

CHAPTER 638—H.F.No.961

[Coded in Part]

An act relating to licensing boards; providing for public members on professional examination and licensing boards; changing the per diem of board members; undedicating certain dedicated funds; defining public member; amending Minnesota Statutes 1971, Sections 144.01; 144.04; 144.952; 146.11; 147.01; 147.02, Subdivision 2; 147.031, Subdivision 1; 147.05; 148.03; 148.04; 148.07, Subdivisions 2 and 3; 148.181; 148.201; 148.241; 148.29, Subdivision 2; 148.296, Subdivision 2; 148.45; 148.52; 148.60; 148.79; 148.85; 150A.02; 150A.03, Subdivision 2; 151.02; 151.03; 151.04; 151.27; 153.02; 153.03; 153.12; 154.22; 154.23; 155.04; 155.05; 155.18, Subdivision 1; 156.01, Subdivisions 1 and 2; 156.14; 326.04; 326.05; 326.07; 326.08, Subdivision 1; 326.17; 326.18; 326.22, Subdivision 3; 326.241, Subdivisions 1 and 3; 326.541; 341.01; 341.02; 341.03; 341.06; 386.63, Subdivisions 1 and 5; 386.64; 481.01; Chapters 144, by adding a section; and 148, by adding a section; repealing Section 45.16, Subdivision 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 144.01, is amended to read:

By Section 214.02
 144.01 STATE EXAMINING AND LICENSING BOARDS; MEMBERSHIP. The department of health as created and constituted under Laws of Minnesota 1925, Chapter 426, is hereby continued under the supervision and control of the state board of health. The state board of health shall consist of ~~nine~~ 15 members, ~~learned in sanitary science, who nine of whom shall be broadly representative of the licensed health professions and six of whom shall be public members as defined for purposes of this act.~~ The members of the board of health shall be appointed by the governor with the advice and consent of the senate. The licensed health professionals shall be appointed by the governor for such periods that the terms of three members will end on the first Monday of January in each year so that the initial terms of three members will end the first Monday in January of each second year. Thereafter the terms shall be four years. The public members shall be appointed by the governor for like terms. Vacancies therein on the board shall be filled by like appointment for the unexpired term. Each member shall serve until his successor qualifies.

Sec. 2. Minnesota Statutes 1971, Section 144.04, is amended to read:

144.04 EXPENSES. The members of the board shall receive ~~no compensation as such, but the necessary expenses of their attend-~~

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~~ance upon its meetings shall be reimbursed~~ compensation of the sum of \$35 per day for attendance at board meetings and ordinary and necessary expenses in the same amount and manner as state employees. Subject to the provisions of Laws 1939, Chapter 441, the board may employ, and at pleasure dismiss, such agents, experts, and other assistants as it may deem necessary and fix their compensation, prescribe their duties, and allow their necessary expenses. All such salaries, compensation, and expenses shall be paid by the state upon vouchers ~~approved by at least two members of the board;~~ but the total for any year shall not exceed the appropriation of the year therefor.

Sec. 3. Minnesota Statutes 1971, Section 144.952, is amended to read:

144.952 **COMPOSITION OF THE BOARD.** Subdivision 1. There is hereby created the state board of examiners for nursing home administrators which shall consist of the following members:

(a) A designee of the state board of health who shall be a non-voting member;

(b) the commissioner of public welfare, or his designee who shall be a non-voting member; and the following members appointed by the governor;

(c) two members actively engaged in the management, operation, or ownership of proprietary nursing homes;

(d) two members actively engaged in the management or operation of nonprofit nursing homes or hospitals caring for chronically ill or infirm-aged patients;

(e) one member actively engaged in the practice of medicine;

(f) one member actively engaged in the practice of professional nursing; and

(g) ~~three members from the general public who are not engaged in the management, ownership, operation or supervision of any nursing home or hospital~~ public members as defined for purposes of this act.

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Subd. 2. The three public members appointed from the general public shall serve until July 1, 1974 or until their successors shall be appointed and qualify; the two members appointed from those actively engaged in the management, operation or ownership of nursing homes shall serve until July 1, 1973 or until their successors are appointed and qualify; the two members appointed from those actively engaged in the management or operation of hospitals or nursing homes caring for the chronically ill or infirmed, aged

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patients, shall serve until July 1, 1972, or until their successors are appointed and qualify; the member appointed from those actively engaged in the practice of medicine shall serve until July 1, 1971 or until his successor is appointed and qualifies; the member appointed from those actively engaged in the profession of nursing shall serve until July 1, 1970 or until her successor is appointed and qualifies. Thereafter, any appointment to fill a vacancy shall be for a term of five years. Any vacancy occurring in the position of any appointed member shall be filled by the governor for the unexpired term. Appointed members may be removed by the governor for misconduct, incapacity, incompetence or negligence of duty after being served with a written statement of charges and after the completion of a hearing on such charges.

Sec. 4. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:

[144.9555] COMPENSATION OF BOARD MEMBERS. Members of the board shall receive as compensation \$35 per day for attendance at board meetings and they shall also receive their ordinary and necessary expenses in the same amount and manner as state employees; provided that the nonvoting members of the board, the designee of the state board of health and the commissioner of public welfare or his designee, shall receive no per diem payment.

Sec. 5. Minnesota Statutes 1971, Section 146.11, is amended to read:

146.11 FEES; DISPOSITION; REPORTS. All fees received by the state board of examiners in the basic sciences under this chapter shall be paid to the secretary-treasurer thereof, who shall forthwith deposit the same with the state treasurer to be kept in a separate fund, which shall be under the control, and for the use, of the board. ~~All expenditures of the board and all expenses necessarily paid or incurred thereby in the exercise of its powers or the performance of its duties under this chapter shall be paid out of this fund. Payments out of this fund shall be made only upon written orders issued and signed by the president and secretary-treasurer of the board credited to the general fund in the state treasury and the unexpended balance of any special fund of the board as of July 1, 1973 shall also be credited to the general fund.~~ Such secretary-treasurer shall give a bond to the state of Minnesota in such sum as the board shall determine, with sureties approved by the board, conditioned upon the faithful performance by him of the duties of his office and his accounting for all moneys of the board in his custody or under his control as such secretary-treasurer. ~~No expense shall be incurred by the board in excess of the revenue derived from such fees. On or before October 1 in each even numbered year the board shall report to the governor concern-~~

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~~ing its receipts and disbursements and proceedings for the two preceding fiscal years. The expenses of administering sections 146.01 to 146.22 shall be paid from the appropriations made to the state board of examiners in the basic sciences.~~

Sec. 6. Minnesota Statutes 1971, Section 147.01, is amended to read:

147.01 BOARD OF MEDICAL EXAMINERS. The Minnesota state board of medical examiners shall consist of ~~eight~~ 11 members, residents of the state of Minnesota, appointed by the governor as hereinafter provided (a) seven of whom shall hold a degree of doctor of medicine and be licensed to practice medicine under chapter 147, ~~and~~ (b) ~~one of whom shall hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under chapter 147 and~~ (c) ~~three of whom shall be public members as defined for purposes of this act.~~ *by section 74.02* The term of office of each of the seven members who shall be serving on the board on May 1, 1963, shall continue for the term for which each was appointed and until his successor shall qualify, one such member's term continuing until May 1, 1963; one such member's term continuing until May 1, 1964; one such member's term continuing until May 1, 1965; one such member's term continuing until May 1, 1966; one such member's term continuing until May 1, 1967; one such member's term continuing until May 1, 1968; and one such member's term continuing until May 1, 1969. The term of the initial member of the board appointed pursuant to clause (b) of the first sentence of this section shall expire on May 1, 1970. The terms of the initial member of the board appointed pursuant to clause (c) shall expire as follows: one on May 1, 1977; one on May 1, 1978; and one on May 1, 1981, from the date of appointment. The term of office of each member appointed to the board on the expiration of each of the foregoing terms shall commence as of May 1 and shall continue for a period of eight years and until his successor shall qualify. Upon the expiration of the term of any member, the governor shall appoint a successor to the member whose term expires. Each year the council of the Minnesota state medical association, at least 30 days prior to May first, shall recommend to the governor three doctors of medicine qualified to serve on the board with respect to each membership which is then filled by a doctor of medicine and the term of which shall expire on May 1 of such year. Each year in which the term of a doctor of osteopathy expires, the Minnesota state osteopathic association shall recommend to the governor three doctors of osteopathy qualified to serve on the board. From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of eight years. Within 60 days after the occurrence of any vacancy in the board,

