

573.02 **ACTION FOR DEATH BY WRONGFUL ACT.** Subdivision 1. When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had he lived, for an injury caused by ~~such the~~ wrongful act or omission. ~~The action~~ An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanatorium, or an employee of a physician, surgeon, dentist, hospital or sanatorium shall be commenced within the time set forth in section 541.07, subdivision 1. Any other action under this section may be commenced within three years after the act or omission date of death provided that the action must be commenced within six years after the act or omission. The recovery in ~~such the~~ action is ~~such an~~ the amount ~~as~~ the jury deems fair and just in reference to the pecuniary loss resulting from ~~such the~~ death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid.

If an action for ~~such the~~ injury was commenced by the decedent and not finally determined during his life, it may be continued by the trustee for recovery of ~~such~~ damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing ~~such the~~ continuance and directing pleadings to be made and issues framed as in actions begun under this section.

Sec. 2. This act is effective for deaths occurring on or after the effective date of the act.

Approved March 28, 1978.

CHAPTER 594-H.F.No.449

[Coded in Part]

An act relating to game and fish; licensing and regulating the taking, sale and possession of minnows; permitting the use of tip-ups; amending Minnesota Statutes 1976, Sections 97.40, Subdivision 12; 97.45, Subdivision 15; 98.46, Subdivision 5, and by adding a subdivision; 98.52, Subdivisions 2 and 3; 101.41, by adding a subdivision; and 101.42, Subdivisions 11 and 20.

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

Section 1. Minnesota Statutes 1976, Section 97.40, Subdivision 12, is amended to read:

Subd. 12. "Minnows" includes all members of the minnow family (Cyprinidae), except carp and goldfish; mudminnows; all members of the sucker family (Catostomidae)

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not over 12 inches in length; yellow perch, bullheads, tullibees, herring, whitefish, goldeyes and mooneyes not over seven inches in length. For purposes of any law regulating the taking, sale or transportation thereof, a leech shall be considered a minnow; except that no license shall be required of any resident individual under the age of 18 years engaging in the business of taking, transporting or selling leeches at retail.

Sec. 2. Minnesota Statutes 1976, Section 97.45, Subdivision 15, is amended to read:

Subd. 15. The following restrictions on the transportation of minnows apply only to quantities in excess of ~~12~~ 24 dozen. The following restrictions do not apply to minnows being transported through the state pursuant to a permit issued by the commissioner under section 101.42, subdivision 6. No person shall transport any minnows beyond the boundaries of the state, except suckers, and fathead minnows, which may be transported without the state by any resident minnow dealer holding an exporting minnow dealers license or by any licensed nonresident exporting minnow hauler bearing a bill of lading issued by a dealer holding an exporting license, on forms furnished by the department. Said bill of lading shall contain the exporter's name and address, route of exit to be used leaving the state, amount and type of bait, time of issuance and 24 hours to exit the state. No person who is not a resident shall transport, be employed as a helper, or assist in transporting minnows within the state. Except for a licensed and authorized nonresident hauler transporting minnows in accordance with this subdivision, no motor vehicle which is not registered and licensed in this state and which is not licensed under section 98.46, subdivision 5, clause 11, shall contain minnows or be used to transport minnows in Minnesota. It shall be unlawful for any person to assist any nonresident in transporting or possessing more than 12 dozen minnows within the boundaries of this state. A minnow retailer who transports minnows from a place of wholesale purchase to his place of business shall transport the minnows by the most convenient and direct route.

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, \$5;

(2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and \$10 for each fish house or dark house rented or offered for hire. Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;

(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;

(4) To conduct a taxidermist business, \$10;

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- (5) To maintain fur and game farms, including deer, \$10;
- (6) To take mussels or clams, \$25;
- (7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;
- (8) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$10;
- (9) Minnow-dealer, \$50 plus \$10 for each vehicle;
- (10) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;
- (11) Exporting minnow dealer, \$200, plus \$10 for one each vehicle only. ~~No licenses to transport fathead minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477 will not be exceeded in subsequent years. The renewal of such existing licenses will be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.~~

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed. ~~No vehicle shall be licensed if the maximum tank capacity exceeds 300 cubic feet, inside measurement, and unless it complies with reasonable regulations adopted pursuant to the provisions of section 101.42, subdivision 5.~~

~~The exporting minnow dealer's license and vehicle license are void upon the sale of the business or death of the licensee. Provided, however, a succeeding owner of the business upon meeting the required qualifications will be issued the required licenses upon application and payment therefor. In the event of the death of the licensee the administrator or executor of the estate may purchase such licenses and operate the business until the sale thereof. If there is no estate then the widow or a member of the immediate family, if qualified, will be issued the required licenses upon application and payment therefor.~~

Sec. 4. Minnesota Statutes 1976, Section 98.46, is amended by adding a subdivision to read:

Subd. 5a. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) For an exporting minnow hauler, \$400, plus \$10 for one vehicle license only.

