



Minnesota Legislature:
Senate Bills

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House
Companion
No.

DUPLICATE
S. F. NO. 1239

A bill for an act relating to health; establishing a state board of hearing aid specialists; providing for licensure of persons who are hearing aid specialists; providing for the regulation of either the dispensing or the fitting of hearing aids to the public; providing penalties.

B. D. No. **B1982**

SENATE ACTION

Introduced by Senator *Hein*

★ Read FIRST TIME MAR 31 1975 and Referred to the
Committee on **HEALTH, WELFARE AND CORRECTIONS**
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substitute
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

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S. F.

No.

Printed Page No.

Measures. Kleinbaum, Deland and McCutcheon introduced--

S. F. No. 1239: Referred to the Committee on HEALTH, WELFARE AND CORRECTIONS

1 A bill for an act

2 relating to health; establishing a state board of
3 hearing aid specialists; providing for licensure
4 of persons who are hearing aid specialists;
5 providing for the regulation of either the
6 dispensing or the fitting of hearing aids to the
7 public; providing penalties.

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

9 Section 1. [DEFINITIONS.] Subdivision 1. For the
10 purposes of sections 1 to 18, the following words have the
11 meanings ascribed to them:

12 Subd. 2. "Department" means the department of
13 commerce.

14 Subd. 3. "License" means the license issued by the
15 state to hearing aid specialists.

16 Subd. 4. "Temporary permit" means the permit issued
17 while the applicant is in training or awaiting examination
18 to become a licensed hearing aid specialist.

19 Subd. 5. "Board" means the board of hearing aid
20 specialists.

21 Subd. 6. "Hearing aid" means a wearable instrument or
22 device designed for or offered for the purpose of aiding or
23 compensating for impaired human hearing and any parts,
24 attachments, or accessories, including earmold, but

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1 excluding batteries and cords.

2 Subd. 7. "Practice of either dispensing or fitting
3 hearing aids" includes the commercial or noncommercial
4 selection, adaptation and sale of hearing aids, and the
5 testing of hearing for these purposes. It also includes the
6 making of impressions for earmolds and counseling and
7 instruction pertaining to the selection, fitting, adaptation
8 or sale of hearing aids.

9 Subd. 8. "Sell" or "sale" means a transfer of title or
10 of the right to use by lease, bailment, or other means,
11 excluding wholesale transactions with distributors or
12 dealers.

13 Sec. 2. [LICENSE REQUIREMENT.] Subdivision 1. A
14 person involved in either the direct or indirect sale or
15 distribution of hearing aids must be licensed under sections
16 1 to 18. The license shall be conspicuously posted in the
17 licensee's office or place of business. Duplicate licenses
18 shall be issued by the department to valid license holders
19 operating more than one office without additional payment.
20 A license confers upon the holder the right to select, fit
21 or sell hearing aids.

22 Subd. 2. A corporation, partnership, trust,
23 association or other entity may engage in the business of
24 fitting, dispensing, selling or offering for sale hearing
25 aids at retail without a license if it only employs licensed
26 persons in the direct sale or fitting of the products. It
27 must file annually with the board a list of all licensed
28 hearing aid specialists directly or indirectly employed by
29 it.

30 Sec. 3. [RECEIPT.] Subdivision 1. A person who
31 practices either the fitting, dispensing, or sale of hearing
32 aids must deliver to each person supplied with a hearing aid

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1 a receipt which contains the licensee's signature, his
2 business address, the specifications of the make, model and
3 serial number of the hearing aid furnished and with full
4 terms of sale clearly stated. If an aid which is not new is
5 sold, the receipt and the container must be clearly marked
6 as "used" or "reconditioned", whichever is applicable, and
7 the receipt must state the terms of guarantee, if any.

8 Subd. 2. The receipt shall bear in no smaller type
9 than the largest used in the body copy portion the
10 following: The purchaser has been advised that any
11 examination(s) or representation(s) made by a licensed
12 hearing aid specialist in connection with either the fitting
13 or selling of this hearing aid(s) is not an examination,
14 diagnosis, or prescription by a person licensed to practice
15 medicine in this state and therefore must not be regarded as
16 medical opinion.

17 Sec. 4. [CRITERIA FOR MEDICAL REFERRAL.] Subdivision
18 1. Wherever any of the following conditions are found to
19 exist either from observations by the licensee or on the
20 basis of information furnished by the prospective hearing
21 aid user, a licensee shall, prior to either fitting,
22 dispensing or selling a hearing aid to any individual,
23 recommend in writing that his best interests would be served
24 if he would consult a licensed physician specializing in
25 diseases of the ear or, if no such licensed physician is
26 available in the community, any licensed physician.

27 (a) Visible congenital or traumatic deformity of the
28 ear.

29 (b) History of or active drainage from the ear within
30 the previous 90 days.

31 (c) History of sudden or rapidly progressive hearing
32 loss within the previous 90 days.

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1 (d) Acute or chronic dizziness.

2 (e) Unilateral hearing loss of sudden or recent onset
3 within the previous 90 days.

4 (f) Significant air-bone gap, when generally acceptable
5 standards have been established.

6 (g) Visible evidence of cerumen accumulation or a
7 foreign body in the ear canal.

8 Subd. 2. A person receiving the written recommendation
9 in subdivision 1 who elects to purchase a hearing aid must
10 sign a receipt which is kept with the other papers retained
11 by the licensee for at least seven years. Nothing in this
12 section required to be performed by a licensee means that
13 the licensee is engaged in the diagnosis of illness or the
14 practice of medicine.

15 Subd. 3. A person engaging in either the fitting,
16 dispensing, or sale of hearing aids will, when dealing with
17 a child 16 years of age or under, ascertain whether the
18 child has been examined by an otolaryngologist within six
19 months prior to the fitting. If he has not been examined, a
20 recommendation to do so must be made and this fact noted on
21 the receipt.

22 Sec. 5. [PERSONS AND PRACTICES NOT AFFECTED.] Sections
23 1 to 18 do not apply to a person who is a physician licensed
24 to practice in Minnesota as long as he is not involved in
25 the direct or indirect sale or distribution of hearing aids.

26 Sec. 6. [LICENSE BY EXPERIENCE.] For a period of six
27 months following the effective date of sections 1 to 18 an
28 applicant for a license shall be issued a license without
29 examination if the applicant:

30 (a) Has been principally engaged in either dealing in
31 or fitting hearing aids for a total period of at least two
32 years within a period of five years immediately prior to the

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1 effective date of sections 1 to 18; and

2 (b) is a person of good moral character; and

3 (c) is 18 years of age or older; and

4 (d) is free of contagious or infectious disease.

5 Sec. 7. [ISSUANCE OF LICENSE.] Subdivision 1. The
6 department shall register each applicant without
7 discrimination or examination who satisfactorily passes the
8 experience requirements as provided in section 6 or passes
9 an examination as provided in section 8. Upon the
10 applicant's payment of \$25, a license signed by the
11 department shall be issued to the applicant. The license is
12 effective until January 30 of the year following the year in
13 which issued.

14 Subd. 2. Whenever the board determines that another
15 state or jurisdiction has requirements equivalent to or
16 higher than those in effect pursuant to sections 1 to 18 and
17 that that state or jurisdiction has a program equivalent to
18 or stricter than the program for determining whether
19 applicants are qualified to either dispense or fit hearing
20 aids, the department may issue certificates of endorsement
21 to applicants who hold current, unsuspended and unrevoked
22 certificates or licenses to either fit, dispense, or sell
23 hearing aids in such other state or jurisdiction. No
24 applicants for certificate of endorsement are required to
25 submit to or undergo a qualifying examination, other than
26 the payment of fees pursuant to sections 7 and 12. The
27 holder of a certificate of endorsement is registered in the
28 same manner as licensees. The fee for an initial
29 certificate of endorsement is the same as the fee for an
30 initial license. Fees, grounds for renewal and procedures
31 for the suspension and revocation of certificates of
32 endorsement are the same as for renewal, suspension and

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1 revocation of a license.

2 Sec. 8. [LICENSE BY EXAMINATION.] Subdivision 1.

3 Applicants who do not meet qualification for license by
4 experience may obtain a license by successfully passing a
5 qualifying examination. To take the examination the
6 applicant must:

7 (a) Be at least 18 years of age; and

8 (b) Be of good moral character; and

9 (c) Have an education equivalent to a four year course
10 in an accredited high school; and

11 (d) Be free of contagious or infectious disease.

12 Subd. 2. An applicant for license by examination must
13 appear at the time, place and before the persons that the
14 department designates, to be examined by means of written
15 and practical tests to demonstrate that he is qualified to
16 practice either the dispensing, fitting or sale of hearing
17 aids. The examination administered as directed by the board
18 constituting standards for licensing shall not be conducted
19 in a manner requiring college training to pass. Nothing in
20 this examination shall imply that the applicant shall
21 possess the degree of medical competence normally expected
22 of physicians.

23 Subd. 3. The department shall give examinations as
24 required to permit applicants within 30 days following the
25 submission of the official application form.

26 Sec. 9. [TEMPORARY PERMIT.] Subdivision 1. An
27 applicant who is at least 18 years of age and fulfills the
28 requirements regarding character, education and health as
29 set forth in section 8, may obtain a temporary permit upon
30 application to the department. Previous experience, or a
31 waiting period is not required to obtain a temporary permit.

32 Subd. 2. Upon receiving an application as provided

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1 under this section and accompanied by a fee of \$25, the
2 department shall issue a temporary permit which entitles the
3 applicant to engage in either the fitting, dispensing, or
4 sale of hearing aids for a period of one year. A person
5 holding a valid hearing aid specialists license is
6 responsible for the supervision and training of the
7 applicant.

8 Subd. 3. If a temporary permit holder is under 18
9 years of age, his temporary permit may be renewed or
10 reissued until the first examination held following his 18th
11 birthday is graded and licenses resulting from the
12 examination are issued.

13 Subd. 4. The department shall issue a temporary
14 permit, for use without supervision by a licensee, to an
15 applicant entering into a hearing aid dealership as sole
16 owner, principal of a firm or as an employee-manager of a
17 corporation if he fulfills the requirements regarding age,
18 character, education and health, set forth in section 8, and
19 has been principally engaged in the practice of either
20 fitting, dispensing, or dealing in hearing aids for a period
21 of at least two years within a period of three years
22 immediately prior to this application.

23 Subd. 5. If a person who holds a temporary permit
24 under subdivision 2 has not successfully passed the
25 licensing examination within one year from the date of
26 issuance, the temporary permit may be renewed or reissued
27 once upon payment of a \$25 fee. This renewal shall not be
28 granted to holders of temporary permits under subdivision 4.

29 Sec. 10. [SCOPE OF EXAMINATION.] Subdivision 1. The
30 qualifying examination provided in section 8 shall be
31 designed to demonstrate the applicant's adequate technical
32 qualifications.

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1 Subd. 2. An applicant is to be tested in the following
2 areas as they pertain to the fitting and sale of hearing
3 aids:

4 (a) Basic physics of sound.

5 (b) The anatomy and physiology of the ear.

6 (c) The function of hearing aids.

7 (d) Knowledge and understanding of the grounds for
8 revocation, suspension, or probation of a license.

9 (e) Knowledge and understanding of criminal offenses
10 associated with violation of sections 1 to 18.

11 Subd. 3. An applicant is also to be tested in
12 practical tests of proficiency in the following techniques
13 as they pertain to the fitting of hearing aids:

14 (a) The procedures and use of equipment established by
15 the board for either the fitting, dispensing, or selling of
16 hearing aids.

17 (b) Taking earmold impressions.

18 (c) Measurement of hearing as it pertains to the
19 fitting, dispensing, or selling of aids.

20 (d) Recording and evaluation of audiograms and speech
21 audiometry to determine proper selection and adaptation of a
22 hearing aid.

23 Subd. 4. The applicant is also to be tested on his
24 knowledge regarding the medical and rehabilitation
25 facilities for hearing impaired children and adults that are
26 available in the area served.

27 Sec. 11. [NOTICE.] A person who holds a license must
28 notify the department in writing of the regular address of
29 the place or places where he engages or intends to engage in
30 either the fitting, dispensing, or the sale of hearing aids.
31 The department shall keep a record of the place of business
32 of licensees. Any notice required to be given by the

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1 department to a person who holds a license shall be mailed
2 to him by certified mail at the address of the last place of
3 business of which he has notified the department.

4 Sec. 12. [ANNUAL RENEWAL OF LICENSE.] Each person who
5 engages in either the fitting, dispensing, or sale of
6 hearing aids, shall annually, on or before January 30, pay
7 to the department a fee of \$25, for a renewal of his license
8 and must keep the certificate conspicuously posted in his
9 office or place of business at all times. Where more than
10 one office is operated by the licensee, duplicate
11 certificates shall be issued by the department for posting
12 in each location. A 30 day grace period is allowed after
13 January 30, during which licenses may be renewed on payment
14 of a fee of \$25 to the department. After expiration of the
15 grace period, the department may renew a certificate upon
16 payment of \$50. No person who applies for renewal, whose
17 license has expired, is required to submit to any
18 examination as a condition to renewal if the renewal
19 application is made within two years from the date of
20 expiration.

21 Sec. 13. [COMPLAINTS; GROUNDS FOR SUSPENSION OF
22 LICENSE.] Subdivision 1. A person wishing to make a
23 complaint against a licensee under sections 1 to 18 shall
24 file a written complaint with the department within one year
25 from the date of the action upon which the complaint is
26 based. If the department determines the charges made in the
27 complaint are sufficient to warrant a hearing to determine
28 whether the license issued should be suspended or revoked,
29 it shall make an order fixing a time and place for a hearing
30 and require the licensee complained against to appear and
31 defend against the complaint. The order shall contain a
32 copy of the complaint. The order must be served upon the

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1 licensee at least 20 days before the date set for hearing,
2 either personally or by registered mail sent to the
3 licensee's last known address. Continuances or adjournment
4 of the hearing date shall be made if for good cause. At the
5 hearing the licensee may be represented by counsel. The
6 licensee and the department have the right to take
7 depositions in advance of hearing and after service of the
8 complaint and either may compel the attendance of witnesses
9 by subpoenas issued by the department under its seal.
10 Either party taking depositions must give at least five days
11 written notice to the other party of the time and place of
12 the depositions, and the other party has the right to
13 attend, with counsel if desired, and cross-examine. An
14 appeal from the hearing may be made to the district court.

15 Subd. 2. A person may have his license revoked or
16 suspended for a fixed period by the department for any of
17 the following causes:

18 (a) The conviction of a felony, or a misdemeanor
19 involving moral turpitude. The record of conviction, or a
20 certified copy, certified by the clerk of the court or by
21 the judge in whose court the conviction is had, is
22 conclusive evidence of the conviction.

23 (b) Procuring of license by fraud or deceit practiced
24 upon the department.

25 (c) Unethical conduct, including:

26 (i) Obtaining any fee or making any sale by fraud or
27 misrepresentation.

28 (ii) Knowingly employing directly or indirectly a
29 suspended or unregistered person to perform work covered by
30 sections 1 to 18.

31 (iii) Using or causing or promoting the use of any
32 advertising matter, promotional literature, testimonial,

1 guarantee, warranty, label, brand, insignia, or any other
2 representation, however disseminated or published, which is
3 misleading, deceptive or untruthful.

4 (iv) Advertising a particular model or type of hearing
5 aid for sale when purchasers or prospective purchasers
6 responding to the advertisement cannot purchase the
7 advertised model or type, where it is established the
8 purpose of the advertisement is to obtain prospects for the
9 sale of a different model or type than that advertised.

10 (v) Representing that the service or advice of a person
11 licensed to practice medicine will be used or made available
12 in the selection, fitting, adjustment, maintenance or repair
13 of hearing aids when that is not true, or using the words
14 "doctor", "clinic" or similar words, abbreviations or
15 symbols which tend to connote the medical profession when
16 the use of those terms is not accurate.