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the council of the Minnesota state medical association, if the vacancy be with respect to a membership vacated by a doctor of medicine, or the Minnesota state osteopathic association, if the vacancy be with respect to a membership vacated by a doctor of osteopathy, shall recommend to the governor three doctors of medicine qualified to serve on the board if the recommendation be by the Minnesota state medical association or three doctors, of osteopathy qualified to serve on the board if the recommendation be by the Minnesota state osteopathic association. From the list of persons so recommended the governor, within 30 days after receiving such recommendation, may appoint one member to the board for the unexpired term occasioned by such vacancy and any appointment thereto to fill a vacancy shall be made within 90 days after the occurrence of such vacancy for the balance of the unexpired term. The board shall elect from among its number a president, a vice-president, and a secretary-treasurer, who shall each serve for one year, or until his successor is elected and qualifies. The board shall have authority to adopt such rules and regulations as may be found necessary to carry out the purposes of chapter 147. The members of the board shall have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. In the administration of this chapter the board shall have the power to compel the attendance of witnesses and the production of documents by subpoena, to investigate complaints of violations of this chapter or the rules and regulations of the board, and to institute injunctive proceedings to restrain violations upon a showing of injury or potential injury to the public health or welfare. Six members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of the board, including a register of all applicants for license under this chapter, giving their names, addresses, ages, educational qualifications, and the result of their examination. These books and registers shall be prima facie evidence of all the matters therein recorded. All communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except only a final decision of the board, which shall state the specific reason therefor shall be confidential and privileged within the meaning of section 595.02, clause 5, and shall not be public records within the meaning of section 15.17, subdivision 4; provided that upon application of a party in a proceeding before the board pursuant to section 147.02, subdivision 3, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules civil procedure. The board shall hold examinations at least once each year.

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Sec. 7. Minnesota Statutes 1971, Section 147.02, Subdivision 2, is amended to read:

Subd. 2. **LICENSING.** After such examination of the applicant, and upon proof (a) that he has received the degree of M.D. or D.O., from a medical or osteopathic school approved by the board, and (b) that he has satisfactorily completed either one year of graduate training in an institution approved for internship training by the board or other graduate training approved by the board, the board, if ~~six~~ eight members thereof consent, shall grant him a license to practice medicine.

Sec. 8. Minnesota Statutes 1971, Section 147.031, Subdivision 1, is amended to read:

147.031 EXAMINATIONS AND LICENSES OF OSTEO-PATHS. Subdivision 1. Any doctor of osteopathy licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, desiring to obtain a license to practice medicine shall apply to the secretary of the board and pay a fee of \$50 for the use of the board, which in no case shall be refunded. The applicant shall be examined in the subjects that the board then examines applicants under section 147.02 in which he was not examined by the state board of osteopathy prior to the issuance to him of a license under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963. All applicants shall be known to the board members or examiners only by number, without names, or other methods of identification on examination papers by which board members or examiners may be able to identify such applicants, until the final grades of all the examination papers have been determined, and the licenses granted or refused. After such examination, the board, if ~~six~~ eight members thereof consent, shall grant such doctor of osteopathy a license to practice medicine. The board may refuse to grant such a license to any person guilty of immoral, dishonorable, or unprofessional conduct, as defined in Minnesota Statutes 1961, Chapter 147, but subject to the right of the applicant to appeal to the district court in the county in which the principal office of the board is located on the questions of law and fact.

Sec. 9. Minnesota Statutes 1971, Section 147.05, is amended to read:

147.05 SUPPLIES; SECRETARY, EXECUTIVE SECRETARY, BOND, COMPENSATION; BOARD MEMBER'S COMPENSATION. The state board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury ~~as provided for by law, to be kept in~~

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a separate fund which shall be under the control, and for the use, of the board and credited to the general fund and the unexpended balance in any special account of the board in the state treasury as of July 1, 1973 shall also be credited to the general fund. The expenses of administering sections 147.01 to 147.29 shall be paid from the appropriations made to the Minnesota state board of medical examiners. The board may employ, discharge, and fix the compensation of an executive secretary, in the unclassified service, to perform duties prescribed by the board. The secretary and executive secretary of the board shall each give a bond in the sum of \$10,000 to the state of Minnesota for the faithful performance of his duties. Each member of the board shall receive as compensation for his services the sum of \$50 per day, to be fixed by the board for each day spent in the execution of duties imposed on the board by chapter 147, and rules and regulations adopted pursuant thereto, including attendance at meetings of the Federation of State Medical Boards, and, regular and special meetings of the board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in connection therewith, subject to the regulations of the department of administration adopted pursuant to section 16.02, subdivision 20. The secretary shall receive a salary of not to exceed \$9,600 per annum, the amount thereof to be fixed by the board. The salary and expenses of the members of the board shall be paid as determined by the board by the state treasurer on warrants signed by the president or secretary, or other authorized person, drawn by the state auditor on the state treasurer on the funds of appropriated to said board.

Sec. 10. Minnesota Statutes 1971, Section 148.03, is amended to read:

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148.03 **APPOINTMENT.** The governor shall appoint a state board of chiropractic examiners consisting of two public members as defined for purposes of this act and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic; one resident chiropractor to be appointed each year to serve five years and until his successor is appointed and qualifies to the end that each member shall serve five years after the first appointment. The terms of the initial public members shall be for three and five years from the date of appointment respectively. The board shall have the authority to prescribe rules and regulations relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially

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interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

Sec. 11. Minnesota Statutes 1971, Section 148.04, is amended to read:

148.04 **PROCEDURE.** The officers of the state board of chiropractic examiners shall have power to administer oaths, summon witnesses, and take testimony as to matters pertaining to its duties. It shall adopt a minimum of educational requirements not inconsistent with the provisions of sections 148.01 to 148.10, which shall be without prejudice, partiality, or discrimination as to the different schools or colleges of chiropractic. The board shall meet each year in March and September and at such other times as the majority of the board may deem proper. Three members A majority of the board shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. This report shall be prima facie evidence of all matters therein recorded.

Sec. 12. Minnesota Statutes 1971, Section 148.07, Subdivision 2, is amended to read:

Subd. 2. **MANAGEMENT OF FUNDS.** All fees received by the board under sections 148.01 to 148.10 shall be paid to the secretary-treasurer, who shall forthwith deposit the same with the state treasurer ~~in a separate fund of the state board of chiropractic examiners for their use, and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of the board.~~ All expenses incurred and authorized by the board in carrying out the provisions of sections 148.01 to 148.10 shall be paid out of this fund and not otherwise to be credited along with any outstanding balance in the special fund of the board as of July 1, 1973 to the general revenue. The expenses of administering sections 148.01 to 148.101 shall be paid from the appropriation made to the state board of chiropractic examiners.

Sec. 13. Minnesota Statutes 1971, Section 148.07, Subdivision 3, is amended to read:

Subd. 3. **REPORT.** The secretary-treasurer shall, on the first Tuesday of October of each even numbered year, file with the governor a report of all receipts and disbursements and proceedings of the board for the preceding two years. He shall give bond in such sum and with such sureties as the board shall deem necessary. Each member of the board shall receive a fee of ~~\$25~~ \$35 per day and ~~mileage at the rate of seven and one-half cents per mile, and other necessary incidentals~~ ordinary and necessary expenses in the same amount and manner as state employees, in attending the

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meetings of the board and for such other times as he may actually be engaged in business of the board.