(2) Each vehicle license shall cover a specified vehicle. The serial number, license number, make and model shall be conspicuously posted in the vehicle licensed.

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Sec. 5. Minnesota Statutes 1976, Section 98.52, Subdivision 2, is amended to read:

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years. In the case of a minnow dealer's license, revocation shall be limited to instances of three or more convictions within any twelve month period.

Sec. 6. Minnesota Statutes 1976, Section 98.52, Subdivision 3, is amended to read:

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1; ~~provided such authority to reinstate shall not extend to persons who have been so convicted during the preceding three year period:~~

- (1) To maintain and operate fur and game farms or private fish hatcheries;
- (2) To take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
- (3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
- (4) To sell live minnows.

Sec. 7. Minnesota Statutes 1976, Section 101.41, is amended by adding a subdivision to read:

Subd. 2a. Notwithstanding subdivision 2, the commissioner may by order authorize the use of two lines and two baits in areas designated by the commissioner in Lake Superior by anglers other than licensed commercial fishermen.

Sec. 8. Minnesota Statutes 1976, Section 101.42, Subdivision 11, is amended to read:

Subd. 11. Except as otherwise specifically permitted, it shall be unlawful to take fish by means of devices, chemicals, or substances such as, but not limited to, explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, which kill, stun, or narcotize fish; or by means of nets, traps, ~~tip-ups~~, trot lines, ~~wires~~, ~~springs~~, ~~ropes or cables~~, ~~or snares~~; or any spring devices which impale, hook, or otherwise capture fish, except as expressly authorized. Possession of any such substances or contrivances by any persons on any waters of this state, their shores or islands, shall be presumptive evidence that the same are possessed in violation of this provision.

Sec. 9. Minnesota Statutes 1976, Section 101.42, Subdivision 20, is amended to read:

Subd. 20. It shall be unlawful to take fish by angling with a set or unattended line except that two lines with a single hook attached to each line, used for angling through

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the ice, shall not be deemed an unattended line if the owner is within sight of the line. Lines to which tip-ups are attached shall not be deemed unattended if the owner is within 80 feet of the tip-up.

Sec. 10. This act is effective 30 days after its final enactment.

Approved March 28, 1978.

CHAPTER 595-H.F.No.499

An act relating to insurance; permitting employees to opt for lower benefits provided by certain group insurance contracts; amending Minnesota Statutes, 1977 Supplement, Section 471.616, Subdivision 1.

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

Section 1. Minnesota Statutes, 1977 Supplement, Section 471.616, Subdivision 1, is amended to read:

471.616 GROUP INSURANCE; GOVERNMENTAL UNITS. Subdivision 1.
BIDDING REQUIRED. No governmental subdivision, political subdivision, or any other body corporate and politic authorized by law to purchase group insurance for its employees and providing or intending to provide such group insurance protections and benefits for 25 or more of its employees shall enter into a contract for or renew any such group insurance policy or contract without calling for bids and awarding the contract to the lowest responsible bidder by way of competitive bidding procedures similar to those for the provision of services and supplies under Minnesota Statutes 1971, Section 16.07, Subdivisions 1, 2, 4 and 5. Lowest responsible bidder means the insurer or service plan corporation submitting the lowest premium rate or the lowest charge for expenses and risk taking in accordance with the specifications for the coverage and administrative services from among such insurers or service plan corporations authorized to do business in this state which are deemed by the governmental unit to be financially able to carry the risk proposed and are capable of satisfactorily performing the administration of the policy or contract. The cost of changing insurers may also be considered in determining the lowest premium rate or the lowest charge for expenses and risk taking. The aggregate value of benefits provided by a contract entered into after July 1, 1973 shall not be less than those provided by the preexisting contract (a) unless a majority of the employees covered under the group insurance plan and voting on the question agree to a reduction in the benefits, if the employees are not represented by an exclusive representative pursuant to section 179.67, or (b) unless the public employer and the exclusive representative of the employees of an appropriate bargaining unit, certified pursuant to section 179.67, agree to a reduction in the benefits. (c) The aggregate value of benefits of any former employee who has retired shall not, in any event, be reduced pursuant to clause (a) or (b), unless he has individually agreed to the reduction.

No such contract need be submitted to bid more frequently than once very 48

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