17 (vi) Habitual intemperance.

18 (vii) Gross immorality.

19 (viii) Permitting another's use of a license.

20 (ix) Advertising a manufacturer's product or using a
21 manufacturer's name or trademark which implies a
22 relationship with the manufacturer that does not exist.

23 (x) Directly or indirectly giving or offering to give,
24 or permitting or causing to be given money or anything of
25 value to any person who advises another in a professional
26 capacity as an inducement to influence him or have him
27 influence others to purchase or contract to purchase
28 products sold or offered for sale by a hearing aid
29 specialist, or influencing persons to refrain from dealing
30 in the products of competitors.

31 (d) Conducting business while suffering from a
32 contagious or infectious disease.

1 (e) Engaging in either the fitting, dispensing, or sale
2 of hearing aids under a false name or alias with fraudulent
3 intent.

4 (f) Selling a hearing aid to a person who has not been
5 given tests utilizing appropriate established procedures and
6 instrumentation in fitting of hearing aids, except in cases
7 of selling replacement hearing aids.

8 (g) Gross incompetence or negligence in fitting,
9 dispensing, or selling hearing aids.

10 (h) Violating any provision of sections 1 to 18.

11 Sec. 14. [PROHIBITED ACTS AND PRACTICES.] No person
12 shall:

13 (a) Sell, barter, or offer to sell or barter a license;
14 or

15 (b) Purchase or procure by barter a license with intent
16 to use it as evidence of the holder's qualification to
17 practice either the fitting, dispensing, or sale of hearing
18 aids; or

19 (c) Alter a license with fraudulent intent; or

20 (d) Use or attempt to use a license which has been
21 purchased, fraudulently obtained, counterfeited or
22 materially altered; or

23 (e) Willfully make a false statement in an application
24 for license or application for renewal of a license.

25 Sec. 15. [POWERS AND DUTIES OF DEPARTMENT.] The powers
26 and duties of the department are as follows:

27 (a) To authorize all disbursements necessary to carry
28 out the provisions of sections 1 to 18.

29 (b) To supervise issuance of licenses "by experience"
30 and administer qualifying examinations to test the knowledge
31 and proficiency of applicants licensed by examination.

32 (c) To register persons who apply to the department and

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1 who are qualified to engage in either the fitting,
2 dispensing, or sale of hearing aids.

3 (d) To purchase and maintain or rent audiometric
4 equipment and other facilities necessary to carry out the
5 examination of applicants as provided in section 8.

6 (e) To issue and renew licenses.

7 (f) To suspend or revoke licenses in the manner
8 provided.

9 (g) To designate the time and place for examining
10 applicants.

11 (h) To appoint representatives to conduct or supervise
12 the examination.

13 (i) To make and publish rules and regulations necessary
14 to carry out the provisions of sections 1 to 18.

15 (j) To appoint or employ subordinate employees.

16 sec. 16. [BOARD OF HEARING AID SPECIALISTS.]

17 Subdivision 1. A board of hearing aid specialists is
18 established to guide, advise and make recommendations to the
19 department.

20 Subd. 2. Members of the board must be residents of the
21 state. The board shall consist of seven members. Four
22 members must be hearing aid specialists, one member
23 certified otolaryngologist, one member a clinical
24 audiologist who holds a master's degree in audiology from an
25 accredited university and has five years of experience, and
26 one a public member. Each hearing aid specialist on the
27 board shall have not less than five years of experience and
28 hold a valid license as a hearing aid specialist. The
29 exception is the hearing aid specialists of the first board.
30 They shall have no less than five years of experience and
31 fulfill all qualifications for "license by experience" as
32 provided in section 6.

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1 Subd. 3. All members of the board shall be appointed
2 by the governor. The term of office of each member is for
3 four years, except that two members of the first board shall
4 be appointed for two years; three shall be appointed for
5 three years; and two shall be appointed for four years.
6 Before a member's term expires, the governor shall appoint a
7 successor to assume his duties at the expiration of his
8 predecessor's term. A vacancy in the office of a member
9 shall be filled by appointment for the unexpired term. The
10 members of the board shall annually designate one member to
11 serve as chairman and another to serve as
12 secretary-treasurer.

13 No member of the board who has served two or more full
14 terms may be reappointed to the board until at least one
15 year after the expiration of his most recent full term of
16 office.

17 Subd. 4. Members of the board shall receive no
18 compensation for their services but shall be entitled to
19 their reasonable and necessary expenses incurred in
20 discharging their duties.

21 Sec. 17. [DUTIES OF THE BOARD.] The board shall advise
22 the department in all matters relating to sections 1 to 18,
23 prepare the examinations required by section 8 and assist
24 the department in carrying out the provisions of sections 1
25 to 18.

26 Sec. 18. [MEETING OF BOARD.] The board shall meet not
27 less than once each year at a place, day and hour determined
28 by the board. The board shall also meet at other times and
29 places as may be requested by the department.

30 Sec. 19. [PENALTIES.] Violations of any provisions of
31 sections 1 to 18 are a misdemeanor.

House
Companion
No.

DUPLICATE
S. F. NO. 1240

A bill for an act relating to Hennepin county; providing for certain changes in the personnel rules; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

B. D. No. B2722

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.
Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

Read FIRST TIME MAR 31 1975 and Referred to the
Committee on METROPOLITAN AND URBAN AFFAIRS

Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F. No.

Printed Page No.

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Messrs. Stokowski, Ogdahl and Davies introduced--

S. F. No. 1240: *Referred to the Committee on* METROPOLITAN AND URBAN AFFAIRS

1 A bill for an act

2 relating to Hennepin county; providing
3 for certain changes in the personnel
4 rules; amending Laws 1965, Chapter 855,
5 Section 4, Subdivision 2.

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

7 Section 1. Laws 1965, Chapter 855, Section 4,
8 Subdivision 2, is amended to read:

9 Subd. 2. [DUTIES AND POWERS OF BOARD.] It shall be the
10 duty of the personnel board as a body:

11 (a) to frame, with the assistance of the personnel
12 director, rules for the classified service. Such rules
13 shall be framed only after posted notice in each department
14 and after written notice to all department heads and labor
15 organizations whose employees are covered under the
16 provisions of this act providing for a public hearing on the
17 proposed rules or changes or amendments thereto. Such rules
18 shall be submitted to the county board who may approve or
19 reject such rules. When approved, which shall be by
20 majority vote and in the form of a written resolution, the
21 rules shall have the force and effect of law. Such rules
22 may be amended and repealed with the consent of the county
23 board in the same manner as provided for original adoption.

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1 Notwithstanding any other provisions of this act
2 personnel rules affecting employees of departments and
3 agencies paid in whole or in part by federal funds, shall
4 conform to any valid federal or state regulation affecting
5 any such department. Such rules shall provide among other
6 things:

7 ~~(1) for the rejection of otherwise eligible candidates~~
8 ~~who fail to comply with the reasonable requirements of the~~
9 ~~board with regard to age, citizenship, qualifications,~~
10 ~~residency, sex, or physical or medical condition, or who~~
11 ~~have been guilty of crime involving moral turpitude, or who~~
12 ~~have attempted any deception or fraud in connection with an~~
13 ~~application or examination, or who have been dismissed from~~
14 ~~the public service for delinquency or misconduct, or who~~
15 ~~have directly or indirectly given or promised to give any~~
16 ~~money, service, or other valuable thing to any person for or~~
17 ~~on account of his examination, appointment, or proposed~~
18 ~~appointment.~~

19 ~~(2) for examinations which shall be competitive and~~
20 ~~standardized and which may consist of any one or a~~
21 ~~combination of the following: written or oral tests of the~~
22 ~~subjective or objective type, physical tests, practical or~~
23 ~~demonstration tests, or evaluation of past training and~~
24 ~~experience. Oral tests may be of the question and answer~~
25 ~~type used to test candidates' knowledge of the duties of the~~
26 ~~position, or may be of the interview type used to test the~~
27 ~~candidates' personal fitness for the job.~~

28 ~~(3) for the creation of eligible lists upon which shall~~
29 ~~be entered the names of successful candidates in the order~~
30 ~~of their rating in the examination.~~

31 ~~(4) for the appointment to fill a vacancy of one of~~
32 ~~those who have qualified through the examination process.~~

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~~1 the vacancy is not filled by reduction, transfer, or~~
~~2 reinstatement. Three persons when available shall be~~
~~3 referred to department heads when a vacancy occurs, with~~
~~4 waiver in extreme or unique conditions subject to unanimous~~
~~5 approval of the personnel board.~~

6 (1) for the classification of all offices, positions
7 and employments in the classified service.

8 (2) for public competitive examinations to test the
9 relative fitness of applicants.

10 (3) for the public advertisement of all examinations at
11 least ten days in advance by posting such advertisement in a
12 conspicuous place in the county court house and all county
13 buildings.

14 (4) for the creation of lists of eligible candidates
15 after successful examination, in the order of their standing
16 in the examination, and without reference to time of
17 examination. Such lists shall be embraced in an eligible
18 register. The personnel board may by rule provide for
19 striking any name from the eligible register after it has
20 been two years thereon.

21 (5) for the rejection of candidates or eligibles who,
22 after the entry of their names, fail to comply with the
23 reasonable rules and requirements of the personnel board in
24 respect to age, residence, physical condition or otherwise,
25 or who have been guilty of infamous or disgraceful conduct,
26 or of any willful misrepresentation, deception or fraud in
27 connection with the examination or in connection with their
28 applications.

29 (6) for the certification of the name standing highest
30 on the appropriate list to fill any vacancy.

31 (7) for the temporary employment without examination,
32 but with the consent in each case of the personnel board, in

1240

1 cases of emergency and pending appointment from the eligible
2 list; but no such temporary employment shall continue longer
3 than 60 days, nor shall successive temporary employments be
4 permitted for the same position.

5 (8) for the transfer from one position to a similar
6 position in the same class or grade and for reinstatement of
7 persons who, without fault or delinquency, are separated
8 from the service or reduced.

9 (9) for promotion based on competitive examination and
10 upon records of efficiency, character, conduct and
11 seniority. Promotion shall be deemed, among other things,
12 to include increase in salary, and the rules shall be framed
13 to encourage the filling of vacancies by promotion rather
14 than otherwise.

15 (10) for suspension, with or without pay, for not
16 longer than 30 days, and for leave of absence, with or
17 without pay.

18 ~~(5)~~ (11) for a period of probation during which period
19 such probationer may be discharged or reduced, and he shall
20 have no right of appeal. Such period of probation shall not
21 exceed six months unless waived by unanimous approval of the
22 personnel board due to extreme or unique conditions.

23 ~~(6) for provisional employment without examination with~~
24 ~~the consent of the director, in cases of emergency and~~
25 ~~pending appointment from an eligible list, providing no~~
26 ~~provisional employment shall continue longer than 90 days.~~

27 ~~(7) for transfers including transfers from other merit~~
28 ~~systems provided that a transfer shall not result in a~~
29 ~~promotion or reduction, and for reinstatement of persons who~~
30 ~~without fault or delinquency on their part are separated~~
31 ~~from the service or reduced.~~

32 ~~(8) for promotion based upon competitive examinations~~

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1 ~~and upon the record of efficiency, whenever practicable~~
2 ~~vacancies shall be filled by promotion.~~

3 ~~(9) for suspensions without pay for no longer than 30~~
4 ~~days for disciplinary purposes, for leaves of absence with~~
5 ~~or without pay, for layoff, for hours of employment, for~~
6 ~~vacations and sick leave, severance pay, and such other~~
7 ~~benefits and emoluments as may improve the public service.~~

8 ~~(10)~~ (12) for discharge or reduction in rank of a
9 permanent employee only when the person to be discharged or
10 reduced has been presented with charges specifically stated
11 in writing and has been allowed a hearing thereon before the
12 personnel board. Records of such charges and the hearing
13 shall be filed in the office of the personnel director.

14 (b) to provide a salary and wage schedule for county
15 employees to be presented to the county board for approval
16 and to establish periods and manner in which salaries and
17 wages shall be paid.

18 (c) to make investigations either on petition of a
19 citizen or of its own motion concerning the enforcement and
20 effect of this act, to require observance of its provisions
21 and the rules made thereunder.

22 (d) to hear and determine appeals on complaints
23 respecting the administrative work of the personnel director
24 and such other matters as may be appealed to the board.

25 (e) to make such investigations as may be requested by
26 the county board or the personnel director and to report
27 thereon.

28 (f) to make an annual report to the county board on the
29 activities of the personnel department.

30 Sec. 2. This act takes effect when approved by the
31 county board of Hennepin county and upon compliance with
32 Minnesota Statutes, Section 645.021.

House
Companion
No.

DUPLICATE

S. F. NO. 1241

A bill for an act relating to health; authorizing the governor to enter into an agreement with the United States to take over responsibility for regulation of radiation sources.

B. D. No. B2043

SENATE ACTION

Introduced by Senators

Nelson

Jerian

Lewis

Read FIRST TIME MAR 31 1975

Committee on *Natural Resources and Agriculture* and Referred to the

Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

Printed Page No.

S. F. No.

1241

Messrs. Merriam, Nelson and Lewis introduced--

S. F. No. 1241: Referred to the Committee on NATURAL RESOURCES AND AGRICULTURE

1 A bill for an act

2 relating to health; authorizing the governor to
3 enter into an agreement with the United States to
4 take over responsibility for regulation of
5 radiation sources.

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

7 Section 1. [RADIATION; AGREEMENT.] Subdivision 1. The
8 governor may enter into an agreement with the United States
9 to provide for the discontinuance of any of the federal
10 government's responsibilities for production or utilization
11 facilities or for ionizing radiation with respect to
12 by-products, source and special nuclear materials, and all
13 other responsibilities not reserved to the federal
14 government under the atomic energy act of 1954, as amended,
15 and the assumption of such responsibilities by the state
16 pursuant to 73 Statutes at Large 688, when he determines
17 that it is in the interest of the state to do so after a
18 finding by himself and the United States atomic energy
19 commission that the state's program of regulation is
20 adequate.

21 Subd. 2. If the agreement so provides, the governor
22 may, in accordance with such agreement, regulate by license
23 or otherwise the use of by-product materials, source

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- 1 materials, and special nuclear materials.
- 2 Sec. 2. This act may be cited as the atomic energy
- 3 agreement enabling act.

House
Companion
No.

DUPLICATE

S. F. NO. 1242

A bill for an act relating to public health; providing for a program for the eradication of tuberculosis; allowing for standard setting and regulations; appropriating funds.

B. D. No. B2760

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

★ Read FIRST TIME _____ and Referred to the
Committee on _____
HEALTH, WELFARE AND CORRECTIONS
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

1242

Printed Page No.

S. F.

No.

1242

Messrs. Doty; Perpich, G. and Solon introduced--

S. F. No. 1242: Referred to the Committee on HEALTH, WELFARE AND CORRECTIONS

1 A bill for an act

2 relating to public health; providing for a program
3 for the eradication of tuberculosis; allowing for
4 standard setting and regulations; appropriating
5 funds.

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

7 Section 1. [TUBERCULOSIS CONTROL CLINICS.] Any county
8 or two or more adjacent counties may, by resolution adopted
9 by a majority of the members of the county board or boards
10 of the respective counties, establish and maintain
11 tuberculosis control clinics which shall provide diagnostic,
12 treatment, and prevention services for the purpose of
13 eradicating tuberculosis.

14 Sec. 2. [OUTPATIENT SUBSIDIES.] The state board of
15 health may make payments to tuberculosis control clinics and
16 health departments for the outpatient treatment and
17 prevention of tuberculosis. Payments may be made for a
18 maximum period of 24 months for a patient receiving
19 treatment therapy, and for a maximum of 12 months for a
20 patient receiving preventive therapy. Payments made by the
21 state board of health to tuberculosis control clinics and
22 health departments shall be made upon receipt of monthly
23 reports certifying that patients are on anti-tuberculosis

1242

1 medication and are under medical supervision.