Sec. 14. Minnesota Statutes 1971, Section 148.181, is amended to read:

By Sec 2/14/02

148.181 BOARD OF NURSING; MEMBERSHIP, APPOINTMENTS, VACANCIES, REMOVALS. Subdivision 1. The Minnesota board of nursing shall consist of ~~eight~~ 11 members appointed by the governor, each of whom shall be a resident of this state. Seven members shall be nurses who shall have completed at least an approved four-year high school course of study or its equivalent; shall have graduated from an accredited school of nursing; shall be licensed as a registered nurse in this state; shall have had at least five years experience in nursing following graduation, and four of whom shall have at least two years executive or teaching experience in nursing education and shall have been actively engaged in the practice of nursing within two years of her appointment. The eighth member remaining members shall be a layman public members as defined (for purposes of this act) who shall serve a five-year term terms; provided that of the initial public members appointed, two shall serve a four-year term and two shall serve a five-year term beginning July 1, 1973. The first lay member shall be appointed for a term beginning on July 1, 1971. Each member of the board shall file with the department of state, the constitutional oath of office before beginning his or her term of office. Provided, however, that the present members of the Minnesota state board holding office under the provisions of the Minnesota nurse practice act shall serve as members of said board until the expiration of their respective terms or until their successors have been appointed and qualified.

Subd. 2. On expiration of the term of a member who is a nurse, the governor may appoint, from a list of members submitted by the Minnesota nurses' association and other professional nursing groups, a nurse to hold office for a term of five years. Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by the Minnesota nurses' association and other professional nursing groups in the manner aforesaid, within a period of 90 days. In the case of the lay member of the board, the governor shall appoint a new lay member to fill any vacancy that may occur.

Subd. 3. The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

Sec. 15. Minnesota Statutes 1971, Section 148.201, is amended to read:

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148.201 COMPENSATION AND EXPENSES. Each member of the board shall receive, ~~in addition to necessary traveling and hotel expenses, \$20 \$35 per day for each day actually engaged in the discharge of her duties, including travel time and a reasonable number of days for the preparation of examination questions and grading examination papers, in addition to the time actually spent in conducting examinations and surveys and ordinary and necessary expenses in the same amount and manner as state employees.~~

Sec. 16. Minnesota Statutes 1971, Section 148.241, is amended to read:

148.241 DEPOSIT OF MONEYS. Subdivision 1. All moneys received by the board collected under sections 148.171 to 148.285 shall be paid to the treasurer of the board who shall deposit the same each month, with the state treasurer. The state treasurer shall ~~place the money to the credit of the Minnesota Board of Nursing fund deposit the money, together with any outstanding balance in any special fund of the board as of July 1, 1973, in the general fund. The expenses of administering sections 148.171 to 148.285 shall be paid from the appropriation made to the Minnesota board of nursing.~~

Subd. 2. All amounts ~~paid into this fund~~ appropriated to the board shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the purposes of sections 148.171 to 148.285, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state.

Sec. 17. Minnesota Statutes 1971, Section 148.29, Subdivision 2, is amended to read:

Subd. 2. "Board" means "Minnesota Board of Nursing," provided that one registered nurse who is a member of the Minnesota board of nursing, chosen by lot, shall not be a member of the licensed practical nurses board for purposes of this definition, and for the purposes of sections 148.29 to 148.297 and Laws 1971, Chapter 418 only, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed hospital located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses.

Upon May 21, 1971, the governor shall appoint one of the new members for a two year term and one of the new members for a one year term; thereafter each new appointment shall be for a three year term. Members shall hold office until a successor is appointed and qualifies.

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Sec. 18. Minnesota Statutes 1971, Section 148.296, Subdivision 2, is amended to read:

Subd. 2. Each member of the board shall receive, ~~in addition to necessary traveling and hotel expenses, \$20 \$35 per day for each day actually engaged in the discharge of board duties, including travel time and ordinary and necessary expenses in the same amount and manner as state employees.~~

Sec. 19. Minnesota Statutes 1971, Section 148.45, is amended to read:

148.45 **FEES PLACED IN FUND.** All fees and moneys payable under the provisions of sections 148.33 to 148.51 shall be paid to the secretary-treasurer of the state board of medical examiners and he shall forthwith deposit the same with the state treasurer as provided in section 147.05, ~~which shall be under the control and for the use of the board in the administration of sections 148.33 to 148.51. The amount of such fund is hereby annually appropriated to the board for the purpose of defraying its expenses in carrying out the provisions of sections 148.33 to 148.51. The expenses of administering sections 148.33 to 148.51 shall be paid from the appropriation made to the state board of medical examiners.~~

Sec. 20. Minnesota Statutes 1971, Section 148.52, is amended to read:

148.52 **STATE BOARD OF OPTOMETRY.** The state board of optometry shall consist of two public members as defined for purposes of this act and five qualified optometrists appointed by the governor, each for a term of three years and until his successor qualifies. Vacancies in the board shall be filled by like appointments for unexpired terms. The terms of the initial public members shall expire two and three years from the date of appointment respectively.

Sec. 21. Minnesota Statutes 1971, Section 148.60, is amended to read:

148.60 **DISPOSAL OF FEES; REPORT.** All fees collected under sections 148.52 to 148.62 shall be received ~~and held~~ by the secretary and devoted to the uses of the state board of optometry and deposited together with any unexpended balance in a special fund of the board as of July 1, 1973 in the general fund. The secretary shall give such bond as the board shall from time to time require. The expenses of administering sections 148.52 to 148.62 shall be paid from appropriations made to the state board of optometry. On or before October 1 in each even numbered year, the board shall make a biennial report to the governor of its proceedings, receipts and disbursements for the preceding two fiscal years.

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Sec. 22. Minnesota Statutes 1971, Section 148.79, is amended to read:

148.79 BOARD OF EXAMINERS. There is hereby created a state board of examiners of psychologists to be appointed by the governor, consisting of four public members as defined for purposes of this act and seven resident psychologists whose qualifications shall be not less than those specified in section 148.81. Of the members of the board first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; thereafter each member shall be appointed for a term of seven years. The terms of the initial public members appointed to the board shall commence September 1, 1973 and terminate as follows: one on May 1, 1974, one on May 1, 1975, one on May 1, 1976, and one on May 1, 1977. Each such term of office expires on May 1. Each member shall hold office until his successor is appointed and qualifies. If a vacancy occurs it shall be filled by appointment for the unexpired portion of the term. Upon the passage of Laws 1951, Chapter 672, the executive council of the Minnesota psychological association shall recommend to the governor 12 psychologists, and the state commissioner of education and the state commissioner of mental health one psychologist each, qualified to serve on the board of examiners. From this list the governor may appoint the board of examiners. Not later than April 1 each year the executive council of the Minnesota psychological association shall recommend to the governor three psychologists qualified to serve on such board. From the list of persons so recommended the governor may appoint one member to the board. The board shall designate its officers, and may prescribe such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 148.79 to 148.86. The members of the board may administer oaths pertaining to the business of the board.

Sec. 23. Minnesota Statutes 1971, Section 148.85, is amended to read:

148.85 FEES APPROPRIATED TO USE OF BOARD. All fees charged and collected by the board shall be deposited by it in the state treasury ~~to the credit of the board. All such moneys are hereby appropriated to be used by the board in carrying out the provisions of sections 148.79 to 148.86, including the payment of the salaries of the members of the board and its secretary, clerks, and assistants and the money credited to the board shall remain therein. The state auditor shall draw his warrant on such moneys from time to time in favor of the board for the amounts expended or lawfully incurred by the board or its duly authorized agents, and the state treasurer shall pay the same. The expenditures of the~~

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~~board may be paid only from such moneys. Semiannually the secretary of the board shall certify to the state treasurer the total amounts of the receipts and the expenditures of the board for the six months preceding to be credited along with any unexpended balance in the special fund of the board as of July 1, 1973 to the general fund. The expenses of administering sections 148.79 to 148.86 shall be paid from appropriations made to the state board of examiners of psychologists.~~

Sec. 24. Minnesota Statutes 1971, Chapter 148, is amended by adding a section to read:

[148.87] COMPENSATION. All members of the board shall receive as compensation \$35 per day for attendance at board meetings and shall also receive their necessary expenses in the same manner and amount as state employees.

