

the city assessor.

Sec. 2. This act is effective upon its approval by the governing body of the city of St. Cloud and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 15, 1974.

CHAPTER 176—S.F.No.3389
[Not Coded]

An act relating to Thief River Falls; providing for special elections to fill offices in certain cases.

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

Section 1. THIEF RIVER FALLS, CITY OF; SPECIAL ELECTIONS TO FILL VACANCIES. When a vacancy occurs in the office of councilman or mayor in the city of Thief River Falls and more than one year remains in the term of the vacant office from the date the vacancy occurs it shall be filled by special election. When less than one year remains, the vacancy may be filled by special election or appointment by the council. The election shall be conducted on a date fixed by the council and in accordance with Minnesota Statutes, Sections 205.05 to 205.09, so far as possible. If the city, pursuant to law or resolution, uses a primary election to nominate candidates for election, a primary election shall be used to nominate candidates for a special election pursuant to this act.

Sec. 2. This act is effective upon its approval by the governing body of Thief River Falls and compliance with Minnesota Statutes, Section 645.021.

Approved March 18, 1974.

CHAPTER 177—S.F.No.498
[Coded]

An act providing for the regulation of abortions; providing penalties; providing for records to be kept; repealing Minnesota Statutes, Sections 617.18 and 617.19.

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

Section 1. [145.411] ABORTIONS; DEFINITIONS. Subdivision 1.

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TERMS. As used in sections 1 to 6, the terms defined in this section have the meaning given to them.

Subd. 2. **VIABLE.** "Viable" means able to live outside the womb even though artificial aid may be required. During the second half of its gestation period a fetus shall be considered potentially "viable".

Subd. 3. **HOSPITAL.** "Hospital" means an institution licensed by the state board of health; adequately and properly staffed and equipped; providing services, facilities and beds for the reception and care of one or more non-related persons for a continuous period longer than 24 hours for diagnosis, treatment or care of illness, injury or pregnancy; and regularly providing clinical laboratory services, diagnostic x-ray services and treatment facilities for surgery, obstetrical care or other definitive medical treatment of similar extent. "Hospital" shall not include diagnostic or treatment centers, physicians' offices or clinics, or other facilities for the foster care of children licensed by the commissioner of welfare.

Subd. 4. **ABORTION FACILITY.** "Abortion facility" means those places properly recognized and licensed by the state board of health under lawful rules and regulations promulgated by the board for the performance of abortions.

Subd. 5. **ABORTION.** "Abortion" includes an act, procedure or use of any instrument, medicine or drug which is supplied or prescribed for or administered to a pregnant woman which results in the termination of pregnancy.

Sec. 2. [145.412] **CRIMINAL ACTS.** Subdivision 1. It shall be unlawful to wilfully perform an abortion unless the abortion is performed:

(1) by a physician licensed to practice medicine pursuant to Minnesota Statutes, Chapter 147, or a physician in training under the supervision of a licensed physician;

(2) in a hospital or abortion facility if the abortion is performed after the first trimester;

(3) in a manner consistent with the lawful rules and regulations promulgated by the state board of health; and

(4) with the consent of the woman submitting to the abortion after a full explanation of the procedure and effect of the abortion.

Subd. 2. It shall be unlawful to perform an abortion upon a woman who is unconscious except if the woman has been rendered unconscious for the purpose of having an abortion or if the abortion is necessary to save the life of the woman.

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Subd. 3. It shall be unlawful to perform an abortion when the fetus is potentially viable unless:

(1) the abortion is performed in a hospital;

(2) the attending physician certifies in writing that in his best medical judgment the abortion is necessary to preserve the life or health of the pregnant woman; and

(3) to the extent consistent with sound medical practice the abortion is performed under circumstances which will reasonably assure the live birth and survival of the fetus.

Subd. 4. A person who performs an abortion in violation of this section is guilty of a felony.

Sec. 3. [145.413] RECORDING AND REPORTING HEALTH DATA. Subdivision 1. The state board of health shall promulgate regulations to effect a reporting system on terminated pregnancies in order that statistical data is obtained that will relate to maternal health. The regulations and reporting system shall not interfere with the right of a pregnant woman to seek an abortion before the fetus is potentially viable. No such report, or any part thereof, shall be disclosed, in any manner, by any official or clerk or other employee or person having access thereto, and all such information shall be confidential.

Subd. 2. If any woman who has had an abortion dies from any cause within 30 days of the abortion or from any cause potentially related to the abortion within 90 days of the abortion, that fact shall be reported to the state board of health.

Subd. 3. A physician who performs an abortion and who fails to comply with subdivision 1 and transmit the required information to the state board of health within 30 days after the abortion is guilty of a misdemeanor.

Sec. 4. [145.414] ABORTION NOT MANDATORY. No person and no hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion for any reason.

Sec. 5. [145.415] LIVE FETUS AFTER ABORTION, TREATMENT. Subdivision 1. A potentially viable fetus which is live born following an attempted abortion shall be fully recognized as a human person under the law.

Subd. 2. If an abortion of a potentially viable fetus results in a live birth, the responsible medical personnel shall take all reasonable measures, in keeping with good medical practice, to preserve the life and health of the live born person.

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Subd. 3. (1) Unless the abortion is performed to save the life of the woman or child, or, (2) unless one or both of the parents of the unborn child agrees within 30 days of the birth to accept the parental rights and responsibilities for the child if it survives the abortion, whenever an abortion of a potentially viable fetus results in a live birth, the child shall be an abandoned ward of the state and the parents shall have no parental rights or obligations as if the parental rights had been terminated pursuant to Minnesota Statutes, Section 260.221. The child shall be provided for pursuant to Minnesota Statutes, Sections 256.12 (14) and 256.72 to 256.87.

Sec. 6. [145.416] **LICENSING AND REGULATION OF FACILITIES.** The state board of health shall license and promulgate regulations for facilities as defined in section 1, subdivision 4, which are organized for purposes of delivering abortion services.

Sec. 7. Minnesota Statutes, Sections 617.18 and 617.19 are repealed.

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

Approved March 21, 1974.

CHAPTER 178—H.F.No.892
[Coded]

An act relating to labor, veterans; encouraging the employment of Vietnam-era veterans by requiring the listing of job openings with the department of manpower services.

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

Section 1. [268.115] **LABOR; EMPLOYMENT ASSISTANCE TO VIETNAM-ERA VETERANS.** Subdivision 1. **PURPOSE.** The purpose of this section is to facilitate the employment of returning Vietnam-era veterans, and to thereby further the state policy of aiding their transition to civilian life, by requiring employers doing business with the state to list their job openings with the department of manpower services, which department shall give veterans a preference in job referrals.

Subd. 2. **STATE CONTRACT PROVISIONS.** Every contract with a value of more than \$10,000 for or on behalf of the state of Minnesota for materials, supplies, or construction shall contain clauses providing that:

(a) If, at any time during the six months prior to award of the contract, the contractor has employed 25 or more employees within

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