2 Sec. 3. [PROVISION OF DRUGS.] The state board of
3 health may purchase and distribute anti-tuberculosis drugs
4 to tuberculosis control clinics and health departments to be
5 used for the cure and prevention of tuberculosis. Rules and
6 regulations pertaining to the treatment and prevention of
7 tuberculosis may be promulgated by the state board of
8 health.

9 Sec. 4. [APPROPRIATION.] There is appropriated from
10 the general fund in the state treasury to the state board of
11 health the sum of \$612,000 for the biennium commencing July
12 1, 1975 to implement a tuberculosis treatment and prevention
13 subsidy program to effectuate the purpose of this act.
14 Notwithstanding the provisions of Minnesota Statutes,
15 Section 16A.28, or any other law relating to the lapse of an
16 appropriation, the appropriation made by this section shall
17 not lapse but shall continue until fully expended.

House
Companion
No.

DUPLICATE
S. F. NO. 1243

A bill for an act relating to labor and employment; providing for transfer of pension or retirement fund contributions; amending Minnesota Statutes 1974, Section 179.254, Subdivision 2.

B. D. No. **B2572**

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators *Doty*

MAR 31 1975

★ Read FIRST TIME _____ and Referred to the
Committee on **GOVERNMENTAL OPERATIONS**
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

1243

S. F.
No. _____

Printed Page No.

1243

Mr. Doty introduced--

S. F. No. 1243: Referred to the Committee on GOVERNMENTAL OPERATIONS

1 A bill for an act

2 relating to labor and employment; providing for
3 transfer of pension or retirement fund
4 contributions; amending Minnesota Statutes 1974,
5 Section 179.254, Subdivision 2.

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

7 Section 1. Minnesota Statutes 1974, Section 179.254,
8 Subdivision 2, is amended to read:

9 Subd. 2. "Benefit fund" means any trust fund
10 established and operated for the purpose of providing
11 medical, hospitalization, and other types of insurance, and
12 other health and welfare benefits for construction workers.
13 ~~It does not mean~~ includes pension or retirement fund,

House
Companion
No.

DUPLICATE
S. F. NO. 1244

A bill for an act relating to crime; prohibiting obstruction of legal process; providing penalties; amending Minnesota Statutes 1974, Section 609.50.

B. D. No. B2342

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Anderson
Read FIRST TIME MAR 31 1975 and Referred to the
Committee on JUDICIARY
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

Printed Page No.

S. F. No.

1244

Mr. Anderson introduced--

S. F. No. 1244: *Referred to the Committee on JUDICIARY*

1 A bill for an act

2 relating to crime; prohibiting obstruction of
3 legal process; providing penalties; amending
4 Minnesota Statutes 1974, Section 609.50.

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

6 Section 1. Minnesota Statutes 1974, Section 609.50, is
7 amended to read:

8 609.50 [OBSTRUCTING LEGAL PROCESS OR ARREST.] Whoever
9 intentionally obstructs, hinders or prevents the lawful
10 execution of any legal process, civil or criminal, or
11 apprehension of himself or another on a charge or conviction
12 of a criminal offense or interferes with a peace officer
13 while the officer is engaged in the performance of his
14 official duties may be sentenced as follows:

15 (1) If the act was accompanied by force or violence-~~or~~
16 ~~the threat thereof~~, to imprisonment for not more than one
17 year or to payment of a fine of not more than \$1,000, or
18 both; or

19 (2) In other cases to imprisonment for not more than 90
20 days or to payment of a fine of not more than \$300, or both.

House
Companion
No.

DUPLICATE

S. F. NO. 1245

A bill for an act relating to crime; prohibiting removing, altering or obliterating identifying marks on property; providing penalties; amending Minnesota Statutes 1974, Section 609.655.

B. D. No. B2343

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Anderson 1 C. J.
Finian
Read FIRST TIME MAR 31 1975 and Referred to the
Committee on JUDICIARY
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

Printed Page No.

1245

S. F.

No.

1245

Messrs. Anderson; Keefe, J. and Merriam introduced---

S. F. No. 1245: Referred to the Committee on JUDICIARY.

1 A bill for an act
2 relating to crime; prohibiting removing, altering
3 or obliterating identifying marks on property;
4 providing penalties; amending Minnesota Statutes
5 1974, Section 609.655.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 1974, Section 609.655,
8 is amended to read:
9 609.655 [ALTERATIONS OR REMOVAL OF IDENTIFICATION
10 NUMBER.] Whoever, with intent to prevent the identification
11 of property involved, alters or removes any ~~manufacturer's~~
12 identification number on personal property or possesses any
13 personal property with knowledge that ~~the manufacturer's~~ an
14 identification number has been removed or altered is guilty
15 of a misdemeanor.

House
Companion
No.

DUPLICATE

S. F. NO. 1246

A bill for an act relating to local government; providing for the distribution of certain aids based on 1975 populations; amending Minnesota Statutes 1974, Section 447A.01, Subdivision 17.

B. D. No. B1040

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

Knutson

Anderson

Finian

★ Read FIRST TIME MAR 31 1975 and Referred to the
Committee on TAXES AND TAX LAWS
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

1246

Printed Page No.

S. F.

No.

1246

Messrs. Anderson, Knutson and Merriam introduced--

S. F. No. 1246: Referred to the Committee on TAXES AND TAX LAWS

1 A bill for an act

2 relating to local government; providing for the
3 distribution of certain aids based on 1975
4 populations; amending Minnesota Statutes 1974,
5 Section 447A.01, Subdivision 17.

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

7 Section 1. Minnesota Statutes 1974, Section 477A.01,
8 Subdivision 17, is amended to read:

9 Subd. 17. The commissioner of revenue shall make all
10 necessary calculations based on ~~the 1970 federal census and~~
11 1975 populations established by the last state or federal
12 census, or by a special census taken pursuant to section
13 275.53, or by a population estimate made by the metropolitan
14 council, the state planning agency or state demographer;
15 provided that a state, federal or special census taken in
16 1975, shall prevail over a 1975 estimate by the metropolitan
17 council, state planning agency or state demographer. The
18 commissioner shall make payments directly to the affected
19 taxing authorities in four equal parts on March 15, July 15,
20 September 15, and November 15 in 1974 and 1975.

House
Companion
No.

DUPLICATE
S. F. NO. 1247

A bill for an act relating to elections; providing for a presidential primary election; regulating the selection of convention delegates.

B. D. No. B0794

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

Purcell *Seay* *Brown*

Read FIRST TIME MAR 31 1975 and Referred to the
Committee on TRANSPORTATION AND GENERAL LEGISLATION
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

Printed Page No.

1247

S. F. No.

1247

Messrs. Gearty, Brown and Purfeerst introduced--

S. F. No. 1247: Referred to the Committee on TRANSPORTATION AND GENERAL LEGISLATION

1 A bill for an act
2 relating to elections; providing for a
3 presidential primary election; regulating the
4 selection of convention delegates.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. [PRESIDENTIAL PRIMARY ELECTION.] There
7 shall be held, on the first Tuesday in April of each year in
8 which a president and vice president of the United States
9 are to be nominated and elected, a presidential primary, at
10 which the several political parties recognized by the laws
11 of this state shall express their popular choice for the
12 party nomination to be president of the United States.
13 Sec. 2. [CANDIDATES.] Subdivision 1. A candidate is
14 placed on the primary election ballot either by filing
15 himself or by someone else filing for him with his written
16 authorization. The filing procedure is the same as in the
17 general election with a fee, except that the candidate's
18 name shall appear on the ballot without payment of a fee if
19 he submits a petition signed by 5,000 voters. All
20 candidates must file with the secretary of state ten weeks
21 prior to the election date.
22 Subd. 2. A tentative determination of the candidates

1247

1 to be listed on the primary ballot shall be announced by the
2 secretary of state ten weeks prior to the primary election
3 for the purpose of giving voters sufficient time to nominate
4 unlisted candidates by petition.

5 Subd. 3. The determination of which candidates shall
6 be listed on the ballot, in accordance with this section,
7 shall be made by the secretary of state no later than six
8 weeks before the primary election, and shall include all of
9 the persons specified in subdivision 1.

10 Subd. 4. The secretary of state shall notify each
11 person whose name is to be listed on the ballot that his
12 name will be listed unless the person submits an affidavit
13 stating that he is not a candidate for the presidential
14 nomination, does not intend to become a candidate, and would
15 not accept the nomination. The affidavit must be submitted
16 to and received by the secretary of state no later than five
17 weeks before the primary election.

18 Sec. 3. [PRESIDENTIAL PRIMARY, HOW CONDUCTED.] Except
19 as otherwise provided in this act, the presidential primary
20 election shall be announced, held, and conducted, and the
21 results canvassed and returned in the manner provided by law
22 for other primary elections and in accordance with the
23 general election laws of the state, insofar as the same are
24 applicable. Nothing contained in this act shall alter or
25 amend the existing primary election laws or the general
26 election laws except as herein specifically provided. If
27 any municipal corporation where voting machines are
28 customarily used determines that the use of said voting
29 machines would not be practical in the presidential primary,
30 the municipal corporation may substitute for the voting
31 machines a paper ballot for use in the election provided for
32 by this act.

1 Sec. 4. [AUDITOR FURNISHED INFORMATION BY SECRETARY OF
2 STATE; BALLOTS PREPARED.] Subdivision 1. Prior to February
3 1 of the year in which the presidential primary is to be
4 held, the secretary of state shall cause to be delivered to
5 the auditor of each county a notice advising him of the date
6 the election will be held. Each auditor, on receipt
7 thereof, shall cause a notice to be delivered to each town
8 and city clerk in his county, and one notice shall be posted
9 at last 15 days before the time of holding the election in
10 each district by the several town and city clerks, stating
11 the hours during which the polls will be open. No failure
12 to give the notice shall invalidate the election.

13 Subd. 2. The secretary of state shall prepare ballots
14 for use in the election. The ballots shall be printed on
15 white paper and separate ballots shall be printed for each
16 political party for whose endorsement a filing has been
17 made.

18 Sec. 5. [ENDORSED CANDIDATE.] At the election each
19 voter may cast one vote for the candidate of his choice.
20 The candidate who receives a plurality of votes cast by his
21 party will be declared to be the endorsed candidate of that
22 party.

23 Sec. 6. [SELECTION OF DELEGATES; NATIONAL CONVENTION
24 BALLOTING.] Subdivision 1. The delegates to the national
25 convention of each political party shall be apportioned
26 among the various candidates receiving at least ten percent
27 of the votes cast in the primary election, in proportion to
28 their votes.

29 The secretary of state shall certify to the state
30 chairman of each political party and each candidate listed
31 on the ballot the number of delegates to which each
32 presidential candidate is entitled.

1247

1 Subd. 2. The governor and the two United States
2 senators are uncommitted delegates to their party's
3 convention.

4 Subd. 3. Within ten days after the presidential
5 primary, the candidates who have been certified by the
6 secretary of state as eligible for delegates shall submit to
7 the secretary of state the names of the candidates'
8 delegates.

9 Sec. 7. [USE OF VOTING MACHINES.] The county auditor
10 of each county in which voting machines or electronic voting
11 systems are used shall provide all ballots, ballot labels,
12 ballot cards and other necessary printed forms and supplies
13 needed to place on the voting machines the ballots required
14 by this act which are provided by the state when paper
15 ballots are used. The total cost of printing and providing
16 the forms shall be paid by the state.

17 Sec. 8. [APPROPRIATION.] There is hereby appropriated
18 from the general fund to the secretary of state for the
19 purposes of this act the sum of \$30,000 for the biennium
20 ending June 30, 1977.

House
Companion
No.

DUPLICATE
S. F. NO. 1248

A bill for an act relating to education; prohibiting school district participation in certain joint purchasing agreements unless approval is given by the commissioner of education; directing the commissioner to give approval only if financial savings are likely to result; amending Minnesota Statutes 1974, Chapter 123, by adding a section.

B. D. No. B0441

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

O'Neil
Heimann

MAR 31 1975

Bernhagen

★ Read FIRST TIME _____ and Referred to the
Committee on EDUCATION
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

1248

S. F.

No.

Printed Page No.

1248

Messrs. O'Neill, Kleinbaum and Bernhagen introduced--

S. F. No. 1248: Referred to the Committee on EDUCATION

1 A bill for an act

2 relating to education; prohibiting school district
3 participation in certain joint purchasing
4 agreements unless approval is given by the
5 commissioner of education; directing the
6 commissioner to give approval only if financial
7 savings are likely to result; amending Minnesota
8 Statutes 1974, Chapter 123, by adding a section.

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

10 Section 1. Minnesota Statutes 1974, Chapter 123, is
11 amended by adding a section to read:

12 [123.105] [PURCHASING AGREEMENTS.] Subdivision 1. No
13 school district shall participate in a joint purchasing
14 agreement which involves another school district and is
15 formed in accordance with Minnesota Statutes, Section
16 471.59, or otherwise, unless the agreement is approved by
17 the commissioner.

18 Subd. 2. The commissioner shall approve a joint
19 purchasing agreement only if the parties to the agreement
20 demonstrate that the agreement is likely to result in
21 financial savings to the participating school districts.
22 The commissioner, in reviewing a joint purchasing agreement
23 or potential agreement, shall give consideration to the
24 savings in purchasing costs which are likely to result from

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1 the agreement and to the offsetting administrative and
2 distribution expenses which are likely to be incurred,
3 including a reasonable allowance for overhead and other
4 indirect costs of implementing the agreement. The
5 commissioner shall withdraw approval previously given if he
6 determines that a joint purchasing agreement no longer
7 results in financial savings to a participating school
8 district.

9 Subd. 3. Notwithstanding subdivision 1, a school
10 district may participate in a joint purchasing agreement not
11 approved by the commissioner if the agreement involves a
12 party which is not a governmental unit of this state; but
13 the district may participate, only to the extent required by
14 a legally binding contract concluded between the parties
15 before the effective date of this act and only until the
16 contract can be legally terminated.

17 sec. 2. This act is effective the day following its
18 final enactment.

House
Companion
No.

DUPLICATE

S. F. NO. 1249

A bill for an act relating to commerce; removing certain responsibilities for bedding from the department of labor and industry; providing penalties for mislabeling of bedding; amending Minnesota Statutes 1974, Sections 325.30; 325.32; repealing Minnesota Statutes 1974, Sections 325.28; and 325.29.

B. D. No. B0697

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators _____

★ Read FIRST TIME MAR 31 1975 _____ and Referred to the
Committee on _____
LABOR AND COMMERCE
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

1249

Printed Page No.

S. F.

No.

1249

Messrs. Stumpf, Schrom and Larson introduced--

S. F. No. 1249: Referred to the Committee on LABOR AND COMMERCE

1 A bill for an act

2 relating to commerce; removing certain
3 responsibilities for bedding from the department
4 of labor and industry; providing penalties for
5 mislabeling of bedding; amending Minnesota
6 Statutes 1974, Sections 325.30; 325.32; repealing
7 Minnesota Statutes 1974, Sections 325.28; and
8 325.29.

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

10 Section 1. Minnesota Statutes 1974, Section 325.30, is
11 amended to read:

12 325.30 [SALES FORBIDDEN; EXCEPTIONS.] No person shall
13 sell, lease, offer to sell or lease, or deliver or consign
14 for sale or lease, or have in his possession with intent to
15 sell, lease, deliver, or consign for sale or lease, any
16 bedding made, remade, or renovated in violation of sections
17 325.25 to 325.33 or any second-hand bedding unless since
18 last used it has been thoroughly sterilized and disinfected
19 ~~by an approved method of sterilization~~ as provided under
20 section 325.27. A violation of sections 325.25 to 325.33 is
21 a misdemeanor .

