an existing building for school purposes. Two or more districts may agree to purchase an existing building jointly for school administration or other school purposes. Op. Atty. Gen. 622j-22, Oct. 19, 1973.

#### METROPOLITAN SOLID WASTE REGULATIONS

Metropolitan area municipalities may adopt solid waste

disposal regulations as long as those regulations are not inconsistent with state statutes and regulations. Op. Atty. Gen. 477b-14, Oct. 9, 1973.

#### SCHOOL TRANSPORTATION CONTRACTS

Contracts between independent school districts and private companies for transporting students to school are subject to the statutory competitive bidding requirements. Op. Atty. Gen. 707-a-12, Dec. 11, 1973.

#### SCHOOL BOARD MEETINGS

The statute which provides that school board members must be given advance notice of the time of special school board meetings does not require that the notice be accompanied by a list of the topics which may arise. Op. Atty. Gen. 161a-16, Nov. 8, 1973.

#### SOLID WASTE PROGRAMS

Counties may enter an exclusive contract with a hauler for the collection of solid waste in the county if such a contract is necessary for the effective operation of the county solid waste management program. Counties may require all municipalities in the county to use the services of the hauler if such a requirement

is necessary for the effective operation of the county program.

Op. Atty. Gen. 125a-68, Oct. 26, 1973.

#### MUNICIPAL RECREATION PROGRAMS

A statutory city may accept easements over privately owned land for public recreational uses, since such municipalities have the power to acquire real property by several different methods for any proper governmental purpose. Op. Atty. Gen. 159A-5, April 1, 1974.

#### EASEMENTS

A 1973 state law prohibiting certain corporations from obtaining overly broad easements across private land is applicable to pipeline companies. Op. Atty. Gen. 131, March 25, 1974.

#### SCHOOL NEGOTIATIONS

State law does not require a school board to negotiate with the teachers' exclusive representative on the question of whether to create new coaching positions for athletic teams, but does require a school board to negotiate on the matter of salaries for the new positions. Op. Atty. Gen. 270D, March 13, 1974.

## RELIGIOUS INSTRUCTION

State law authorizes a student to be excused from school to attend religious instruction which is required by the rules of his or her church. A student who is excused must, however, still fulfill the school's requirements for advancement. Op. Atty. Gen. 169-o, Jan. 4, 1974.

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