

(c) Heat treatment, tempering or kiln firing of any metal or other materials;

(d) Gas or electric arc welding;

(e) Repair or servicing of any vehicle or mechanical equipment;

(f) Any other activity or operation involving work in any area that is potentially hazardous to the eye.

Subd. 4. The governing body of a public educational institution referred to in subdivision 1 may purchase such devices in large quantities for the use of pupils, teachers and visitors.

Subd. 5. Any person desiring protective-corrective lenses instead of the protective devices supplied by the educational institution shall, at his own expense, procure and equip himself with industrial quality eye protective devices.

Subd. 6. "Industrial quality eye protective devices," as used in this act, shall mean devices meeting the standards of the American Standard Safety Code for Head, Eye, and Respiratory Protection, currently identified as ASA Z2.1-1959.

Subd. 7. This act shall become effective on January 1, 1968.

Approved May 31, 1967.

EXTRA SESSION

CHAPTER 15—S. F. No. 14

An act relating to certain crimes and punishment; prohibiting the theft of trade secrets; amending Minnesota Statutes 1965, Section 609.52, Subdivisions 1, 2, and 3.

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

Section 1. Minnesota Statutes 1965, Section 609.52, Subdivision 1, is amended to read:

609.52 Trade secrets; theft. Subdivision 1. **Definitions.** In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl,

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and heat supplied by pipe or conduit by municipalities or public utility companies: *and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of this act to include any trade secret represented by such article.*

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.

(3) "Value" means the market value at the time of the theft, or if the market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft(-), *or in the case of a theft or the making of a copy of an article representing a trade secret, where the market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which he has suffered by reason of losing an advantage over those who do not know of or use the trade secret.* For a theft committed within the meaning of subdivision 2, clause (5), (a) and (b), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, micro-organism, blueprint or map, *or any copy of any of the foregoing.*

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means the whole or any portion of any formula, pattern, device or compilation of any scientific or technical information which is secret, is of value and has not been published or otherwise become a matter of general public knowledge; *and an article representing a trade secret shall be presumed to be secret and not to have been published or otherwise become a matter of general public knowledge when the owner marks it as a trade secret and takes measures to preserve its secrecy and to prevent it from becoming available to persons other than those selected by the owner to have controlled access thereto for purposes of the owner's business.*

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, *and any note, drawing or sketch made of or from an article while in the presence of such article.*

(4) (8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other

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subordinate interest, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, set-off, or counterclaim.

Sec. 2. Minnesota Statutes 1965, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. Acts constituting theft. Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) Intentionally and without claim or right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

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(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner(-); or

(8) *Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause (8) of Subdivision 2 hereof for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret.*

Sec. 3. Minnesota Statutes 1965, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services is more than \$100 but not more than \$2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services is not more than \$100, if any of the following circumstances exist:

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(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) *To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the property stolen is an article representing a trade secret; or*

~~(4)~~ (5) In all other cases where the value of the property or services is \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100, provided, however, in any prosecution under clause (3) (a) of subdivision 2 hereunder the value of the money or property received by the defendant in violation thereof within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision.

Approved May 31, 1967.

EXTRA SESSION

CHAPTER 16—S. F. No. 17

[Coded]

An act providing medical assistance for needy persons.

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

Section 1. [256B.01] **Medical assistance for needy persons; policy.** Medical assistance for needy persons whose resources are not adequate to meet the cost of such care is hereby declared to be a matter of state concern. To provide such care, a statewide program of medical assistance, with free choice of vendor, is hereby established.

Sec. 2. [256B.02] **Definitions.** Subdivision 1. "Re-

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