22 Sec. 2. Minnesota Statutes 1974, Section 325.32, is
23 amended to read:

24 325.32 [BEDDING TO BE LABELED.] No person shall make or

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1 remake, or sell, offer for sale, consign for sale, or have
2 in his possession with intent to sell, offer for sale, or
3 consign for sale any article of bedding unless the same is
4 labeled as follows:

5 ~~Upon~~ On each of such articles article of bedding
6 ~~there shall be securely sewed upon the outside thereof a~~
7 ~~label made of muslin, linen, or other~~ durable material not
8 less than three by four and one-half inches in size shall be
9 displayed, upon which shall be in plain print, in the
10 English language, a description of the material used as
11 filling of such article of bedding; and, if such material,
12 or any portion thereof, shall not have been previously used,
13 the words "manufactured of new material" shall appear upon
14 the label, together with the name and address of the maker
15 or vendor thereof. If any of the material used in the
16 making or remaking of such article of bedding shall have
17 been previously used, the words "manufactured of second-hand
18 material" or "remade of second-hand material," as the case
19 may be, shall appear upon the label, together with the name
20 and address of the maker or vendor thereof, and also a
21 description of the material used in the filling of such
22 article of bedding. On any article of bedding, not remade,
23 but which has been previously used, the words "second-hand
24 materials used in filling not known" shall appear upon the
25 label, together with the name and address of the vendor
26 thereof.

27 The statement required under this section shall be in
28 form as follows:

29

30 "OFFICIAL STATEMENT

31 Materials used in filling

32 Made by.....

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1 Vendor

2 Address

3 This article is made in compliance with an act of the
4 State of Minnesota approved the day
5 of, 1929."

6 The statement of compliance required in the foregoing
7 official statement shall not be construed to imply that it
8 is prohibited to state also that the article of bedding is
9 made in compliance with any act or acts of other states.

10 The words "manufactured of new material," or
11 "manufactured of second-hand material," or any article of
12 bedding not remade, "second-hand materials used in filling
13 not known," together with the description of the material
14 used as filling of an article of bedding, shall be in
15 letters not less than one-eighth of an inch in height. ~~the~~
16 ~~statement of filling shall conform to rules regulating the~~
17 ~~manufacture and sale of bedding as approved by the~~
18 ~~department of labor and industry.~~ No term or description
19 likely to mislead shall be used on any label ~~required by~~
20 ~~this regulation in the description of the~~ to describe
21 material used in the filling of any article of bedding. The
22 label shall be attached to each mattress, pad, or
23 upholstered spring by sewing all four edges of the label.

24 ~~any~~ No person ~~who~~ shall remove, deface, alter, or ~~who~~
25 ~~shall~~ cause to be removed, defaced, or altered, any label or
26 tag upon any article of bedding so labeled or tagged under
27 the provisions of sections 325.25 to 325.33 ~~shall be guilty~~
28 ~~of a violation thereof.~~

29 Sec. 3. Minnesota Statutes 1974, Sections 325.28, and
30 325.29, are repealed.

31 Sec. 4. This act is effective after June 30, 1975.

House
Companion
No.

DUPLICATE

S. F. NO. 1250

A bill for an act relating to crimes and criminals; consensual sodomy and fornication; repealing Minnesota Statutes 1974, Sections 609.293, Subdivision 5; and 609.34.

B. D. No. B3174

COMPARISON ACTION

Date _____
_____ moved that

_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____

_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

1250
Introduced by Senators _____

★ Read FIRST TIME _____ MAR 31 1975 _____ and Referred to the
Committee on JUDICIARY
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

Printed Page No.

S. F. No.

1250

Messrs. Tennesen and Lewis introduced--

S. F. No. 1250: Referred to the Committee on JUDICIARY

1 A bill for an act
2 relating to crimes and criminals; consensual
3 sodomy and fornication; repealing Minnesota
4 Statutes 1974, Sections 609.293, Subdivision 5; and
5 609.34.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 1974, Sections 609.293,
8 Subdivision 5; and 609.34 are repealed.

House
Companion
No.

DUPLICATE

S. F. NO. 1251

A bill for an act relating to insurance; regulating acquisition by certain parent corporations of minority interests in certain subsidiary insurance companies; providing certain rights and procedures for dissenting shareholders; amending Minnesota Statutes 1974, Chapter 60D, by adding a section.

B. D. No. B2323

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Tanner

★ Read FIRST TIME MAR 31 1975 and Referred to the
Committee on LABOR AND COMMERCE
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F.

No.

Printed Page No.

1251

Mr. Tennesen introduced--

S. F. No. 1251: Referred to the Committee on LABOR AND COMMERCE

1 A bill for an act

2 relating to insurance; regulating acquisition by
3 certain parent corporations of minority interests
4 in certain subsidiary insurance companies;
5 providing certain rights and procedures for
6 dissenting shareholders; amending Minnesota
7 Statutes 1974, Chapter 60D, by adding a section.

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

9 Section 1. Minnesota Statutes 1974, Chapter 60D, is
10 amended by adding a section to read:

11 [60D.21] [ACQUISITION OF MINORITY INTERESTS IN
12 SUBSIDIARY INSURERS.] Subdivision 1. [ACQUISITION.] A
13 parent corporation directly or indirectly owning at least 95
14 percent of the aggregate issued and outstanding shares of
15 all classes of voting stock of a domestic company or any
16 such domestic company whose voting stock is so owned may,
17 pursuant to a plan for acquisition of minority interests in
18 such subsidiary, acquire all of its remaining issued and
19 outstanding shares of voting stock, by exchange of stock,
20 other securities, cash, other consideration or any
21 combination thereof.

22 Subd. 2. [ADOPTION OF PLAN.] The board of directors,
23 trustees or other governing body of the parent corporation
24 or the domestic company may adopt a plan for the acquisition

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1 of minority interests in a subsidiary insurer. A plan shall
2 set forth:

3 (a) The name of the company whose shares are to be
4 acquired;

5 (b) The total number of issued and outstanding shares
6 of each class of voting stock of the company, the number of
7 its shares owned by the parent corporation and, if either of
8 the foregoing is subject to change prior to the effective
9 date of acquisition, the manner in which a change might
10 occur;

11 (c) The terms and conditions of the plan, including the
12 manner and basis of exchanging the shares to be acquired for
13 shares or other securities of the parent corporation, for
14 cash or for other consideration or any combination of the
15 foregoing, the proposed effective date of acquisition and a
16 statement clearly describing the rights of dissenting
17 stockholders to demand valuation;

18 (d) If the parent corporation that has adopted the plan
19 is neither a domestic company nor authorized to do business
20 in this state, its consent to the enforcement against it in
21 this state of the rights of stockholders in accordance with
22 the terms of the plan, and a designation of the commissioner
23 as the agent upon whom process may be served against the
24 parent corporation in any action or proceeding to enforce
25 any such rights; and

26 (e) Such other provisions with respect to the plan as
27 the board of directors, trustees or other governing body
28 deems necessary or desirable, or which the commissioner may
29 prescribe.

30 Subd. 3. [REVIEW BY COMMISSIONER.] Upon adoption of
31 the plan, it shall be signed by the president and attested
32 by the secretary, or the executive officers corresponding

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1 thereto, under the corporate seal of the parent corporation
2 or the domestic company which has adopted the plan, as the
3 case may be. A certified copy of the plan, together with a
4 certificate of its adoption subscribed by such officers and
5 affirmed by them as true under the penalties of perjury and
6 under the seal of the parent corporation or the domestic
7 company, as the case may be, shall be submitted to the
8 commissioner for his approval. The commissioner shall
9 thereupon consider the plan and, if satisfied that it
10 complies with this section, is fair and equitable and not
11 inconsistent with law, he shall approve the plan. If the
12 commissioner disapproves the plan, notification of his
13 disapproval, assigning the reasons therefor, shall be given
14 in writing by him to the parent corporation or domestic
15 company that submitted the plan. No plan shall take effect
16 unless the approval of the commissioner has been obtained.
17 Subd 4. [NOTIFICATION OF STOCKHOLDERS.] If the
18 commissioner approves the plan, the parent corporation or
19 the domestic company which has adopted the plan shall
20 deliver to each person who, as of the date of delivery, is a
21 holder of record of stock to be acquired pursuant to the
22 plan, a copy of the plan, or a summary thereof approved by
23 the commissioner, in person or by depositing the same in the
24 post office, postage prepaid, addressed to the stockholder
25 at his address of record. On or before the date of
26 acquisition proposed in the plan, the parent corporation or
27 the domestic company which has adopted the plan shall file
28 with the commissioner a certificate, executed by its
29 president and attested by its secretary, or the executive
30 officers corresponding thereto, and subscribed by such
31 officers and affirmed by them as true under the penalties of
32 perjury, and under the seal of the parent corporation or the

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1 domestic company, as the case may be, attesting to
2 compliance with this subdivision.

3 Subd. 5. [OWNERSHIP OF SHARES.] Upon compliance with
4 this section, ownership of the shares to be acquired
5 pursuant to the plan shall vest in the parent corporation or
6 the domestic company which has adopted the plan on the date
7 of acquisition proposed in the plan whether or not the
8 certificates for the shares have been surrendered for
9 exchange. If the plan was adopted by the parent corporation
10 it shall be entitled to have new certificates registered in
11 its name. If the plan was adopted by the domestic company
12 the shares shall be retired and the stated capital of the
13 domestic company reduced by the par value of the retired
14 shares. Stockholders whose shares have been so acquired
15 shall thereafter retain only the right either to receive the
16 consideration to be paid in exchange for their shares
17 pursuant to the plan or to demand valuation pursuant to
18 subdivision 6.

19 Subd. 6. [NONCONSENTING SHAREHOLDERS.] Within 20 days
20 after a parent corporation or a domestic company, as the
21 case may be, delivers a plan of acquisition or an approved
22 summary of the plan to a shareholder of the domestic company
23 in the manner required by subdivision 4, the shareholder may
24 notify the parent corporation or the domestic company, as
25 the case may be, in writing that he elects to dissent from
26 the plan and that he demands payment of the fair value of
27 his shares in accordance with the procedures of subdivisions
28 7 to 15.

29 Subd. 7. [SHARES COVERED BY DISSENT.] A shareholder
30 may not dissent as to less than all of the shares held by
31 him of record or that he owns beneficially.

32 Subd. 8. [LIMITATION OF DISSENTING SHAREHOLDER

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1 RIGHTS.] Upon filing a notice of election under this
2 section, a shareholder shall cease to have any of the rights
3 of a stockholder except the right to be paid the fair value
4 of his shares and the rights provided by this section. No
5 notice of election may be withdrawn except upon written
6 notice to the parent corporation or the domestic company.
7 At the time of filing the notice of election or within 15
8 days thereafter, a shareholder shall submit the certificates
9 representing his shares to the domestic company, or to its
10 transfer agent. The company or agent shall note
11 conspicuously on the certificates that a notice of election
12 has been filed and shall return the certificates to the
13 shareholder or any other person who submitted them on the
14 shareholder's behalf.

15 Subd. 9. [CORPORATION MAY INITIATE PROCEEDINGS.] A
16 parent corporation or domestic company may, within 90 days
17 after the delivery of a plan or approved summary in the
18 manner required by subdivision 4, institute proceedings in
19 the district court of the judicial district in which the
20 principal office of the domestic company is located to
21 determine the rights of dissenting shareholders and to fix
22 the value of their shares.

23 Subd. 10. [DISSENTING SHAREHOLDER MAY INITIATE
24 PROCEEDINGS.] If a parent corporation or domestic company
25 fails to institute proceedings in the manner provided by
26 subdivision 9, a dissenting shareholder may institute
27 proceedings for the same purpose not later than 30 days
28 after the expiration of the 90 day period. If no
29 proceedings are instituted within the 30 day period, all
30 rights of dissenting shareholders under subdivision 6 shall
31 be lost unless the district court, for good cause shown,
32 directs otherwise.

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1 Subd. 11. [JOINDER OF CLAIMS.] All dissenting
2 shareholders, except those who have withdrawn their notice
3 of election, shall be made parties to a proceeding initiated
4 under subdivisions 9 or 10, which proceeding shall have the
5 effect of an action quasi in rem against their shares. The
6 corporation shall serve a copy of the petition in a
7 proceeding upon each dissenting shareholder who is a
8 resident of this state, in the manner provided by law for
9 the service of a summons, and upon each nonresident
10 dissenting shareholder, either by registered mail and
11 publication, or in a manner permitted by law. The
12 jurisdiction of the court shall be plenary and exclusive.

13 Subd. 12. [VALUATION OF SHARES.] The court shall
14 determine whether a dissenting shareholder is entitled to
15 receive payment for his shares. If the corporation does not
16 request an initial determination of right to receive payment
17 or if the court otherwise finds that a dissenting
18 shareholder is entitled to payment, it shall proceed to fix
19 the value of that dissenting shareholder's shares, which for
20 the purposes of this section shall be the fair value as of
21 the close of business on the day prior to the date of
22 delivery of the plan or a summary thereof, excluding any
23 appreciation or depreciation directly or indirectly induced
24 by the corporate acquisition or its proposal. The court may
25 appoint an appraiser to receive evidence and recommend a
26 decision on the question of fair value. An appraiser shall
27 have the power, authority and duties specified in the order
28 appointing him, or in any amendment to the order.

29 Subd. 13. [FINAL ORDER.] The final order in a
30 proceeding initiated pursuant to subdivisions 9 or 10 shall
31 be entered against the corporation in favor of each
32 dissenting shareholder who is a party to the proceeding and

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1 is entitled to payment for the value of his shares in
2 accordance with the court's order.

3 Subd. 14. [COSTS AND EXPENSES.] The costs and expenses
4 of a proceeding initiated pursuant to subdivisions 9 or 10
5 shall be determined by the court and shall be assessed
6 against the corporation, except that all or a part of the
7 costs and expenses may be apportioned and assessed, as the
8 court may determine, against any or all of the dissenting
9 shareholders who are parties to the proceeding, if the court
10 finds that their refusal to accept the corporate offer was
11 arbitrary, vexatious or otherwise not in good faith. The
12 expenses shall include reasonable compensation for and the
13 reasonable expenses of the appraiser, but shall exclude the
14 fees and expenses of counsel for and experts employed by any
15 party unless the court, in its discretion, awards these fees
16 and expenses. In exercising its discretion, the court shall
17 consider whether the fair value of the shares as determined
18 in the proceeding materially exceeds the amount which the
19 parent corporation or the domestic company, as the case may
20 be, offered to pay under the plan or approved summary
21 delivered to the shareholders of the domestic company.

22 Subd. 15. [PAYMENT OF CLAIM.] Within 60 days after
23 entry of a final order as provided in subdivision 13, the
24 corporation shall pay to each dissenting shareholder the
25 amount found to be due him upon surrender of the
26 certificates representing his shares.

27 Subd. 16. [OTHER PROVISIONS.] Neither the right
28 granted by this section nor the exercise thereof by a parent
29 corporation or domestic company shall preclude the exercise
30 by it of any other rights it may have under law.

House
Companion
No.

DUPLICATE
FIRST ENGROSSMENT

S. F. NO. 1251

A bill for an act relating to insurance; regulating acquisition by certain parent corporations of minority interests in certain subsidiary insurance companies; providing certain rights and procedures for dissenting shareholders; amending Minnesota Statutes 1974, Chapter 60D, by adding a section.

B. D. No. B2323

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Tennessee

★ Read FIRST TIME MAR 31 1975 and Referred to the
Committee on LABOR AND COMMERCE
Committee Recommendation and Adoption of Report

To Pass as Amended APR 17 1975

★ Read SECOND TIME APR 17 1975
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

1251

S. F.

NO

Printed Page No.

SENATE
STATE OF MINNESOTA
SIXTY-NINTH LEGISLATURE

S. F. NO. 1251

1251

Introduced by Tennesen.
Read First Time Mar. 31, 1975, and Referred to
the Committee on Labor and Commerce.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted Apr. 17, 1975.
Read Second Time Apr. 17, 1975.