Sec. 25. Minnesota Statutes 1971, Section 150A.02, is amended to read:

150A.02 STATE BOARD OF DENTISTRY. Subdivision 1. There is hereby created a state board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12. The board shall consist of two public members as defined for purposes of this act and five qualified resident dentists appointed by the governor. The terms of office of the members shall be five years; provided, however, board members shall serve until their successor is appointed and qualifies, but such successor term shall be for a period ending five years from the expiration of the previous term, so that one vacancy occurs every year. Each board member who is a dentist shall have been lawfully in active practice in this state for five years immediately preceding his appointment; and no board member shall be eligible for appointment to more than two consecutive five year terms, and members serving on the board at the time of the enactment hereof shall be eligible to reappointment provided they shall not have served more than ten consecutive years at the expiration of the term to which they are to be appointed. The governor shall appoint a successor to the member whose term expires, for a term of five years and until his successor qualifies. Each year the Minnesota state dental association, at least 90 days prior to the expiration of the term of a dentist expiring in such year, shall recommend to the governor not less than two dentists for the term qualified to serve on the board, and from the list of dentists so recommended the governor may appoint one member to the board for the term of five years, the appointment to be made within 30 days after the expiration of the term. Within 60 days after the occurrence of any a dental vacancy, prior to the expiration of the term, in the board, the Minnesota state dental association shall recommend to the governor not less than two dentists qualified to

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serve on the board and from the list of dentists so recommended the governor, within 30 days after receiving such list of dentists, may appoint one member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. The present members of the board now in existence shall continue to serve the balance of the term to which they were appointed and until their successors have been appointed and qualified.

Subd. 2. Notwithstanding the provisions of subdivision 1, and in order to establish the five year term provided for in sections 150A.01 to 150A.12, with one member to be appointed each year, the first five appointments following the enactment of sections 150A.01 to 150A.12 shall be made for terms expiring each year in the following order: 1971, 1972, 1973, 1974, and 1975, respectively, and thereafter the terms shall be for five years. The terms of the initial public members of the board shall expire four and five years respectively from the date of appointment, and thereafter each term shall be for five years. In the event of more than one appointment at one time, the governor shall designate the order of expiration dates of the terms.

Sec. 26. Minnesota Statutes 1971, Section 150A.03, Subdivision 2, is amended to read:

Subd. 2. Out of the funds coming into the possession of the board, the members thereof shall receive as compensation a sum of \$50 per day and necessary traveling expenses for each day actually engaged in the duties of their offices. The secretary-treasurer shall, in addition thereto, be paid a salary in the amount to be set by the board, not to exceed \$4,000 per year. The board may expend funds for administrative, consultant, secretarial, clerical, and stenographic services for the board, the amount of such expenditures to be set by the board after consultation with the civil service commission. The board may accept any funds which may be made available to the board from any source. All funds received by the board under sections 150A.01 to 150A.12 shall be paid to the secretary-treasurer thereof, who shall deposit the same each month with the state treasurer, the funds to be kept in a separate fund for the sole use and under the sole control of the board carrying out the purposes of sections 150A.01 to 150A.12. Payments out of this fund shall be made only upon written orders issued and signed by the president of the board and the secretary-treasurer thereof. No expense shall be incurred by the board in excess of the revenue derived from all sources credited to the general fund together with any unexpended balance in the special account of the board as of July 1, 1973. The expenses of administering sections 150A.01 to 150A.12 shall be paid from the appropriation made to the state board of dentistry.

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Sec. 27. Minnesota Statutes 1971, Section 151.02, is amended to read:

151.02 STATE BOARD OF PHARMACY. The Minnesota state board of pharmacy shall consist of two public members as defined for purposes of this act and five pharmacists actively engaged in the practice of pharmacy in this state. Each of ~~whom~~ said pharmacists shall have had at least five consecutive years of practical experience as a pharmacist immediately preceding his appointment.

Sec. 28. Minnesota Statutes 1971, Section 151.03, is amended to read:

151.03 APPOINTMENT OF MEMBERS. The members of the state board of pharmacy shall be appointed by the governor, ~~one in each year~~, each to serve for a term of five years and until his successor shall have been appointed and has qualified, provided that the initial public members shall serve terms of four and five years respectively. Vacancies shall be filled by the appointment for the unexpired term. Any ~~member of pharmacist on~~ the board who, during his incumbency, ceases to be actively engaged in the practice of pharmacy in this state shall be automatically disqualified from membership. Any member may be removed from office by the governor upon proof of malfeasance or misfeasance in office. The members of the board heretofore appointed and now holding office shall continue until their respective terms expire.

Sec. 29. Minnesota Statutes 1971, Section 151.04, is amended to read:

151.04 RECOMMENDED NAMES. The Minnesota state pharmaceutical association shall may recommend five names for each appointment pharmacist to be made, ~~from which list the governor may select appointed.~~

Sec. 30. Minnesota Statutes 1971, Section 151.27, is amended to read:

151.27 DEPOSIT OF FEES. All fees received by the board under this chapter shall be forthwith deposited with the state treasurer to be kept in a separate fund, which shall be ~~under the control and for the use of the board~~ deposited in the general fund in the state treasury together with any unexpended balance in the special fund of the board as of July 1, 1973. All expenditures of the board and all expenses necessarily paid or incurred thereby, in the exercise of its powers or the performance of its duties under this chapter, shall be paid out of this fund. Payments out of the fund shall be made only upon written orders issued and signed by the secretary of the board. ~~No expense shall be incurred by the~~

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~~board in excess of the revenue derived from such fees~~ The expenses of administering sections 151.01 to 151.40 shall be paid from the appropriations made to the state board of pharmacy.

Sec. 31. Minnesota Statutes 1971, Section 153.02, is amended to read:

153.02 GOVERNOR TO APPOINT MEMBERS. The governor shall appoint a state board of podiatry examiners and registration consisting of ~~two public members as defined for purposes of this act and five members who shall be~~ resident podiatrists of good standing in their profession; each member shall serve five years and until his successor is appointed and has qualified, provided that the initial two public members shall serve four and five year terms respectively.

Sec. 32. Minnesota Statutes 1971, Section 153.03, is amended to read:

153.03 APPLICATION FOR REGISTRATION; FEES. Application for registration shall be made upon blanks furnished by the board and signed and sworn to by the applicant.

All fees received by the board shall once a month be paid by its secretary into the state treasury and credited to the general fund together with any unexpended balance in the special fund of the board as of July 1, 1973. The expenses of administering sections 153.01 to 153.15 shall be paid from the appropriations made to the state board of podiatry.

Sec. 33. Minnesota Statutes 1971, Section 153.12, is amended to read:

153.12 COMPENSATION AND EXPENSES. Each member of the board shall receive ~~\$25~~ \$35 for every day actually spent in the performance of his duties in connection with the provisions of this chapter and the ordinary and necessary ~~traveling~~ expenses ~~actually incurred, not exceeding five cents per mile each way in the same amount and manner as state employees.~~ Such compensation and ~~traveling~~ expenses and any incidental expenses necessarily incurred by the board or any members thereof shall, if approved by the board, be paid from the state treasury, ~~but only from the fees received under the provisions of this chapter and paid into the state treasury by the board~~ appropriated funds.

