

136.13 ANNUAL MEETING; OFFICERS.

The annual meeting of the state university board shall be held in May. At such the meeting it shall choose by ballot a president, ~~whose~~ and a secretary. The term of office shall be for two years and until his the successor qualifies. In case of vacancy, the state university board shall appoint one of the directors ~~president~~ to fill the open position until the next annual meeting and until ~~his the~~ successor qualifies. ~~The commissioner of education shall be secretary of the board.~~

Sec. 3. Minnesota Statutes 1980, Section 136.88, Subdivision 5, is amended to read:

Subd. 5. A teacher who is reinstated to the same or similar position after an extended leave pursuant to this section shall not lose tenure or credit for previous seniority in the employing community college or state university. A teacher shall not accrue seniority credit during the time of a leave of absence pursuant to this section, except that a teacher at a community college or state university may accrue seniority credit during the leave, consistent with the conditions of the collective bargaining agreement.

Passed over the governor's veto March 19, 1982

CHAPTER 604 — S.F.No. 1738

An act relating to crimes; prohibiting possession of obscene works appealing to pedophiles; increasing the fines for distribution of obscene material; prescribing penalties; amending Minnesota Statutes 1980, Sections 617.241; and 617.246, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 617.

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

Section 1. Minnesota Statutes 1980, Section 617.241, is amended to read:

617.241 OBSCENE MATERIALS; DISTRIBUTION PROHIBITED; PENALTY.

It is unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statue, drawing, or other article which is obscene. "Obscene" for the purpose of this section, is defined as follows: Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interests.

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

Any person violating any provision of this section shall be fined ~~not less than \$20 nor more than \$100 for each up to \$5,000 for the first offense and up to \$10,000 for the second or a subsequent offense.~~

Sec. 2. Minnesota Statutes 1980, Section 617.246, Subdivision 4, is amended to read:

Subd. 4. **DISSEMINATION.** A person who, knowing its content and character, disseminates for profit an obscene work, as defined in this section, is guilty of a ~~misdemeanor~~ felony.

Sec. 3. [617.247] POSSESSION OF OBSCENE PICTORIAL REPRESENTATIONS OF MINORS.

Subdivision 1. POLICY; PURPOSE. It is the policy of the legislature in enacting this section to protect minors from the physical and psychological damage caused by their being used in obscene photographic representations. It is therefore the intent of the legislature to penalize possession of obscene photographic representations in order to protect the identity of minors who are victimized by involvement in obscene photographic representations, and to protect minors from future involvement in obscene photographic representations.

Subd. 2. DEFINITIONS. For purposes of this section, the following terms have the meanings given them:

(a) "Photographic representation" means an original or reproduction of a film, videotape, photograph, negative, or slide.

(b) "Obscene" means that the work, taken as a whole, appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. In order to determine that a work is obscene, the trier of fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (c); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(c) "Patently offensive sexual conduct" includes any of the following depicted sexual conduct if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

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(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

(iv) Physical contact or simulated physical contact with the clothed or unclathed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Subd. 3. DISSEMINATION PROHIBITED. A person who disseminates an obscene photographic representation of a minor, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a gross misdemeanor.

Subd. 4. POSSESSION PROHIBITED. A person who has in possession an obscene photographic representation of a minor, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a gross misdemeanor.

Subd. 5. EXCEPTION. This section does not apply to law enforcement officers, court personnel, licensed physicians and psychologists, and attorneys in the performance of their official duties.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective May 1, 1982, and apply to offenses committed on or after that date.

Approved March 23, 1982

CHAPTER 605 — H.F.No. 1699

An act relating to education; requiring all public elementary and secondary schools to provide instruction in chemical dependency prevention; amending Minnesota Statutes 1980, Section 126.03; and proposing new law coded in Chapter 126.

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

Section 1. Minnesota Statutes 1980, Section 126.03, is amended to read:

126.03 INSTRUCTION IN MORALS.

Instruction shall be given in all public schools in morals, and in physiology and hygiene, and in the effects of narcotics and stimulants.

Sec. 2. [126.031] CHEMICAL ABUSE PROGRAMS.

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