1 A bill for an act
2 relating to insurance; regulating acquisition by
3 certain parent corporations of minority interests
4 in certain subsidiary insurance companies;
5 providing certain rights and procedures for
6 dissenting shareholders; amending Minnesota
7 Statutes 1974, Chapter 60D, by adding a section.
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
9 Section 1. Minnesota Statutes 1974, Chapter 60D, is
10 amended by adding a section to read:
11 [60D.21] [ACQUISITION OF MINORITY INTERESTS IN
12 SUBSIDIARY INSURERS.] Subdivision 1. [ACQUISITION.] A
13 parent corporation directly or indirectly owning at least 95
14 percent of the aggregate issued and outstanding shares of
15 all classes of voting stock of a domestic insurance company
16 or any such domestic insurance company whose voting stock is
17 so owned may, pursuant to a plan for acquisition of minority
18 interests in such subsidiary, acquire all of its remaining
19 issued and outstanding shares of voting stock, by exchange
20 of stock, other securities, cash, other consideration or any
21 combination thereof.
22 Subd. 2. [ADOPTION OF PLAN.] The board of directors,
23 trustees or other governing body of the parent corporation
24 or the domestic company may adopt a plan for the acquisition

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1 of minority interests in a subsidiary insurer. A plan shall
2 set forth:

3 (a) The name of the company whose shares are to be
4 acquired;

5 (b) The total number of issued and outstanding shares
6 of each class of voting stock of the company, the number of
7 its shares owned by the parent corporation and, if either of
8 the foregoing is subject to change prior to the effective
9 date of acquisition, the manner in which a change might
10 occur;

11 (c) The terms and conditions of the plan, including the
12 manner and basis of exchanging the shares to be acquired for
13 shares or other securities of the parent corporation, for
14 cash or for other consideration or any combination of the
15 foregoing, the proposed effective date of acquisition and a
16 statement clearly describing the rights of dissenting
17 stockholders to demand valuation;

18 (d) If the parent corporation that has adopted the plan
19 is neither a domestic company nor authorized to do business
20 in this state, its consent to the enforcement against it in
21 this state of the rights of stockholders in accordance with
22 the terms of the plan, and a designation of the commissioner
23 as the agent upon whom process may be served against the
24 parent corporation in any action or proceeding to enforce
25 any such rights; and

26 (e) Such other provisions with respect to the plan as
27 the board of directors, trustees or other governing body
28 deems necessary or desirable, or which the commissioner may
29 prescribe.

30 Subd. 3. [REVIEW BY COMMISSIONER.] Upon adoption of
31 the plan, it shall be signed by the president and attested
32 by the secretary, or the executive officers corresponding

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1 thereto, under the corporate seal of the parent corporation
2 or the domestic company which has adopted the plan, as the
3 case may be. A certified copy of the plan, together with a
4 certificate of its adoption subscribed by such officers and
5 affirmed by them as true under the penalties of perjury and
6 under the seal of the parent corporation or the domestic
7 company, as the case may be, shall be submitted to the
8 commissioner for his approval. The commissioner shall
9 thereupon consider the plan and, if satisfied that it
10 complies with this section, is fair and equitable and not
11 inconsistent with law, he shall approve the plan. If the
12 commissioner disapproves the plan, notification of his
13 disapproval, assigning the reasons therefor, shall be given
14 in writing by him to the parent corporation or domestic
15 company that submitted the plan. No plan shall take effect
16 unless the approval of the commissioner has been obtained.

17 Subd 4. [NOTIFICATION OF STOCKHOLDERS.] If the
18 commissioner approves the plan, the parent corporation or
19 the domestic company which has adopted the plan shall
20 deliver to each person who, as of the date of delivery, is a
21 holder of record of stock to be acquired pursuant to the
22 plan, a copy of the plan, or a summary thereof approved by
23 the commissioner, in person or by depositing the same in the
24 post office, postage prepaid, addressed to the stockholder
25 at his address of record. On or before the date of
26 acquisition proposed in the plan, the parent corporation or
27 the domestic company which has adopted the plan shall file
28 with the commissioner a certificate, executed by its
29 president and attested by its secretary, or the executive
30 officers corresponding thereto, and subscribed by such
31 officers and affirmed by them as true under the penalties of
32 perjury, and under the seal of the parent corporation or the

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1 domestic company, as the case may be, attesting to
2 compliance with this subdivision,

3 Subd. 5. [OWNERSHIP OF SHARES.] Upon compliance with
4 this section, ownership of the shares to be acquired
5 pursuant to the plan shall vest in the parent corporation or
6 the domestic company which has adopted the plan on the date
7 of acquisition proposed in the plan whether or not the
8 certificates for the shares have been surrendered for
9 exchange. If the plan was adopted by the parent corporation
10 it shall be entitled to have new certificates registered in
11 its name. If the plan was adopted by the domestic company
12 the shares shall be retired and the stated capital of the
13 domestic company reduced by the par value of the retired
14 shares. Stockholders whose shares have been so acquired
15 shall thereafter retain only the right either to receive the
16 consideration to be paid in exchange for their shares
17 pursuant to the plan or to demand valuation pursuant to
18 subdivision 6.

19 Subd. 6. [NONCONSENTING SHAREHOLDERS.] Within 20 days
20 after a parent corporation or a domestic company, as the
21 case may be, delivers a plan of acquisition or an approved
22 summary of the plan to a shareholder of the domestic company
23 in the manner required by subdivision 4, the shareholder may
24 notify the parent corporation or the domestic company, as
25 the case may be, in writing that he elects to dissent from
26 the plan and that he demands payment of the fair value of
27 his shares in accordance with the procedures of subdivisions
28 7 to 15.

29 Subd. 7. [SHARES COVERED BY DISSENT.] A shareholder
30 may not dissent as to less than all of the shares held by
31 him of record or that he owns beneficially.

32 Subd. 8. [LIMITATION OF DISSENTING SHAREHOLDER

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1 RIGHTS.] Upon filing a notice of election under this
2 section, a shareholder shall cease to have any of the rights
3 of a stockholder except the right to be paid the fair value
4 of his shares and the rights provided by this section. No
5 notice of election may be withdrawn except upon written
6 notice to the parent corporation or the domestic company.
7 At the time of filing the notice of election or within 15
8 days thereafter, a shareholder shall submit the certificates
9 representing his shares to the domestic company, or to its
10 transfer agent. The company or agent shall note
11 conspicuously on the certificates that a notice of election
12 has been filed and shall return the certificates to the
13 shareholder or any other person who submitted them on the
14 shareholder's behalf.

15 Subd. 9. [CORPORATION MAY INITIATE PROCEEDINGS.] A
16 parent corporation or domestic company may, within 90 days
17 after the delivery of a plan or approved summary in the
18 manner required by subdivision 4, institute proceedings in
19 the district court of the judicial district in which the
20 principal office of the domestic company is located to
21 determine the rights of dissenting shareholders and to fix
22 the value of their shares.

23 Subd. 10. [DISSENTING SHAREHOLDER MAY INITIATE
24 PROCEEDINGS.] If a parent corporation or domestic company
25 fails to institute proceedings in the manner provided by
26 subdivision 9, a dissenting shareholder may institute
27 proceedings for the same purpose not later than 30 days
28 after the expiration of the 90 day period. If no
29 proceedings are instituted within the 30 day period, all
30 rights of dissenting shareholders under subdivision 6 shall
31 be lost unless the district court, for good cause shown,
32 directs otherwise.

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1 Subd. 11. [JOINDER OF CLAIMS.] All dissenting
2 shareholders, except those who have withdrawn their notice
3 of election, shall be made parties to a proceeding initiated
4 under subdivisions 9 or 10, which proceeding shall have the
5 effect of an action quasi in rem against their shares. The
6 corporation shall serve a copy of the petition in a
7 proceeding upon each dissenting shareholder who is a
8 resident of this state, in the manner provided by law for
9 the service of a summons, and upon each nonresident
10 dissenting shareholder, either by registered mail and
11 publication, or in a manner permitted by law. The
12 jurisdiction of the court shall be plenary and exclusive.

13 Subd. 12. [VALUATION OF SHARES.] The court shall
14 determine whether a dissenting shareholder is entitled to
15 receive payment for his shares. If the corporation does not
16 request an initial determination of right to receive payment
17 or if the court otherwise finds that a dissenting
18 shareholder is entitled to payment, it shall proceed to fix
19 the value of that dissenting shareholder's shares, which for
20 the purposes of this section shall be the fair value as of
21 the close of business on the day prior to the date of
22 delivery of the plan or a summary thereof, excluding any
23 appreciation or depreciation directly or indirectly induced
24 by the corporate acquisition or its proposal. The court may
25 appoint an appraiser to receive evidence and recommend a
26 decision on the question of fair value. An appraiser shall
27 have the power, authority and duties specified in the order
28 appointing him, or in any amendment to the order.

29 Subd. 13. [FINAL ORDER.] The final order in a
30 proceeding initiated pursuant to subdivisions 9 or 10 shall
31 be entered against the corporation in favor of each
32 dissenting shareholder who is a party to the proceeding and

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1 is entitled to payment for the value of his shares in
2 accordance with the court's order.

3 Subd. 14. [COSTS AND EXPENSES.] The costs and expenses
4 of a proceeding initiated pursuant to subdivisions 9 or 10
5 shall be determined by the court and shall be assessed
6 against the corporation, except that all or a part of the
7 costs and expenses may be apportioned and assessed, as the
8 court may determine, against any or all of the dissenting
9 shareholders who are parties to the proceeding, if the court
10 finds that their refusal to accept the corporate offer was
11 arbitrary, vexatious or otherwise not in good faith. The
12 expenses shall include reasonable compensation for and the
13 reasonable expenses of the appraiser, but shall exclude the
14 fees and expenses of counsel for and experts employed by any
15 party unless the court, in its discretion, awards these fees
16 and expenses. In exercising its discretion, the court shall
17 consider whether the fair value of the shares as determined
18 in the proceeding materially exceeds the amount which the
19 parent corporation or the domestic company, as the case may
20 be, offered to pay under the plan or approved summary
21 delivered to the shareholders of the domestic company.

22 Subd. 15. [PAYMENT OF CLAIM.] Within 60 days after
23 entry of a final order as provided in subdivision 13, the
24 corporation shall pay to each dissenting shareholder the
25 amount found to be due him upon surrender of the
26 certificates representing his shares.

27 Subd. 16. [OTHER PROVISIONS.] Neither the right
28 granted by this section nor the exercise thereof by a parent
29 corporation or domestic company shall preclude the exercise
30 by it of any other rights it may have under law.

House
Companion
No.

DUPLICATE
SECOND ENGROSSMENT

S. F. NO. 1251

A bill for an act relating to insurance; regulating acquisition by certain parent corporations of minority interests in certain subsidiary insurance companies; providing certain rights and procedures for dissenting shareholders; amending Minnesota Statutes 1974, Chapter 60D, by adding a section.

B. D. No. B2323

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Tennessen
Read FIRST TIME MAR 31 1975 and Referred to the
Committee on LABOR AND COMMERCE
Committee Recommendation and Adoption of Report
To Pass as Amended APR 17 1975

★ Read SECOND TIME APR 17 1975
Committee of the Whole
To pass as amended APR 23 1975

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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Printed Page No.

S. F. No. _____

Introduced by Tennesen.
Read First Time Mar. 31, 1975, and Referred to
the Committee on Labor and Commerce.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted Apr. 17, 1975.
Read Second Time Apr. 17, 1975.
Committee of the Whole. To Pass as Amended Apr. 23, 1975.

1 A bill for an act

2 relating to insurance; regulating acquisition by
3 certain parent corporations of minority interests
4 in certain subsidiary insurance companies;
5 providing certain rights and procedures for
6 dissenting shareholders; amending Minnesota
7 Statutes 1974, Chapter 60D, by adding a section.

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

9 Section 1. Minnesota Statutes 1974, Chapter 60D, is
10 amended by adding a section to read:

11 [60D.21] [ACQUISITION OF MINORITY INTERESTS IN
12 SUBSIDIARY INSURERS.] Subdivision 1. [ACQUISITION.] A
13 parent corporation directly or indirectly owning at least 95
14 percent of the aggregate issued and outstanding shares of
15 each and every class of voting stock of a domestic insurance
16 company or any such domestic insurance company whose voting
17 stock is so owned may, pursuant to a plan for acquisition of
18 minority interests in such subsidiary, acquire all of its
19 remaining issued and outstanding shares of voting stock, by
20 exchange of stock, other securities, cash, other
21 consideration or any combination thereof.

22 Subd. 2. [ADOPTION OF PLAN.] The board of directors,
23 trustees or other governing body of the parent corporation
24 or the domestic company may adopt a plan for the acquisition

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1 of minority interests in a subsidiary insurer. A plan shall
2 set forth:

3 (a) The name of the company whose shares are to be
4 acquired;

5 (b) The total number of issued and outstanding shares
6 of each class of voting stock of the company, the number of
7 its shares owned by the parent corporation and, if either of
8 the foregoing is subject to change prior to the effective
9 date of acquisition, the manner in which a change might
10 occur;

11 (c) The terms and conditions of the plan, including the
12 manner and basis of exchanging the shares to be acquired for
13 shares or other securities of the parent corporation, for
14 cash or for other consideration or any combination of the
15 foregoing, the proposed effective date of acquisition and a
16 statement clearly describing the rights of dissenting
17 stockholders to demand valuation;

18 (d) If the parent corporation that has adopted the plan
19 is neither a domestic company nor authorized to do business
20 in this state, its consent to the enforcement against it in
21 this state of the rights of stockholders in accordance with
22 the terms of the plan, and a designation of the commissioner
23 as the agent upon whom process may be served against the
24 parent corporation in any action or proceeding to enforce
25 any such rights; and

26 (e) Such other provisions with respect to the plan as
27 the board of directors, trustees or other governing body
28 deems necessary or desirable, or which the commissioner may
29 prescribe.

30 Subd. 3. [REVIEW BY COMMISSIONER.] Upon adoption of
31 the plan, it shall be signed by the president and attested
32 by the secretary, or the executive officers corresponding

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1 thereto, under the corporate seal of the parent corporation
2 or the domestic company which has adopted the plan, as the
3 case may be. A certified copy of the plan, together with a
4 certificate of its adoption subscribed by such officers and
5 affirmed by them as true under the penalties of perjury and
6 under the seal of the parent corporation or the domestic
7 company, as the case may be, shall be submitted to the
8 commissioner for his approval. The commissioner shall
9 thereupon consider the plan and, if satisfied that it
10 complies with this section, is fair and equitable and not
11 inconsistent with law, he shall approve the plan. If the
12 commissioner disapproves the plan, notification of his
13 disapproval, assigning the reasons therefor, shall be given
14 in writing by him to the parent corporation or domestic
15 company that submitted the plan. No plan shall take effect
16 unless the approval of the commissioner has been obtained.

17 Subd 4. [NOTIFICATION OF STOCKHOLDERS.] If the
18 commissioner approves the plan, the parent corporation or
19 the domestic company which has adopted the plan shall
20 deliver to each person who, as of the date of delivery, is a
21 holder of record of stock to be acquired pursuant to the
22 plan, a copy of the plan, or a summary thereof approved by
23 the commissioner, in person or by depositing the same in the
24 post office, postage prepaid, addressed to the stockholder
25 at his address of record. On or before the date of
26 acquisition proposed in the plan, the parent corporation or
27 the domestic company which has adopted the plan shall file
28 with the commissioner a certificate, executed by its
29 president and attested by its secretary, or the executive
30 officers corresponding thereto, and subscribed by such
31 officers and affirmed by them as true under the penalties of
32 perjury, and under the seal of the parent corporation or the

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1 domestic company, as the case may be, attesting to
2 compliance with this subdivision.