Sec. 34. Minnesota Statutes 1971, Section 154.22, is amended to read:

154.22 BOARD OF BARBER EXAMINERS CREATED; TERMS. A board, to be known as the board of barber examiners, is established to consist of ~~three~~ four members appointed by the

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governor. ~~Each member~~ Three of such members shall be a practical barber barbers who ~~has~~ have followed the occupation of a barber in this state for at least five years immediately prior to ~~his~~ their appointment; ~~Each member shall be a graduate~~ graduates from the eighth grade of a grammar school, or have an equivalent education; ~~and must shall~~ have knowledge of the matters to be taught in approved schools of barbering, as set forth in section 154.07, ~~and shall be qualified and competent to pass upon all matters likely to come before the board.~~ The remaining member of the board shall be a public member as defined for purposes of this act. One of the members shall be a member of, or recommended by, a union of journeymen barbers which shall have existed at least two years, and one shall be a member of, or recommended by, the master barbers association of Minnesota.

The members of the board shall serve for three years. The governor may remove a member for cause.

Members appointed to fill vacancies caused by death, resignation, or removal shall serve during the unexpired term of their predecessors. The present members of the board of barber examiners shall remain in office until the completion of their respective terms.

Sec. 35. Minnesota Statutes 1971, Section 154.23, is amended to read:

154.23 OFFICERS; COMPENSATION; REPORTS. The board of barber examiners shall elect a chairman and secretary. It shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board and turn over to the state treasurer all moneys ~~collected at least once a month~~ and fees collected pursuant to this chapter which shall be credited to the general fund in the state treasury together with the unexpended balance in any special account of the board as of July 1, 1973. The expenses of administering sections 154.01 to 154.26 shall be paid from the appropriations made to the state board of barber examiners.

Each member of the board shall give a bond in the sum of \$5,000, with sureties to be approved by the secretary of state, conditioned for the faithful performance of his duties and take the oath provided by law for public officers.

A majority of the board, in meeting duly assembled, may perform and exercise all the duties and powers devolving upon the board.

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The secretary shall receive as compensation \$9,000 per annum and the other members of the board shall receive a compensation of \$35 per day for each day of actual service, but not to exceed 20 days in any calendar month nor 100 days in any calendar year, in discharge of their duties as such. All members of the board shall receive necessary traveling expenses incurred in the discharge of their duties. ~~Salaries and expenses are to be paid out of the fund created by fees collected in the administration of this chapter.~~ Each member of the board of barber examiners is entitled to sick leave and vacation leave with pay to be computed in the manner prescribed by the civil service rules. Each member shall file monthly with the secretary a complete report showing his activities during the preceding month, stating in detail the places, shops, or schools visited or inspected by the member. On or before October 1 in each even numbered year the board shall make a biennial report to the governor containing a full statement of the receipts and disbursements of the board and a full statement of its doings and proceedings during the preceding two fiscal years, with such recommendations as it may deem expedient.

The board shall have authority to employ such inspectors, clerks, deputies, and other assistants as it may deem necessary to carry out the provisions of this chapter.

~~Any funds in the state treasury to the credit of the present board of barber examiners shall be transferred to, and made available for use by, the board established under the provisions of this chapter.~~

Sec. 36. Minnesota Statutes 1971, Section 155.04, is amended to read:

155.04 BOARD OF EXAMINERS. For the purposes of this chapter, there is hereby created and established a board, to be known by the name and style of the Minnesota state board of cosmetology, which shall consist of three four members, one of whom shall be a public member as defined for purposes of this act, not more than two of whom shall reside in cities of the first class and all of whom shall reside in the state, ~~and have an official seal.~~ ✓

Sec. 37. Minnesota Statutes 1971, Section 155.05, is amended to read:

155.05 MEMBERS OF BOARD. The governor shall appoint the members of the Minnesota state board of cosmetology, each. Three of whom such members shall have an official seal, shall have had five years of experience within the last seven years and practice in this state in the occupation and practices as named within this chapter, and who is a shall be senior instructor instructors or has have the qualifications to take the examination therefor, prior to

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the first appointment, one to serve one year, one to serve two years, and one to serve three years, or until their successors are duly appointed and have qualified, and thereafter the term of each such member shall be three years. The governor may remove any member of the board with or without cause. The board members shall be citizens of this state and not members of, nor affiliated with, any school duly approved and teaching the practices, as defined herein, while a member of the board, nor shall any two members of the board be graduates of the same school, or system of schools, teaching the practices, as defined herein. Each member of the board shall take the oath provided by law for public officers.

Sec. 38. Minnesota Statutes 1971, Section 155.18, Subdivision 1, is amended to read:

155.18 **DISPOSAL OF FEES.** Subdivision 1. All fees, as provided in this chapter, shall be paid in advance to the board and deposited in the state treasury and credited to the board general fund together with the unexpended balance in any special account of the board as of July 1, 1973. The expenses of administering sections 155.01 to 155.21 shall be paid from the appropriations made to the Minnesota state board of cosmetology. These funds shall be disbursed by the board only on the order of the president of the board and in payment of expenses lawfully incurred and approved by the board and with the approval of the department of administration in these cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee.

Sec. 39. Minnesota Statutes 1971, Section 156.01, Subdivision 1, is amended to read:

156.01 **STATE VETERINARY EXAMINING BOARD.** Subdivision 1. There is hereby created a state veterinary examining board which shall consist of two public members as defined for purposes of this act and five qualified veterinarians appointed by the governor. Each appointee shall be a resident of the state of Minnesota, and the veterinarian members of the board shall have practiced veterinary medicine in this state for at least five years prior to his their appointment, and shall be a graduate graduates of a reputable an accredited veterinary college. Each member of the board shall be appointed for a term of five years and until his successor is appointed and qualifies; provided, that the first board appointed by the governor pursuant to this chapter shall consist of five members, who shall hold office for one, two, three, four, and five years, respectively. The initial public members of the board shall be appointed for four and five year terms respectively.

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Vacancies occurring during an appointed term shall be filled by the governor for the unexpired term.

Sec. 40. Minnesota Statutes 1971, Section 156.01, Subdivision 2, is amended to read:

Subd. 2. Whenever the occasion arises pursuant to this chapter for the appointment of a veterinarian member of the board by the governor the board of trustees of the Minnesota state veterinary medical society ~~shall~~ may recommend to the governor, at least 30 days in advance of the date that the appointment is to be made, three veterinarians qualified to serve on the board for each appointment so to be made ~~and the governor may appoint one of these persons so recommended to fill the vacancy.~~

Sec. 41. Minnesota Statutes 1971, Section 156.14, is amended to read:

156.14 FUNDS PAID TO STATE TREASURER. All fees collected on behalf of the veterinary examining board, as provided by this chapter, and all receipts of every kind or nature received by the board shall be collected by the treasurer of the board and by him deposited in the state treasury and credited to the ~~board~~ general fund, together with the unexpended balance in any special account of the board as of July 1, 1973. The expenses of administering sections 156.001 to 156.14 shall be paid from the appropriations made to the state veterinary examining board. Such fund shall be known as the state veterinary examining board fund and shall be under the sole and exclusive jurisdiction of the board for the purposes of carrying out the provisions of this chapter. All money in the state treasury credited to the state veterinary examining board fund is annually appropriated to the board for the purposes of carrying out the provisions of Minnesota Statutes, Chapter 156.

Sec. 42. Minnesota Statutes 1971, Section 326.04, is amended to read:

326.04 STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND SURVEYORS. To carry out the provisions of sections 326.02 to 326.15 there is hereby created a state board of registration for architects, engineers, and land surveyors (hereinafter called the board) consisting of ~~nine~~ fifteen members, who shall be appointed by the governor. Three members shall be registered architects, five members shall be registered engineers ~~and~~, one member shall be a registered land surveyor ~~and~~ six members shall be public members as defined for purposes of this act. Not more than one member of said board shall be from the same branch of the profession of engineering. The members of the first board shall be appointed to serve for the following terms:

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two members for one year; two members for two years; two members for three years; and one member for four years, said term ending on the first day of January of the succeeding years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the board shall be for a period of four years and shall terminate on the first day of January; except that each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. The two engineering members of the board added by this amendment shall be appointed for the following term: one for a term ending on the first day of January of the next succeeding year, and one for a term ending on the first day of January of the second succeeding year following his appointment. Thereafter their successors shall be appointed for a term of four years as provided for the other members of the board. Each public member of the board shall be appointed for a term of four years, provided that of the initial public members appointed two shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. The governor may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board, however created, shall be filled by appointment by the governor for the unexpired term.