3 Subd. 5. [OWNERSHIP OF SHARES.] Upon compliance with
4 this section, ownership of the shares to be acquired
5 pursuant to the plan shall vest in the parent corporation or
6 the domestic company which has adopted the plan on the date
7 of acquisition proposed in the plan whether or not the
8 certificates for the shares have been surrendered for
9 exchange. If the plan was adopted by the parent corporation
10 it shall be entitled to have new certificates registered in
11 its name. If the plan was adopted by the domestic company
12 the shares shall be retired and the stated capital of the
13 domestic company reduced by the par value of the retired
14 shares. Stockholders whose shares have been so acquired
15 shall thereafter retain only the right either to receive the
16 consideration to be paid in exchange for their shares
17 pursuant to the plan or to demand valuation pursuant to
18 subdivision 6.

19 Subd. 6. [NONCONSENTING SHAREHOLDERS.] Within 20 days
20 after a parent corporation or a domestic company, as the
21 case may be, delivers a plan of acquisition or an approved
22 summary of the plan to a shareholder of the domestic company
23 in the manner required by subdivision 4, the shareholder may
24 notify the parent corporation or the domestic company, as
25 the case may be, in writing that he elects to dissent from
26 the plan and that he demands payment of the fair value of
27 his shares in accordance with the procedures of subdivisions
28 7 to 15.

29 Subd. 7. [SHARES COVERED BY DISSENT.] A shareholder
30 may not dissent as to less than all of the shares held by
31 him of record or that he owns beneficially.

32 Subd. 8. [LIMITATION OF DISSENTING SHAREHOLDER

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1 RIGHTS.] Upon filing a notice of election under this
2 section, a shareholder shall cease to have any of the rights
3 of a stockholder except the right to be paid the fair value
4 of his shares and the rights provided by this section. No
5 notice of election may be withdrawn except upon written
6 notice to the parent corporation or the domestic company.
7 At the time of filing the notice of election or within 15
8 days thereafter, a shareholder shall submit the certificates
9 representing his shares to the domestic company, or to its
10 transfer agent. The company or agent shall note
11 conspicuously on the certificates that a notice of election
12 has been filed and shall return the certificates to the
13 shareholder or any other person who submitted them on the
14 shareholder's behalf.

15 Subd. 9. [CORPORATION MAY INITIATE PROCEEDINGS.] A
16 parent corporation or domestic company may, within 90 days
17 after the delivery of a plan or approved summary in the
18 manner required by subdivision 4, institute proceedings in
19 the district court of the judicial district in which the
20 principal office of the domestic company is located to
21 determine the rights of dissenting shareholders and to fix
22 the value of their shares.

23 Subd. 10. [DISSENTING SHAREHOLDER MAY INITIATE
24 PROCEEDINGS.] If a parent corporation or domestic company
25 fails to institute proceedings in the manner provided by
26 subdivision 9, a dissenting shareholder may institute
27 proceedings for the same purpose not later than 30 days
28 after the expiration of the 90 day period. If no
29 proceedings are instituted within the 30 day period, all
30 rights of dissenting shareholders under subdivision 6 shall
31 be lost unless the district court, for good cause shown,
32 directs otherwise.

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1 Subd. 11. [JOINDER OF CLAIMS.] All dissenting
2 shareholders, except those who have withdrawn their notice
3 of election, shall be made parties to a proceeding initiated
4 under subdivisions 9 or 10, which proceeding shall have the
5 effect of an action quasi in rem against their shares. The
6 corporation shall serve a copy of the petition in a
7 proceeding upon each dissenting shareholder who is a
8 resident of this state, in the manner provided by law for
9 the service of a summons, and upon each nonresident
10 dissenting shareholder, either by registered mail and
11 publication, or in a manner permitted by law. The
12 jurisdiction of the court shall be plenary and exclusive.

13 Subd. 12. [VALUATION OF SHARES.] The court shall
14 determine whether a dissenting shareholder is entitled to
15 receive payment for his shares. If the corporation does not
16 request an initial determination of right to receive payment
17 or if the court otherwise finds that a dissenting
18 shareholder is entitled to payment, it shall proceed to fix
19 the value of that dissenting shareholder's shares, which for
20 the purposes of this section shall be the fair value as of
21 the close of business on the day prior to the date of
22 delivery of the plan or a summary thereof, excluding any
23 appreciation or depreciation directly or indirectly induced
24 by the corporate acquisition or its proposal. The court may
25 appoint an appraiser to receive evidence and recommend a
26 decision on the question of fair value. An appraiser shall
27 have the power, authority and duties specified in the order
28 appointing him, or in any amendment to the order.

29 Subd. 13. [FINAL ORDER.] The final order in a
30 proceeding initiated pursuant to subdivisions 9 or 10 shall
31 be entered against the corporation in favor of each
32 dissenting shareholder who is a party to the proceeding and

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1 is entitled to payment for the value of his shares in
2 accordance with the court's order.

3 Subd. 14. [COSTS AND EXPENSES.] The costs and expenses
4 of a proceeding initiated pursuant to subdivisions 9 or 10
5 shall be determined by the court and shall be assessed
6 against the corporation, except that all or a part of the
7 costs and expenses may be apportioned and assessed, as the
8 court may determine, against any or all of the dissenting
9 shareholders who are parties to the proceeding, if the court
10 finds that their refusal to accept the corporate offer was
11 arbitrary, vexatious or otherwise not in good faith. The
12 expenses shall include reasonable compensation for and the
13 reasonable expenses of the appraiser, but shall exclude the
14 fees and expenses of counsel for and experts employed by any
15 party unless the court, in its discretion, awards these fees
16 and expenses. In exercising its discretion, the court shall
17 consider whether the fair value of the shares as determined
18 in the proceeding materially exceeds the amount which the
19 parent corporation or the domestic company, as the case may
20 be, offered to pay under the plan or approved summary
21 delivered to the shareholders of the domestic company.

22 Subd. 15. [PAYMENT OF CLAIM.] Within 60 days after
23 entry of a final order as provided in subdivision 13, the
24 corporation shall pay to each dissenting shareholder the
25 amount found to be due him upon surrender of the
26 certificates representing his shares.

27 Subd. 16. [OTHER PROVISIONS.] Neither the right
28 granted by this section nor the exercise thereof by a parent
29 corporation or domestic company shall preclude the exercise
30 by it of any other rights it may have under law.

House
Companion
No.

DUPLICATE

S. F. NO. 1252

A bill for an act relating to the blind; providing for vending stands and machines to be operated by the blind on property of state governmental subdivisions; amending Minnesota Statutes 1974, Section 248.07, Subdivision 7.

B. D. No. 32666

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Tennassen
Guchman North
★ Read FIRST TIME MAR 31 1975 and Referred to the
Committee on TRANSPORTATION AND GENERAL LEGISLATION
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

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S. F. No. _____

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Messrs. Tennesen, Kirchner and North introduced--

S. F. No. 1252: Referred to the Committee on TRANSPORTATION AND GENERAL LEGISLATION

Pursuant to Rule 35, referred to the Committee on
Rules and Administration

1 A bill for an act
2 relating to the blind; providing for vending
3 stands and machines to be operated by the blind on
4 property of state governmental subdivisions;
5 amending Minnesota Statutes 1974, Section 248.07,
6 Subdivision 7.
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
8 Section 1. Minnesota Statutes 1974, Section 248.07,
9 Subdivision 7, is amended to read:
10 Subd. 7. [REHABILITATION OF BLIND, VENDING STANDS AND
11 MACHINES.] For the rehabilitation of blind persons the
12 commissioner of public welfare shall have exclusive
13 authority to establish and to operate vending stands and
14 vending machines in all buildings and properties owned or
15 rented exclusively by any department of the state of
16 Minnesota except the department of natural resources
17 properties operated directly by the Division of State Parks
18 and not subject to private leasing. The merchandise to be
19 dispensed by such vending stands and machines may include
20 soft drinks, (except 3.2 beer), milk, food, candies,
21 tobacco, souvenirs, notions and related items. Such vending
22 stands and vending machines herein authorized shall be
23 operated on the same basis as other vending stands for the

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1 blind established and supervised by the commissioner of
2 public welfare. The commissioner of public welfare may
3 waive this authority to displace any present private
4 individual concessionaire in any state-owned or rented
5 building or property. With the consent of the governing
6 body of a governmental subdivision of the state, the
7 commissioner may establish and supervise vending stands and
8 vending machines for the blind in any building or property
9 owned or rented by the governmental subdivision.

House
Companion
No.

DUPLICATE
FIRST ENGROSSMENT
S. F. NO. 1252

A bill for an act relating to the blind; providing for vending stands and machines to be operated by the blind on property of state governmental subdivisions; amending Minnesota Statutes 1974, Section 248.07, Subdivision 7.

B. D. No. **B2666**

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators **Tennessen**

Kirchner **North**

★ Read FIRST TIME **MAR 31 1975**
and Referred to the
Committee on **TRANSPORTATION AND GENERAL LEGISLATION**

Committee Recommendation and Adoption of Report Pursuant to Rule 35,
referred to the Committee on Rules and Administration

Re-referred to the Committee on TRANSPORTATION AND GENERAL
LEGISLATION APR 10 1975

To Pass as Amended FEB 19 1976

★ Read SECOND TIME **FEB 19 1976**
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

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S. F. No. 1252

SENATE
STATE OF MINNESOTA
SIXTY-NINTH LEGISLATURE

624
S. F. NO. 1252

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Introduced by Tennesen, Kirchner and North.
Read First Time Mar. 31, 1975, and Pursuant to Rule 35,
Referred to the Committee on Rules and Administration.
Committee Recommendation. Re-referred to the Committee on
Transportation and General Legislation.
Committee Report Adopted Apr. 10, 1975.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted Feb. 19, 1976.
Read Second Time Feb. 19, 1976.

1 A bill for an act
2 relating to the blind; providing for vending
3 stands and machines to be operated by the blind on
4 property of state governmental subdivisions;
5 amending Minnesota Statutes 1974, Section 248.07,
6 Subdivision 7.
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
8 Section 1. Minnesota Statutes 1974, Section 248.07,
9 Subdivision 7, is amended to read:
10 Subd. 7. [REHABILITATION OF BLIND, VENDING STANDS AND
11 MACHINES.] For the rehabilitation of blind persons the
12 commissioner of public welfare shall have exclusive
13 authority to establish and to operate vending stands and
14 vending machines in all buildings and properties owned or
15 rented exclusively by any department of the state of
16 Minnesota except the department of natural resources
17 properties operated directly by the Division of State Parks
18 and not subject to private leasing. The merchandise to be
19 dispensed by such vending stands and machines may include
20 soft drinks, (except 3.2 beer), milk, food, candies,
21 tobacco, souvenirs, notions and related items. Such vending
22 stands and vending machines herein authorized shall be
23 operated on the same basis as other vending stands for the

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1 blind established and supervised by the commissioner of
2 public welfare. The commissioner of public welfare may
3 waive this authority to displace any present private
4 individual concessionaire in any state-owned or rented
5 building or property. With the consent of the governing
6 body of a governmental subdivision of the state, the
7 commissioner may establish and supervise vending stands and
8 vending machines for the blind in any building or property
9 exclusively owned or rented by the governmental subdivision.

House
Companion
No.

DUPLICATE

S. F. NO. 1253

A bill for an act relating to public improvements; authorizing issuance of state building bonds for construction and equipping of a law school building at the university of Minnesota; appropriating money.

B. D. No. B2846

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

Read FIRST TIME MAR 31 1975 and Referred to the
Committee on EDUCATION
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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Printed Page No.

S. F. No.

1253

Messrs. Tennessen; Olson, J. L. and Chenoweth introduced--

S. F. No. 1253: Referred to the Committee on EDUCATION

Pursuant to Rule 35, referred to the Committee on
Rules and Administration

A bill for an act

1
2 relating to public improvements; authorizing
3 issuance of state building bonds for construction
4 and equipping of a law school building at the
5 university of Minnesota; appropriating money.

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

7 Section 1. There is appropriated from the Minnesota
8 state building fund in the state treasury to the board of
9 regents of the university of Minnesota the sum of
10 \$12,500,000 or so much thereof as may be necessary to
11 construct and equip a new law school building at the
12 Minneapolis campus of the university of Minnesota.

13 Sec. 2. To provide the moneys appropriated by section
14 1 for the constructing and equipping of the public building
15 designated in section 1, which building and its equipment
16 shall be a public improvement of a capital nature, the
17 commissioner of finance shall sell and issue Minnesota state
18 building bonds in the amount of \$12,500,000 in the manner
19 and upon the terms and conditions prescribed by Minnesota
20 Statutes, Sections 16A.63 and 16A.64 and by the
21 Constitution, Article XI, Sections 4 to 7. The proceeds of
22 the bonds, other than accrued interest and premium, are
23 appropriated and shall be credited to the Minnesota state

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1 building fund.

2 Sec. 3. In order to reduce the amount of taxes
3 otherwise required by the Constitution, Article XI, Section
4 7, to be levied for the payment of interest and principal on
5 the bonds authorized in section 2 of this act, there is
6 hereby appropriated annually to the Minnesota state building
7 bond account in the state bond fund from the general fund in
8 the state treasury a sum of money sufficient in amount, when
9 added to the balance on November 1 in each year in said
10 Minnesota state building bond account, to pay all principal
11 and interest due and to become due on said bonds within the
12 then ensuing year and to and including July 1 in the second
13 ensuing year. The moneys received and on hand pursuant to
14 the appropriation annually made by this section are
15 available in the state bond fund prior to the levy of the
16 tax in any year required by the Constitution, Article XI,
17 Section 7, and shall be used to reduce the amount of the tax
18 otherwise required to be levied.

19 Sec. 4. Notwithstanding any other provision of law,
20 all moneys appropriated by this act and all previous acts
21 for the purposes of the Minnesota state building fund shall
22 be and remain available for such purposes until and unless
23 such appropriations are specifically rescinded by law. The
24 commissioner of finance shall transfer the moneys
25 appropriated by this act in accordance with regulations
26 established pursuant to Minnesota Statutes, Section 16A.04,
27 Subdivision 4, to assure proper application and encumbrance
28 of the funds.

29 Sec. 5. This act is effective the day following its
30 final enactment.

House
Companion
No.

DUPLICATE
FIRST ENGROSSMENT
S. F. NO. 1253

A bill for an act relating to public improvements; authorizing issuance of state building bonds for construction and equipping of a law school building at the university of Minnesota; appropriating money.

B. D. No. **B2846**

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

1253
Introduced by Senators Tennessee Olson J.L.
Chenoweth
★ Read FIRST TIME MAR 31 1975 and Referred to the
Committee on EDUCATION Pursuant to Rule 35, referred to the
Committee on Rules and Administration.
Committee Recommendation and Adoption of Report
Re-referred to the Committee on FINANCE APR 10 1975
To Pass as Amended MAY 16 1975

★ Read SECOND TIME MAY 16 1975
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

Printed Page No.

S. F. No. 1253

SENATE
STATE OF MINNESOTA
SIXTY-NINTH LEGISLATURE

570

S. F. NO. 1253

1253

Introduced by Tennesen; Olson, J. L. and Chenoweth.
Read First Time Mar. 31, 1975, and Referred to
the Committee on Education.
Pursuant to Rule 35, Referred to the Committee on
Rules and Administration.
Committee Recommendation. Re-referred to the
Committee on Finance.
Committee Report Adopted Apr. 10, 1975.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted May 16, 1975.
Read Second Time May 16, 1975.