Sec. 43. Minnesota Statutes 1971, Section 326.05, is amended to read:

326.05 QUALIFICATIONS OF BOARD MEMBERS. Each member of the board shall be a citizen of the United States and a resident of this state at the time of his appointment. He Each member except the public members shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He Each such member shall be a member in good standing of a recognized society of architects, engineers, or land surveyors; and, except as provided in section 326.06, shall be a registered architect, registered engineer, or registered land surveyor.

Sec. 44. Minnesota Statutes 1971, Section 326.07, is amended to read:

326.07 BOARD, MEETINGS OF, OFFICERS, QUORUM. The board shall hold a meeting within 30 days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the bylaws of the board may provide. Notice of all meetings shall be given in such manner as the bylaws may provide. The board shall elect annually from its members a chairman, a vice-chairman and a secretary-treasurer. A quorum of the board shall consist of not less than five eight members, of whom two shall be architects, and three engineers, and three public members.

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Sec. 45. Minnesota Statutes 1971, Section 326.08, Subdivision 1, is amended to read:

326.08 FEES, DISPOSAL OF; PAY OF BOARD MEMBERS; BONDS. Subdivision 1. All fees and other moneys accruing from the operation of sections 326.02 to 326.15 shall be paid to the board and shall be used ~~for the purposes of sections 326.02 to 326.16 credited to the general fund in the state treasury together with any unexpended balance in a special fund of the board as of July 1, 1973.~~ The expenses of administering sections 326.02 to 326.16 shall be paid from the appropriation made to the state board of registration for architects, engineers and surveyors. The expenses of the board shall be paid by voucher made by the secretary-treasurer and approved by the chairman. Each member of the board shall receive \$35 for each day or portion thereof that he attends a meeting of the board or is otherwise engaged in performing official business of the board. The members of the board shall be reimbursed for ordinary and actual expenses incurred in travel to and from meetings and for expenditures for hotel bills, meals, stationery, postage, printing, typewriting, and the like necessary expenses incurred in the performance of their duties in the same amount and manner as state employees.

Sec. 46. Minnesota Statutes 1971, Section 326.17, is amended to read:

326.17 STATE BOARD OF ACCOUNTANCY. A board of examiners, to be known as the state board of accountancy, is hereby created to carry out the purposes and enforce the provisions of sections 326.17 to 326.23. It shall consist of ~~five~~ seven citizens of this state to be appointed by the governor, two of whom shall be public members as defined for purposes of this act and who five of whom shall be the holders of certificates issued under the provisions of sections 326.17 to 326.23, and. Each member shall hold office until the expiration of their respective terms and until their successors are appointed and have qualified. The members of the state board of accountancy in office on June 30, 1962, shall continue in office for the remainder of their respective unexpired terms, which terms expire on December 31 of successive years. If a member is unable or unwilling to complete the term for which he was appointed, the governor shall appoint a member for the remainder of his term. The initial terms of the public members of the board shall be for four and five years respectively. Upon the expiration of any term, the governor shall appoint a member of the board for a term of five years.

Sec. 47. Minnesota Statutes 1971, Section 326.18, is amended to read:

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326.18 BOARD, DUTIES, OFFICERS, EXAMINATIONS, REPORT. A majority of the board shall constitute a quorum. The board shall elect one of its number as chairman, another as vice chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of ~~three~~ four members of the board shall be considered as the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience, as prescribed in sections 326.17 to 326.23, in all examinations conducted thereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character and scope of such examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections 326.17 to 326.23. All such examinations shall be conducted by the state board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held, and not less than 20 days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board, but not less than once in each year. The board may make further rules and regulations, including but not limited to rules of professional conduct, pertaining to corporations practicing public accounting which it deems consistent with or required by the public welfare.

The board shall keep records of its proceedings, an accurate list of all applications made, certificates issued, certificates registered, and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate issued or registered under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary. It shall report biennially, on or before October 1 in each even numbered year to the governor for the two preceding fiscal years, as follows:

- (1) Its receipts and disbursements;
- (2) Names of persons to whom certificates have been issued;
- (3) Names of all persons whose certificates have been revoked;
- (4) Recommendations, if any, for new legislation; and

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(5) Such other matters as the board may deem proper.

Sec. 48. Minnesota Statutes 1971, Section 326.22, Subdivision 3, is amended to read:

Subd. 3. **EXPENSES OF ADMINISTRATION.** ~~From the fees collected under sections 326.17 to 326.23~~ The board shall pay all ordinary and necessary expenses incident to the examinations, hearings, and expense of issuing certificates, traveling expenses of the board while performing their duties in the same amount and manner as state employees. The fees collected under sections 326.17 to 326.23 shall be paid into the state treasury and credited to the general fund together with the unexpended balance in any special fund of the board as of July 1, 1973. The expenses of administering sections 326.17 to 326.23 shall be paid from appropriations made to the state board of accountancy. The members of the board of accountancy shall be paid \$35 per day spent in the performance of their duties and all necessary expenses incurred in the performance of their duties.

Sec. 49. Minnesota Statutes 1971, Section 326.241, Subdivision 1, is amended to read:

326.241 STATE BOARD OF ELECTRICITY. Subdivision 1. **COMPOSITION.** The state board of electricity shall consist of ~~seven~~ nine members, residents of the state, appointed by the governor with the advice and consent of the senate, each for a term of five years, except that the initial public members shall serve four and five year terms respectively and until his successor qualifies, of whom at least two shall be representatives of the electrical suppliers in the rural areas of the state, two shall be master electricians, who shall be contractors, two journeyman electricians, and one a registered consulting electrical engineer and two public members as defined for purposes of this act.

Sec. 50. Minnesota Statutes 1971, Section 326.241, Subdivision 3, is amended to read:

Subd. 3. **COMPENSATION AND FINANCES.** Each member of the board shall be paid compensation of \$35 per day for each day spent in performance of his duties, plus ~~actual~~ ordinary and necessary expenses in the same amount and manner as state employees. Compensation and expenses shall not be paid for more than twenty-four days in any calendar year, exclusive of days spent in actual attendance at required public hearings on matters before the board in regard to rules and regulations, appeals, or license proceedings. All fees collected under the provisions of Laws 1967, Chapter 602 are ~~annually appropriated to the board for its use and, on or before October 1 of each year, the board shall report, in writing, to the governor and the commissioner of administration its~~

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receipts and disbursements for the preceding twelve months to be credited to the general fund in the state treasury along with any unexpended balance in a special fund of the board as of July 1, 1973. The expenses of administering sections 326.241 to 326.339 shall be paid from appropriations made to the state board of electricity.

Sec. 51. Minnesota Statutes 1971, Section 326.541, is amended to read:

326.541 BOARD OF EXAMINERS IN WATCHMAKING. (1)

There is created a board to be known as the "Minnesota Board of Examiners in Watchmaking," whose duties it shall be to administer the provisions of Laws 1943, Chapter 474. Such board shall consist of five seven members, appointed by the governor ~~within 60 days after the effective date of Laws 1943, Chapter 474.~~ All persons so appointed shall have been residents of this state and five such members shall have actually engaged in watchmaking, as defined in section 326.01, subdivision 20, for at least five years immediately preceding the time of their appointment. The remaining members shall be public members as defined for purposes of this act. Each member of the board shall hold office for four years and until his successor shall be appointed, and qualifies, except that in the first appointments three members shall be appointed for four years, two for two years, and the term of office in such case shall be designated by the governor at the time of the appointment. The board of five seven to shall consist of not have at least less than two employees as members. The initial public members shall serve terms of three and four years respectively.