1 A bill for an act
2 relating to public improvements; authorizing
3 issuance of state building bonds for construction
4 and equipping of a law school building at the
5 university of Minnesota; appropriating money.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. There is appropriated from the Minnesota
8 state building fund in the state treasury to the board of
9 regents of the university of Minnesota the sum of
10 \$12,500,000 or so much thereof as may be necessary to
11 construct and equip a new law school building at the
12 Minneapolis campus of the university of Minnesota.
13 Sec. 2. To provide the moneys appropriated by section
14 1 for the constructing and equipping of the public building
15 designated in section 1, which building and its equipment
16 shall be a public improvement of a capital nature, the
17 commissioner of finance shall sell and issue Minnesota state
18 building bonds in the amount of \$12,880,000 in the manner
19 and upon the terms and conditions prescribed by Minnesota
20 statutes, sections 16A.63 and 16A.64 and by the
21 Constitution, Article XI, Sections 4 to 7. The proceeds of
22 the bonds, other than accrued interest and premium, are
23 appropriated and shall be credited to the Minnesota state

1 building fund.

2 Sec. 3. In order to reduce the amount of taxes
3 otherwise required by the Constitution, Article XI, Section
4 7, to be levied for the payment of interest and principal on
5 the bonds authorized in section 2 of this act, there is
6 hereby appropriated annually to the Minnesota state building
7 bond account in the state bond fund from the general fund in
8 the state treasury a sum of money sufficient in amount, when
9 added to the balance on November 1 in each year in said
10 Minnesota state building bond account, to pay all principal
11 and interest due and to become due on said bonds within the
12 then ensuing year and to and including July 1 in the second
13 ensuing year. The moneys received and on hand pursuant to
14 the appropriation annually made by this section are
15 available in the state bond fund prior to the levy of the
16 tax in any year required by the Constitution, Article XI,
17 Section 7, and shall be used to reduce the amount of the tax
18 otherwise required to be levied.

19 Sec. 4. Notwithstanding any other provision of law,
20 all moneys appropriated by this act and all previous acts
21 for the purposes of the Minnesota state building fund shall
22 be and remain available for such purposes until and unless
23 such appropriations are specifically rescinded by law. The
24 commissioner of finance shall transfer the moneys
25 appropriated by this act in accordance with regulations
26 established pursuant to Minnesota Statutes, Section 16A.04,
27 subdivision 4, to assure proper application and encumbrance
28 of the funds.

29 Sec. 5. This act is effective the day following its
30 final enactment.

House
Companion
No.

DUPLICATE

S. F. NO. 1254

A bill for an act relating to crimes; requiring the commissioner of corrections to establish a center for study, assessment and treatment of antisocial sexual behavior or contract for such study, assessment and treatment services; providing for the commitment of certain sex offenders to the commissioner of corrections for treatment or correctional disposition; repealing Minnesota Statutes 1974, Section 246.43.

B. D. No. B1002

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

Knutson Lewis (2/26/76)
Lewis (4-10-75) *Knutson* (2/26/76) *Murphy*

Read FIRST TIME MAR 31 1975 and Referred to the
Committee on HEALTH, WELFARE AND CORRECTIONS

Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

Printed Page No.

S. F.

No.

1254

Messrs. Knutson and Kirchner introduced--

S. F. No. 1254: Referred to the Committee on¹ HEALTH, WELFARE AND CORRECTIONS

1 A bill for an act

2 relating to crimes; requiring the commissioner of
3 corrections to establish a center for study,
4 assessment and treatment of antisocial sexual
5 behavior or contract for such study, assessment
6 and treatment services; providing for the
7 commitment of certain sex offenders to the
8 commissioner of corrections for treatment or
9 correctional disposition; repealing Minnesota
10 Statutes 1974, Section 246.43.

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

12 Section 1. [246.431] [DEFINITIONS.] Subdivision 1.

13 For the purposes of sections 1 to 9, the terms defined in
14 this section have the meanings given them.

15 Subd. 2. "Commissioner" means the commissioner of
16 corrections.

17 Subd. 3. "Agency" means the public or private agency
18 the commissioner of corrections has contracted with to
19 provide study, assessment and treatment of antisocial sexual
20 behavior services or the public or private agency the
21 commissioner has contracted with to evaluate, review or
22 monitor department of corrections programs related to the
23 assessment and treatment of antisocial sexual behavior,
24 depending upon the context in which the term occurs.

25 Sec. 2. [246.432] [STUDY, ASSESSMENT AND TREATMENT OF

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1 ANTISOCIAL SEXUAL BEHAVIOR; CENTER; CONTRACT FOR SERVICES.]
2 Subdivision 1. The commissioner of corrections shall
3 establish a center for the study, assessment and treatment
4 of antisocial sexual behavior or, in lieu thereof, contract
5 with a public or private agency to provide study, assessment
6 and treatment of antisocial sexual behavior services as
7 described herein. In discharge of its duties concerning the
8 study and assessment of antisocial sexual behavior, the
9 center or agency shall:

10 (a) Maintain data on persons receiving treatment for
11 antisocial sexual behavior, collate, process and utilize the
12 data in conducting research on antisocial sexual behavior.
13 The center or agency shall not in any research or report,
14 unless the same is solely for use by authorized persons
15 within the department of corrections or agency or other
16 authorized persons within the program for evaluation of
17 treatment programs for antisocial sexual behavior, indicate
18 the identity of the persons to which the data relates.

19 (b) Study the conditions, causes, assessment, and
20 methods available for prevention, control and correction of
21 antisocial sexual behavior and report to the commissioner
22 the results of any research the center or agency has
23 conducted in these or other related areas.

24 (c) Assist the commissioner in the design and
25 implementation of programs for treatment of antisocial
26 sexual behavior.

27 (d) Assess persons committed to the commissioner by
28 providing these persons with a complete physical,
29 behavioral, psychiatric and social assessment. If a center
30 has been established, the center shall create an assessment
31 team to conduct these assessments comprised of staff from
32 the center, and where necessary, persons not on the center's

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1 staff employed on a contract basis. If an agency is
2 providing assessment services, it shall create an assessment
3 team comprised of its staff and, where necessary, persons
4 from the department of corrections.

5 (e) Provide treatment for persons committed to the
6 commissioner of corrections for treatment under this act.

7 Subd. 2. If a center is established under this
8 section, the commissioner of corrections shall appoint a
9 director for a term of four years who has demonstrated
10 experience and competence in research concerning treatment
11 of antisocial sexual behavior. The director shall hire
12 staff competent in criminal law, psychiatry, psychology,
13 social welfare, corrections and medicine to perform duties
14 assigned by law to a center. The director shall also secure
15 necessary supplies and equipment.

16 To supplement the center's staff expertise or to
17 otherwise discharge the center's duties, the director may
18 enter into contracts with other public or private agencies.

19 Subd. 3. If an agency is contracted with to provide
20 study, assessment and treatment of antisocial sexual
21 behavior services, the commissioner shall establish minimum
22 standards relating to agency staff competence in criminal
23 law, psychiatry, psychology, social welfare, corrections and
24 medicine, which the agency must conform to. A plan
25 specifying the services to be provided by the agency, the
26 proposed allocation of agency and department of corrections
27 duties with respect to persons committed to the
28 commissioner, and costs of the services, must be submitted
29 to the commissioner for his approval prior to negotiation of
30 a contract.

31 Sec. 3. [246.433] [CREATION OF TREATMENT PROGRAMS.]
32 The commissioner in conjunction with the center for study,

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1 assessment and treatment of antisocial sexual behavior or in
2 conjunction with the agency contracted with to provide
3 services shall establish and maintain programs for treatment
4 of antisocial sexual behavior. These treatment programs
5 shall be provided for:

6 (a) A person who is committed to the commissioner of
7 corrections and convicted under sections 609.291, 609.292,
8 609.293, 609.295, 609.296, or 609.365 or is convicted under
9 609.17 of an attempt to commit an act prescribed by sections
10 609.291, 609.293, or 609.295.

11 (b) A person who is committed to the commissioner of
12 corrections and convicted of a crime other than one of those
13 specified in clause (a) of this section and who, upon his
14 own request, request by the prosecuting attorney, or the
15 convicting court's order has been assessed by the center's
16 or contract agency's assessment team, has been determined by
17 the assessment team to need treatment for antisocial sexual
18 behavior, and consents to receive this treatment.

19 (c) A person who has been charged with a crime but who
20 has been found under section 631.18 incompetent to stand
21 trial, or who has been acquitted by reason of mental illness
22 or mental deficiency pursuant to section 631.19, and who
23 upon request by the prosecuting attorney or the court's
24 order has been assessed by the center's or agency's
25 assessment team and found to need treatment for antisocial
26 sexual behavior. Upon the assessment team's determination
27 that a person needs treatment for antisocial sexual
28 behavior, the court shall commit that person to the
29 commissioner of corrections who shall place him in an
30 appropriate treatment program.

31 Sec. 4. [246.434] [ASSESSMENT FOR ANTISOCIAL SEXUAL
32 BEHAVIOR.] Subdivision 1. If a person who is 18 years of

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1 age or older at the time of commission of the act is
2 convicted of an attempt to commit one of the acts or of an
3 attempt to commit one of the acts specified in section 3,
4 clause (a), or a request for assessment of a convicted
5 person has been made pursuant to section 3, clauses (b) or
6 (c), the court shall commit that person to the commissioner
7 of corrections who shall cause the center's or agency's
8 assessment team to conduct a complete predisposition
9 physical, behavioral, psychiatric and social assessment of
10 the person. The assessment shall be conducted as soon as is
11 practicable following the presentence commitment to the
12 commissioner, at a place designated by the commissioner for
13 assessment.

14 The results of the assessment shall be reported to the
15 commissioner, the court and the person within 60 days of the
16 person's commitment to the commissioner for a predisposition
17 assessment.

18 Subd. 2. The predisposition assessment report shall
19 include the assessment team's determination as to whether
20 the assessed person should receive treatment for antisocial
21 sexual behavior, and the type of treatment program, if any,
22 which may most benefit the assessed person.

23 Subd. 3. Prior to determining the disposition of any
24 convicted person, the court shall provide him with the
25 opportunity for a hearing at which he shall be represented
26 by counsel, present evidence, and cross examine witnesses to
27 determine whether the findings in the predisposition report
28 are accurate and should be followed. The hearing shall be
29 conducted within one month of the court's receipt of the
30 predisposition assessment report.

31 Prior to the hearing, the convicted person may have a
32 licensed psychologist or a psychiatrist of his own choosing

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1 examine him and present as a witness on his own behalf any
2 person who has assessed him for antisocial sexual behavior,
3 and present the results of any such assessment at the
4 hearing. If the court determines the convicted person to be
5 indigent, the department of corrections shall provide for
6 payment of any assessment made by a licensed psychologist or
7 psychiatrist of the convicted person's choosing.

8 After the hearing, the court shall consider the
9 evidence presented and shall, as soon as is practicable,
10 determine the most proper disposition of the convicted
11 person.

12 Sec. 5. [246.435] [DISPOSITION OF THE CONVICTED
13 PERSON.] Subdivision 1. If the court determines that the
14 determinations made in the predisposition assessment report
15 should be followed, the court shall sentence the offender as
16 follows:

17 (a) If the report states that the convicted person
18 should not be granted probation and that he should not at
19 this time receive specialized treatment for antisocial
20 sexual behavior, or the convicted person does not consent to
21 receive this treatment, the court shall sentence him in the
22 manner provided by law and commit him to the commissioner of
23 corrections who shall place him in a state correctional
24 institution.

25 (b) If the report states that there is reasonable cause
26 to believe that the convicted person is dangerous to the
27 public, that he should receive specialized treatment for
28 antisocial sexual behavior, and the convicted person
29 consents to receive this treatment, the court shall sentence
30 him in the manner provided by law and commit him to the
31 commissioner of corrections who shall immediately place the
32 convicted person in an appropriate treatment program. Upon

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1 commitment the convicted person shall begin serving his
2 sentence while receiving the treatment upon which he and the
3 center's or contract agency's treatment staff shall agree.

4 (1) A convicted person originally placed by the
5 commissioner in a treatment program pursuant to this clause
6 who petitions the commissioner for transfer to a state
7 correctional institution shall be transferred to the same
8 within 14 days of submission of his petition to the
9 commissioner. A convicted person who is originally placed
10 by the commissioner of corrections in a treatment program
11 pursuant to this clause and has been retransferred to a
12 state correctional institution at his own request shall,
13 within 14 days of a petition to the commissioner for
14 transfer back to the original treatment program, be so
15 transferred. A convicted person shall be allowed more than
16 two transfers only at the commissioner's discretion.

17 (2) A convicted person placed in a treatment program
18 will receive the treatment upon which he and the center or
19 agency assessment and treatment staff have agreed for no
20 more than two years. If the assessment and treatment staff
21 recommends that the convicted person continue receiving
22 treatment in the program beyond the time originally agreed
23 upon by the staff and the convicted person, the commissioner
24 may order that the convicted person continue receiving
25 treatment for an additional, specified period of time. An
26 order by the commissioner shall be subject to the convicted
27 person's consent and to the running of his sentence.

28 If, at the end of the time period which the convicted
29 person and the assessment and treatment staff originally
30 agreed upon, or at the end of the additional time period
31 specified by the commissioner, the assessment and treatment
32 staff determines that there is reasonable cause to believe

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1 that he is dangerous to the public and can no longer benefit
2 from treatment for antisocial sexual behavior, the
3 commissioner may transfer the convicted person to a
4 correctional facility as the commissioner determines to be
5 in the best interest of the convicted person and public
6 safety.

7 (c) If the report states that the convicted person
8 should be granted probation, the court may grant him
9 probation, subject to the requirement that he participate in
10 a community based treatment program for antisocial sexual
11 behavior. If the committed person consents to receive this
12 treatment, the court may place him in a community based
13 program established or approved by the commissioner of
14 corrections. Successful participation in a community based
15 program is required for successful completion of probation.
16 The determination of successful completion of probation
17 shall be made by the commissioner of corrections upon the
18 recommendation of the center's or agency's assessment and
19 treatment staff in consultation with the treatment program
20 staff of the program in which the convicted person is
21 participating.

22 (d) If the report states that the convicted person is
23 not dangerous to the public and should receive treatment for
24 antisocial sexual behavior, but the convicted person does
25 not consent to receive this treatment, the court may either
26 place him on probation or commit him to the commissioner of
27 corrections in the manner provided by law.

28 Subd. 2. If the court determines that the
29 recommendations of the presentence report made pursuant to
30 section 4, subdivision 1 should not be followed, the court
31 shall make the disposition of the convicted person as
32 follows:

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1 (a) If the court determines that the convicted person
2 should not be granted probation and that he should not at
3 this time receive specialized treatment for antisocial
4 sexual behavior, or he does not consent to receive this
5 treatment, the court shall sentence him in the manner
6 provided by law and commit the offender to the commissioner
7 of corrections who shall place him in a state correctional
8 institution.

9 (b) If the court determines that the convicted person
10 should not be granted probation, but should receive
11 specialized treatment for antisocial sexual behavior, and he
12 consents to receive treatment, the court shall sentence him
13 in the manner provided by law and commit him to the
14 commissioner of corrections who shall immediately place him
15 in an appropriate treatment program. Upon commitment he
16 shall begin serving his sentence while receiving the
17 treatment upon which he and the center's staff shall agree.

18 The provisions of subdivision 1, clauses (b) (1) and
19 (b) (2) shall apply to dispositions made under clause (b) of
20 this subdivision.

21 (c) If the court determines that the convicted person
22 should be granted probation, the court may grant him
23 probation subject to the requirement that he participate in
24 a community based treatment program for antisocial sexual
25 behavior. If the convicted person consents to receive this
26 treatment, the court shall place him in a community based
27 program established or approved by the commissioner of
28 corrections. Successful participation in such a community
29 based program is required for successful completion of
30 probation. The determination of successful completion of
31 probation shall be made by the commissioner of corrections
32 upon the recommendation of the center's or agency's

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1 assessment and treatment staff in consultation with the
2 treatment program staff of the program in which the offender
3 is participating.

4 (d) If the court determines that the convicted person
5 is not dangerous to the public and should receive treatment
6 for antisocial sexual behavior, but he does not consent to
7 receive this treatment, the court may either place him on
8 probation or commit him to the commissioner of corrections
9 in the manner provided by law.