(2) The board shall choose annually, one of its members as president and one as secretary, who shall severally have power to administer oaths and take affidavits certifying thereto under the seal of the board. The board shall meet at such times and places as the officers may direct. A majority of the board shall constitute a quorum. The secretary shall give such bond as the board shall determine to be proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be paid a per diem of ~~\$25~~ \$35 for time spent in the performance of his their duties but not to exceed in one year the total sum of ~~\$750~~ \$950; ~~also they shall be paid mileage of 7½ cents per mile, and actual and necessary expenses for lodging and meals and they shall receive ordinary and necessary expenses in the same amount and manner as state employees.~~ The secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed \$2,500. ~~All expenses connected with the operation of the board shall be defrayed from the revenue derived from the licenses, renewals, and examination fees.~~

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(3) The board shall establish suitable and proper uniform apprenticeship regulations; may retain administrative or legal counsel, if it deems needed or proper; and to appoint one clerk or assistant to the secretary, exempt from civil service, and to fix the salary therefor.

(4) The secretary shall collect the fees and shall pay the same into the state treasury, to be kept by the state treasurer in a fund entitled "Watchmakers' fund." credited to the general fund together with any unexpended balance in a special fund of the board as of July 1, 1973. The secretary shall draw by warrant for necessary expenses ~~which shall be paid from said fund.~~ The expenses of administering sections 326.54 to 326.546 shall be paid from appropriations made to the Minnesota board of examiners in watchmaking.

Sec. 52. Minnesota Statutes 1971, Section 341.01, is amended to read:

341.01 **CREATION.** There is hereby created the state ~~athletic~~ boxing commission, to consist of ~~five~~ seven commissioners, citizens of this state, ~~two of whom shall be public members as defined for purposes of this act,~~ who shall be appointed by the governor and hold office for a term of three years, except as hereinafter provided, and until their successors are appointed and have qualified.

Sec. 53. Minnesota Statutes 1971, Section 341.02, is amended to read:

341.02 **GOVERNOR TO APPOINT.** The governor shall appoint as members of this commission one commissioner for a term of one year, two commissioners for a term of two years, and two commissioners for a term of three years, such term to commence on the first day of the month following such appointments. The initial public members appointed to the board shall serve two and three year terms respectively, such terms to commence on the first day of the month following such appointment. Any vacancy in office shall be filled by appointment by the governor for the unexpired portion of the term. No commissioner shall directly or indirectly promote any boxing or sparring exhibition or directly or indirectly engage in the managing of any boxer or be interested in any manner in any proceeds from any boxing match.

Sec. 54. Minnesota Statutes 1971, Section 341.03, is amended to read:

341.03 **COMPENSATION; EXPENSES.** Each commissioner shall receive ~~\$25~~ \$35 for each meeting of the commission he attends, plus mileage, ~~also expenses actually and necessarily in-~~

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~~occurred in the performance of his duties ordinary and necessary expenses in the same amount and manner as state employees, but he shall not be paid for attending more than 22 such meetings in any calendar year.~~

Sec. 55. Minnesota Statutes 1971, Section 341.06, is amended to read:

341.06 MONEYS PAID INTO STATE TREASURY. The commission shall pay into the state treasury all moneys collected by it. ~~The sum of \$20,000 is appropriated to the commission annually for the purposes of chapter 341.~~ The expenses of administering sections 341.01 to 341.15 shall be paid for from appropriations made to the state boxing commission.

Sec. 56. Minnesota Statutes 1971, Section 386.63, Subdivision 1, is amended to read:

386.63 MINNESOTA ABSTRACTERS BOARD OF EXAMINERS. Subdivision 1. There is hereby created a board to be known as the "Minnesota Abstracters Board of Examiners," whose duties it shall be to administer the provisions of sections 386.61 to 386.76. The board shall consist of ~~five~~ seven members to be appointed by the governor of the state ~~within 60 days after July 1, 1957.~~ Four persons so appointed shall be residents of this state and actually engaged in the business of making abstracts of title to real estate for at least five years immediately preceding the time of their appointment, but no more than one such member shall be from a county containing a city of the first class. The fifth member of the board shall be an attorney at law admitted to practice in the state of Minnesota. The remaining members shall be public members as defined for purposes of this act. Each member of the board shall qualify by taking the oath provided by law for public officers and shall hold office for six years until his successor shall be appointed and qualified, except that for the first five appointments, two members shall be appointed for two years, two for four years, and one for six years, and the term of office in such case shall be designated by the governor at the time of the appointment. The initial two public members shall serve terms of five and six years respectively. Vacancies caused by death, resignation, expiration of the term of public office to which a board member has been appointed or elected, or otherwise shall be filled by the governor for the unexpired term of such member.

Sec. 57. Minnesota Statutes 1971, Section 386.63, Subdivision 5, is amended to read:

Subd. 5. Each member of the board shall be paid a per diem of \$5 ~~\$35~~ for attendance of meetings and other service rendered ~~while absent from home~~ upon business connected with and autho-

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rized by the board, and in addition mileage ~~not to exceed seven cents for each mile traveled and actual expenses not to exceed \$5 per day, as determined by the board~~ ordinary and necessary expenses in the same amount and manner as state employees.

Sec. 58. Minnesota Statutes 1971, Section 386.64, is amended to read:

386.64 MINNESOTA ABSTRACTERS BOARD OF EXAMINERS REVOLVING FUND. ~~Subdivision 1. There is hereby created the Minnesota Abstracters Board of Examiners Revolving Fund, and all moneys therein are hereby appropriated to the Minnesota Abstracters Board of Examiners for the administration and enforcement of sections 386.61 to 386.76 All receipts derived from the administration of sections 386.61 to 386.76 shall be deposited in the general fund together with any unexpended balance of any special fund of the board as of July 1, 1973. The expenses of administering sections 386.61 to 386.76 shall be paid from appropriations made to the Minnesota abstracters board of examiners.~~

~~Subd. 2. Such fund shall consist of any amount appropriated thereto by the legislature from the general fund, together with all receipts derived from the administration of sections 386.61 to 386.76, which the board is hereby directed to deposit in the state treasury to the credit of such fund.~~

~~Subd. 3. Such fund shall be in the state treasury and the moneys therein shall be paid out in the manner prescribed by law for moneys in the state treasury.~~

~~Subd. 4. If at any time in the future there is a sum in the said revolving fund an amount sufficient to reimburse the general fund of any amounts previously appropriated therefrom in accordance with sections 386.61 to 386.76 over and above any liabilities or encumbered funds, there shall be transferred from such revolving fund an amount sufficient to reimburse the general fund and the state auditor and state treasurer are authorized and directed to make the necessary entries upon their books.~~

~~Subd. 5. After the repayment to the general fund referred to in subdivision 4, at the end of any fiscal year thereafter on June 30, there shall be transferred to the general fund from said revolving fund an amount equal to the amount of the unencumbered balance of said revolving fund at midnight of the preceding April 30.~~

Sec. 59. Minnesota Statutes 1971, Section 481.01, is amended to read:

481.01 BOARD OF LAW EXAMINERS; EXAMINATIONS. The supreme court shall, by rule from time to time, prescribe the

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qualifications of all applicants for admission to practice law in this state, and shall appoint a state board of law examiners, which shall be charged with the administration of such rules and regulations and with the examination of all applicants for admission to practice law. The board shall consist of not less than three, nor more than seven, attorneys at law, who shall be appointed each for the term of three years and until his successor qualifies. The supreme court may fill any vacancy in the board for the unexpired term and in its discretion may remove any member thereof. The board shall have a seal and shall keep a record of its proceedings, of all applications for admission to practice, and of persons admitted to practice upon its recommendation. At least two times a year the board shall hold examinations and report the result thereof, with its recommendations, to the supreme court. Upon consideration of such report, the supreme court shall enter an order in the case of each person examined, directing the board to reject him or to issue to him a certificate of admission to practice. The board shall have such officers as may, from time to time, be prescribed and designated by the supreme court. The fee for examination shall be fixed, from time to time, by the supreme court, but shall not exceed \$50. Such fees, and any other fees which may be received pursuant to such rules as the supreme court may promulgate governing the practice of law shall be paid to the state treasurer and shall constitute a special fund in the state treasury. ~~The moneys in such fund are appropriated annually to the supreme court for the payment of compensation and expenses of the members of the board of law examiners and for otherwise regulating the practice of law. The moneys in such fund shall never cancel. Payments therefrom shall be made by the state treasurer, upon warrants of the state auditor issued upon vouchers signed by one of the justices of the supreme court be credited to the general fund along with any unexpended balance in a special fund of the board or supreme court as of July 1, 1973.~~ The members of the board shall have such compensation and such allowances for expenses as may, from time to time, be fixed by the supreme court. The expenses of administering the provisions of sections 481.01 to 481.17 shall be paid from appropriations made to the state board of law examiners upon vouchers signed by one of the justices of the supreme court.

✓ Sec. 60. [481.18] **STATE BOARD OF PROFESSIONAL RESPONSIBILITY.** Any board of professional responsibility established by rule of the Minnesota supreme court whose function is recommending the discipline of attorneys at law shall be composed of nine members learned in the law and six public members as defined for purposes of this act. Members shall be appointed by the court for four year terms; provided that of the public members first appointed, two shall serve a one year term, two shall serve a two year term, and two shall serve a three year term. Any funds now collected by the clerk of the Minnesota supreme court from

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attorneys at law as a registration fee and used to defray the costs of the board of law examiners and the board of professional responsibility shall be paid by the clerk of the Minnesota supreme court into the general fund in the state treasury together with the unexpended balance of any special fund pertaining thereto. The cost of administering the laws and rules of court applicable to the licensing and discipline of attorneys at law shall be paid for by general appropriation made to the supreme court. The members of the board of professional responsibility shall receive a per diem payment of \$35 for activity directly connected with board activity as well as their actual and necessary expenses in the same manner and amount as state employees.

Sec. 61. [214.02] **PUBLIC MEMBER, DEFINED.** "Public member" means a person who is not, or never was, a member of the profession or occupation being licensed or regulated or the spouse of any such person, or a person who does not have or has never had, a material financial interest in either the providing of the professional service being licensed or regulated or an activity directly related to the profession or occupation being licensed or regulated.

Sec. 62. [214.03] **STANDARDIZED TESTS.** All state examining and licensing boards shall use national standardized tests for the objective, nonpractical portion of any examination given to prospective licensees to the extent that such national standardized tests are appropriate, except when the subject matter of the examination relates to the application of Minnesota law to the profession or calling being licensed.

Sec. 63. [214.01] **DEFINITIONS.** Subdivision 1. The words defined in this section for purposes of sections 59 through 62 have the meanings given them unless the context clearly requires otherwise.

Subd. 2. "Health related licensing board" means the board of examiners of nursing home administration established pursuant to Minnesota Statutes, Section 144.952, the board of examiners in basic sciences established pursuant to Minnesota Statutes, Section 146.03, the state board of medical examiners created pursuant to Minnesota Statutes, Section 147.01, the Minnesota board of nursing created pursuant to Minnesota Statutes, Section 148.181, the state board of chiropractic examiners established pursuant to Minnesota Statutes, Section 148.02, the licensed practical nurses examining board created pursuant to Minnesota Statutes, Section 148.296, the state board of optometry established pursuant to Minnesota Statutes, Section 148.52, the state examining committee for physical therapists established pursuant to Minnesota Statutes, Section 148.66, the state board of dentistry established pursuant to Minnesota Statutes, Section 150A.02, the state board of pharmacy established

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pursuant to Minnesota Statutes, Section 151.02, the state board of podiatry examiners and registration established pursuant to Minnesota Statutes, Section 153.02, and the state veterinary examining board, established pursuant to Minnesota Statutes, Section 156.01.

Subd. 3. "Non-health related licensing board" means the state board of examiners of psychologists established pursuant to Minnesota Statutes, Section 148.79 or its successor board, the board of barber examiners established pursuant to Minnesota Statutes, Section 154.22, the state board of cosmetology examiners established pursuant to Minnesota Statutes, Section 155.04, the state board of architects, engineers and land surveyors established pursuant to Minnesota Statutes, Section 326.04, the state board of accountancy established pursuant to Minnesota Statutes, Section 326.17, the state board of electricity established pursuant to Minnesota Statutes, Section 326.241, the Minnesota board of examiners in watchmaking established pursuant to Minnesota Statutes, Section 326.541, the state boxing commission established pursuant to Minnesota Statutes, Section 341.02, the Minnesota abstracters' board of examiners established pursuant to Minnesota Statutes, Section 386.63, the state board of law examiners established pursuant to Minnesota Statutes, Section 481.01, and the board of professional responsibility established by rule of the Minnesota supreme court.

Sec. 64. [214.04] SERVICES. Subdivision 1. The commissioner of administration at his discretion with respect to the health related licensing boards and non-health related boards may provide at a central location suitable offices and other space, joint conference and hearing facilities, examination rooms, and the following administrative support services: purchasing service, accounting service, advisory personnel services, data processing, duplicating, mailing services, automated printing of license renewals, and such other similar services of a housekeeping nature as are generally available to other agencies of state government. With respect to the health related licensing boards, the commissioner of administration shall consult with the state board of health.

Subd. 2. The health related licensing boards and the non-health related licensing boards shall be required to provide compensation for the reasonable costs associated with providing the services required by subdivision 1 of this section. Such compensation shall be based upon biennial budgeting statements prepared by each licensing board. Transfers of funds to the account of the department of administration with respect to the health related boards and the non-health related boards shall be made on the first day of each quarter of the biennium for services to be furnished, and all funds so transferred shall be deposited to the account of the department of administration.

Changes or additions indicated by underline, deletions by strikeout.

Sec. 65. [214.05] EFFECT OF POWERS GRANTED IN ENABLING ACTS. Nothing in sections 59 to 62 shall be construed to limit the powers granted to the health related boards or the non-health related boards in their enabling legislation.

Sec. 66. Minnesota Statutes 1971, Section 45.16, Subdivision 3, is repealed.

Sec. 67. [214.06] FEES. Notwithstanding any law to the contrary, all health related licensing boards as defined in section 59 of this act and all non-health related licensing boards as defined in section 59 of this act, acting pursuant to the administrative procedures act, may, with the approval of the commissioner of administration, increase the fee for the renewal of a license or certificate a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures.

Sec. 68. EFFECTIVE DATE. The provisions of this act except section 60 shall be effective July 1, 1973. Section 60 shall be effective January 1, 1974. All provisions relative to depositing fees and other income in the general revenue fund shall be effective July 1, 1976.

Approved May 24, 1973.

CHAPTER 639—H.F.No.976

[Coded in Part]

An act relating to pharmacy and drugs; redefining certain terms; increasing the compensation of the members of the state board of pharmacy; revising the qualifications required of applicants for registration; providing for the training of interns; increasing the maximum fee for registration; revising exceptions allowed to registration requirements; regulating the introduction of distressed drugs into the state; amending Minnesota Statutes 1971, Sections 151.01, Subdivisions 5 and 14; 151.10; 151.101; 151.12; 151.211; 151.25; 151.26, Subdivision 1; 151.37, Subdivision 5 and 151.39, by adding a subdivision; repealing Minnesota Statutes 1971, Section 151.26, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 151.01, Subdivision 5, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.