10 Sec. 6. [246.436] [OFFENDER'S CONSENT TO TREATMENT.]
11 Subdivision 1. If the court determines that the convicted
12 person should receive specialized treatment for antisocial
13 sexual behavior, before he is asked for purposes of the
14 court's disposition of the case whether he consents to
15 receive treatment, the center's or agency's treatment staff
16 shall describe as specifically as possible the nature of the
17 treatment he would receive. During any discussions with the
18 treatment staff concerning treatment proposals, the offender
19 shall be entitled to the advice of counsel or other advisor
20 approved by the court.

21 Subd. 2. The convicted person must give separate
22 consent to each type of treatment proposal in order for his
23 consent to be valid. The convicted person's consent shall
24 be given on a written form specifically describing the
25 treatment for antisocial sexual behavior proposed for the
26 offender and to which the offender consents.

27 Subd. 3. If during the offender's period of
28 commitment, the treatment staff determines that his
29 treatment program should be altered in other than a minor
30 way, the convicted person must give separate written consent
31 in the manner described in subdivision 2 to any such
32 alteration. During any discussions with the staff

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1 concerning such an alteration in his treatment program, the
2 offender may request the advice of counsel.

3 Subd. 4. An offender who has consented to receive
4 treatment may at any time revoke his consent to receiving
5 any particular type of treatment or all treatment for
6 antisocial sexual behavior. If an offender revokes his
7 consent to receiving treatment which is part of the program
8 developed for him by the treatment staff, he and the
9 treatment staff shall attempt to agree upon a new or
10 modified program for treatment of his antisocial sexual
11 behavior. If the treatment staff and an offender are unable
12 to agree upon a new or modified treatment program, the
13 commissioner of corrections may transfer the offender to a
14 state correctional institution where he shall continue to
15 serve his sentence without loss of good time by reason of
16 the transfer. An offender transferred to a state
17 correctional institution under this subdivision may request
18 a transfer back to a treatment program pursuant to section
19 5, subdivision 1, clause (b). In order for the offender to
20 remain in a treatment program upon retransfer to the same,
21 he must agree upon a treatment program with the treatment
22 staff of the treatment program.

23 Sec. 7. [246.437] [PERIODIC REASSESSMENT OF INMATES.]
24 Subdivision 1. A convicted person placed in a state
25 correctional institution because the court determined that
26 he was not at the time of disposition an appropriate
27 candidate to receive treatment for his antisocial sexual
28 behavior, or because he did not consent to receive treatment
29 when the court made disposition of his case, may petition
30 the commissioner of corrections for biannual reassessment to
31 determine whether he has become, since original disposition,
32 an appropriate candidate to receive treatment. Within ten

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1 days of the person's petition, the commissioner shall cause
2 a person who has so petitioned to be reassessed. The
3 results of this reassessment shall be reported back to the
4 commissioner within seven days of the reassessment and if it
5 appears from the reassessment that the offender should
6 receive treatment for antisocial sexual behavior, the
7 commissioner shall order that the convicted person, within
8 14 days of the commissioner's receipt of the result of the
9 reassessment, be transferred to a treatment program for
10 antisocial sexual behavior, depending upon the reassessment
11 report and whether the person consents to the transfer.

12 Subd. 2. If a person placed in a state correctional
13 institution does not petition for biannual reassessment
14 pursuant to subdivision 1, the commissioner shall cause each
15 offender under his control pursuant to this act to be
16 reassessed at least annually to determine whether existing
17 orders and dispositions of individual offenders should be
18 modified or continued in effect.

19 Subd. 3. The findings of assessments prescribed by
20 subdivision 2 shall be reported to the commissioner and if
21 an inmate is scheduled to appear before the Minnesota
22 corrections authority, to that agency as well.

23 Subd. 4. As soon as is practicable, the commissioner
24 shall cause each person who had prior to the effective date
25 of this act, been committed to him upon a conviction of one
26 of the crimes specified in section 3, clause (a) to be
27 assessed by the center's assessment team. If, after a
28 complete physical, behavioral, psychiatric and social
29 assessment, the assessment team determines that any such
30 person should receive treatment for antisocial sexual
31 behavior and the person consents to receive this treatment,
32 the commissioner shall place him in an appropriate treatment

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1 program for antisocial sexual behavior.

2 Sec. 8. [246.438] [PAROLE.] Within one month after
3 completing his participation in a treatment program to the
4 satisfaction of the treatment staff and the commissioner of
5 corrections, an offender who has participated in a treatment
6 program for antisocial sexual behavior shall have the right
7 to appear before the Minnesota corrections authority for
8 consideration of his parole eligibility.

9 Sec. 9. [246.439] [REVIEW AND EVALUATION PROGRAMS.]
10 Subdivision 1. If the commissioner of corrections contracts
11 with an agency for the provision of services under this act,
12 the commissioner shall establish a unit for the evaluation
13 and review of agency programs related to the assessment and
14 treatment of antisocial sexual behavior. If the
15 commissioner establishes a center for the provision of
16 assessment and treatment services, the commissioner shall
17 contract with a public or private agency to evaluate, review
18 and monitor department of corrections programs related to
19 the assessment and treatment of antisocial sexual behavior.

20 Subd. 2. If a department of correction evaluation unit
21 is established under this section, the commissioner shall
22 appoint a director who has demonstrated competence in the
23 study, assessment and treatment of antisocial sexual
24 behavior. The director shall hire staff with special
25 competence to evaluate programs for the assessment and study
26 of antisocial sexual behavior.

27 Subd. 3. If an agency is contracted with to provide
28 evaluation and review services, the commissioner shall
29 establish minimum standards relating to agency staff
30 competence in evaluating programs for the assessment and
31 study of antisocial sexual behavior. A plan specifying the
32 review and evaluation services to be provided by the agency

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1 and the costs of the service must be submitted to the
2 commissioner for his approval prior to negotiation of a
3 contract.

4 Subd. 4. In discharge of its duties concerning the
5 evaluation and review of programs, the state evaluation unit
6 or agency shall:

7 (a) Conduct evaluations to determine the effectiveness
8 of the department of corrections or agency programs for the
9 assessment and treatment of antisocial sexual behavior.

10 (b) Review and monitor department of corrections or
11 agency programs relating to antisocial sexual behavior to
12 ensure they are conducted in the proper legal and ethical
13 manner.

14 (c) Report annually to the commissioner of corrections
15 and the appropriate committees of the state legislature
16 concerning evaluations made pursuant to clauses (a) and (b)
17 of this subdivision.

18 (d) Issue any reports or other statements as the
19 director of the unit or agency administrator deems necessary
20 to discharge the unit's or agency's duties.

21 Sec. 10. Minnesota Statutes 1974, Section 246.43, is
22 repealed.

House
Companion
No.

DUPLICATE
FIRST ENGROSSMENT

S. F. NO. 1254

A bill for an act relating to corrections; requiring the commissioner of corrections to provide or contract for the study, assessment and treatment of antisocial sexual behavior; permitting selected individuals to participate in assessment and treatment programs.

B. D. No. B1002

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators ~~Knutson~~ Lewis (2/26/76)
~~LEWIS (3/10/75)~~ ~~Knutson~~ (2/26/76) Kirchner

Read FIRST TIME MAR 31 1975 and Referred to the
Committee on HEALTH, WELFARE AND CORRECTIONS

Committee Recommendation and Adoption of Report

To Pass as Amended Re-referred to the
Committee on FINANCE APR 23 1975

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____

Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F.

No.

Printed Page No.

SF 1254 - 1E

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1 A bill for an act
2 relating to corrections; requiring the
3 commissioner of corrections to provide or contract
4 for the study, assessment and treatment of
5 antisocial sexual behavior; permitting selected
6 individuals to participate in assessment and
7 treatment programs.

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

9 Section 1. [DEFINITIONS.] Subdivision 1. For the
10 purposes of sections 1 to 6, the terms defined in this
11 section have the meanings given them.

12 Subd. 2. "Commissioner" means the commissioner of
13 corrections.

14 Subd. 3. "Agency" means the public or private agency
15 with which the commissioner of corrections has contracted to
16 provide services for the study, assessment and treatment of
17 antisocial sexual behavior, or the public or private agency
18 with which the commissioner has contracted to evaluate,
19 review or monitor department of corrections programs related
20 to the study, assessment, and treatment of antisocial sexual
21 behavior.

22 Subd. 4. "Assessment" means a complete, physical,
23 behavioral psychiatric and social examination.

24 Subd. 5. "Antisocial sexual behavior" means aggressive

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1 sexual acts committed against unconsenting or minor persons.

2 Sec. 2. Subdivision 1. The commissioner of
3 corrections shall provide programs for the study, assessment
4 and treatment of antisocial sexual behavior. To fulfill
5 this duty, the commissioner may contract with public or
6 private agencies to provide services for the study,
7 assessment, and treatment of antisocial sexual behavior, or
8 he may provide the services through the department of
9 corrections. If the commissioner contracts with an agency
10 to provide these services, the agency shall submit to the
11 commissioner, prior to approval of the contract, a plan
12 specifying the services to be provided by the agency, the
13 proper allocation of agency and department of corrections
14 duties with respect to persons participating in the
15 treatment programs to be provided, the costs of providing
16 these services, and the method of research to be used in
17 studying the causes and treatment of antisocial sexual
18 behavior. Nothing in this act shall be construed to permit
19 the commissioner to provide or contract for services which
20 includes psycho surgery as a treatment modality.

21 Subd. 2. The commissioner shall provide for the
22 evaluation of programs established pursuant to this act. If
23 the commissioner contracts with an agency for the provision
24 of study, assessment and treatment services under this act,
25 he shall evaluate, review and monitor all agency programs.
26 If the commissioner does not contract with an agency to
27 provide study, assessment and treatment services, he shall
28 contract with a public or private agency to evaluate review,
29 and monitor department of corrections programs developed and
30 implemented by the commissioner to fulfill his duties under
31 this act.

32 Subd. 3. The commissioner or the agency, whichever

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1 conducts the evaluation required by subdivision 2 of this
2 section, shall prepare a plan specifying the review,
3 evaluation, and monitoring services to be provided and the
4 costs of providing the services. The commissioner or the
5 agency shall:

6 (a) Conduct evaluations to determine the effectiveness
7 of study, assessment, and treatment programs; and

8 (b) Review and monitor study, assessment, and treatment
9 programs to insure that they are conducted in the proper
10 legal and ethical manner; and

11 (c) Report during each legislative session to the
12 legislative standing committees having jurisdiction over the
13 subject matter concerning the evaluations made as required
14 by clauses (a) and (b) of this subdivision; and

15 (d) Issue any reports or other statements as the
16 commissioner or the agency administrator deems necessary to
17 discharge the duties required by this act.

18 Subd. 4. During the development and implementation of
19 programs required by this act, the commissioner shall
20 consult with the chairmen of the legislative standing
21 committees having jurisdiction over the subject matter. The
22 commissioner shall also report to the legislature during the
23 1976 legislative session and each session thereafter
24 concerning the development and implementation of the
25 programs required by this act.

26 Sec. 3. (PERSONS TO RECEIVE TREATMENT.) Subdivision 1.
27 Any person who is convicted of crime or adjudicated
28 delinquent and committed to the commissioner may, upon
29 compliance with criteria established by the commissioner of
30 corrections and approval by the Minnesota corrections
31 authority, be selected by the commissioner to participate in
32 the study, assessment, and treatment programs provided by

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1 this act.

2 Subd. 2. If the commissioner of corrections chooses
3 for participation in the programs a convicted person
4 committed to the commissioner of public welfare pursuant to
5 section 246.43, the commissioner of public welfare shall
6 transfer that person to the control of the commissioner of
7 corrections to receive appropriate treatment. Any
8 individual so transferred shall remain in the control of the
9 commissioner of corrections until the individual revokes
10 consent to treatment pursuant to section 4, subdivision 3,
11 or until the commissioner terminates the individual's
12 participation in a treatment program pursuant to section 4,
13 subdivision 3, or until the individual has completed his
14 treatment program to the satisfaction of the commissioner of
15 corrections, whereupon he shall be returned to the control
16 of the commissioner of public welfare for appropriate
17 disposition. Within one month after a person has been
18 returned to the control of the commissioner of public
19 welfare following completion of this treatment program, the
20 commissioner of public welfare shall provide for review of
21 the individual's eligibility for parole. During the term of
22 any individual's participation in a program developed under
23 this act, the cost of his maintenance, care, and treatment
24 shall be paid by the commissioner of corrections. The
25 commissioner of public welfare shall allow the staff
26 conducting assessments of persons in preparation for the
27 selection of participants for these programs access to those
28 persons under his custody whom the assessing staff chooses
29 to interview and assess.

30 Sec. 4. [CONSENT TO RECEIVE TREATMENT.] Subdivision 1.
31 No person shall be required to participate in any study,
32 assessment, or treatment program established under this act

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1 unless he, and in the case of a juvenile his parents also,
2 gives written consent. Prior to requesting any consent for
3 these purposes, the staff charged with providing study,
4 assessment and treatment programs shall inform the person,
5 and in the case of a juvenile his parents also, in detail of
6 the nature and expected results of the treatment. The staff
7 shall also inform the individual and his parents of their
8 right to consult with counsel prior to giving consent for
9 treatment. During discussions with this staff, the person
10 shall be entitled to the presence and advice of any adult
11 advisor he chooses. In the case of a juvenile, his parents
12 shall also be entitled to be present during any of the
13 discussions.

14 In developing a treatment program for individual
15 persons, the treatment staff shall make efforts to develop
16 an effective treatment plan that is acceptable to the person
17 seeking treatment.

18 Subd. 2. Modifications of a treatment program, other
19 than minor ones, may only be made with the consent of the
20 individual under treatment, and, in the case of a juvenile,
21 his parents must also give written consent to each
22 modification. During any discussions between staff and the
23 person under treatment concerning any proposed plan
24 modifications, the person shall also be entitled to the
25 presence and advice of an adult advisor of his choosing or
26 his parents. The staff shall inform the individual under
27 treatment and his parents of their right to consult with
28 counsel prior to giving consent to any modification of the
29 treatment program. In the case of a juvenile, his parents
30 shall also be entitled to be present during any discussions
31 of this nature.

32 Subd. 3. Any person who has given written consent to

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1 allow participation in treatment programs for antisocial
2 sexual behavior established pursuant to this act may at any
3 time revoke consent to participation in any or all treatment
4 programs for antisocial sexual behavior. If consent is
5 revoked for participation in a treatment program, by the
6 individual under treatment, he and the treatment staff shall
7 attempt to agree upon a new or modified program. If the
8 treatment staff and the individual fail to agree upon a new
9 or modified program, the commissioner shall remove the
10 individual from the treatment program and either return him
11 to the jurisdiction from which received or return him to a
12 state correctional institution.

13 Sec. 5. [PAROLE.] Within one month after completing
14 his participation in a treatment program for antisocial
15 sexual behavior to the satisfaction of the commissioner, a
16 convicted person shall have the right to appear before the
17 Minnesota corrections authority for consideration of his
18 parole eligibility. Within one month after a person who has
19 been adjudicated delinquent has completed a program to the
20 satisfaction of the commissioner, and the juvenile has
21 requested a review of his parole eligibility, the
22 commissioner shall provide a review.

23 Sec. 6. Any person convicted or adjudicated as
24 provided in section 3 may be granted probation upon
25 condition that, if selected by the commissioner, he
26 participate in the study, assessment and treatment programs
27 provided by this act upon agreement of the responsible
28 county to pay the costs thereof. Upon termination of his
29 participation in the programs authorized by this act for any
30 of the reasons provided in this act or for violation of any
31 other term or condition of his probation, the probationer
32 shall be returned to the proper court.

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- 1 Sec. 7. The sum of is appropriated to the
- 2 commissioner of corrections for the biennium ending June 30,
- 3 1977 for the purposes of this act.