

Sec. 38. **APPROPRIATIONS.**

\$50,000 is appropriated from the general fund to the commissioner of human services for purposes of section 37. Federal money received during the biennium for purposes of section 37 is appropriated to the commissioner of human services for contracting with the commissioner of health to study transitional care services provided in hospitals.

Sec. 39. **EFFECTIVE DATES.**

Sections 1 to 5, 10 to 12, 24, and 28 to 33 are effective the day following final enactment. Sections 19 to 23, 25 to 27, 31, and 35 to 37 are effective July 1, 1985.

Approved June 24, 1985

CHAPTER 4 — S.F.No. 8

An act relating to public safety; providing and enhancing penalties upon conviction of certain hit and run violations; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; providing for the application of certain traffic regulations; eliminating redundant and surplus language; providing for access to drivers license photographic negatives; providing for crime victim services and reparations; creating a crime victim ombudsman and advisory council; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; 169.02, subdivision 1; 169.09, subdivision 14; 169.121, subdivision 1; 169.123, subdivision 2; 169.128; 169.129; 171.07, subdivision 1a; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.55, subdivisions 1 and 2; and 611A.56, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Section 1. Minnesota Statutes 1984, section 14.02, subdivision 4, is amended to read:

Subd. 4. **RULE.** "Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with section 97.53; (d) rules relating to weight limitations on the use of highways when the substance of the rules is

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indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; (i) special terms and conditions for an interim certificate of confirmation of the Minnesota cable communications board provided in section 238.09; or (j) occupational safety and health standards provided in section 182.655; ~~or (k) rules of the commissioner of public safety adopted pursuant to section 169.128.~~

Sec. 2. Minnesota Statutes 1984, section 169.02, subdivision 1, is amended to read:

Subdivision 1. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota, or the University of Minnesota, except:

- (1) Where a different place is specifically referred to in a given section;
- (2) The provisions of sections 169.09 to 169.13 ~~shall apply upon highways and elsewhere throughout the state to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state.~~

Sec. 3. Minnesota Statutes 1984, section 169.09, subdivision 14, is amended to read:

Subd. 14. **PENALTIES.** (a) The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:

(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ~~five ten~~ years, or to payment of a fine of not more than ~~\$10,000~~ \$20,000, or both; ~~or~~

(2) If the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both; or

(3) If the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.

(b) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

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(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ three years, or to payment of a fine of not more than ~~\$10,000~~ \$5,000, or both;

(2) If the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ~~three years~~ one year and one day, or to payment of a fine of not more than ~~\$5,000~~ \$3,000, or both; or

(3) If the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(d) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

(e) Any person who violates subdivision 2, subdivision 3, clause (a), or subdivision 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 4. Minnesota Statutes 1984, section 169.121, subdivision 1, is amended to read:

Subdivision 1. **CRIME.** It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state or upon the ice of any boundary water of this state:

(a) When the person is under the influence of alcohol;

(b) When the person is under the influence of a controlled substance;

(c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b);

(d) When the person's alcohol concentration is 0.10 or more; or

(e) When the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more.

~~The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle~~

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in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 5. Minnesota Statutes 1984, section 169.123, subdivision 2, is amended to read:

Subd. 2. **IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for a period of one year or until he or she reaches the age of 18 years, whichever is greater;

(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater;

(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. However, if the officer

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directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of his blood or urine.

Sec. 6. Minnesota Statutes 1984, section 169.128, is amended to read:

169.128 RULES OF THE COMMISSIONER OF PUBLIC SAFETY.

The commissioner of public safety may promulgate permanent rules to carry out the provisions of sections 169.121 and 169.123 and until December 31, 1985, emergency rules to implement any statutory changes enacted by the 1985 legislature pertaining to issues of implied consent and driving while under the influence. The rules may include forms for notice of intention to revoke, which shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing; forms for revocation and notice of reinstatement of driving privileges as provided in section 169.1261; and forms for temporary licenses.

Rules promulgated pursuant to this section are ~~exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 14.38, subdivisions 5 to 9 subject to sections 14.01 to 14.20 and 14.29 to 14.69.~~

Sec. 7. Minnesota Statutes 1984, section 169.129, is amended to read:

169.129 AGGRAVATED VIOLATIONS; PENALTY.

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the county court.

Sec. 8. Minnesota Statutes 1984, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **PHOTOGRAPHIC NEGATIVES; FILING; DATA CLASSIFICATION.** The department shall file, or contract to file, all photographic negatives obtained in the process of issuing driver licenses or Minnesota identification cards. The negatives shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographic negatives to data subjects. The use of the files is restricted to the issuance and control of driver licenses and for law enforcement purposes in the investigation and prosecution of felonies and

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violations of sections 169.09, 169.121, 169.123, 169.129, 171.22, 171.24, 171.30, or 609.487, subdivision 3.

Sec. 9. **RULES REPEALED.**

Minnesota Rules, chapter 7412 is repealed. The commissioner of public safety may adopt rules to carry out the provisions of sections 169.121 and 169.123 only pursuant to section 169.128.

Sec. 10. Minnesota Statutes 1984, section 611A.52, is amended to read:

611A.52 **DEFINITIONS.**

For the purposes of sections 611A.51 to 611A.67 the following terms shall have the meanings given them:

(1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to section 609.05.

(2) "Board" means the crime victims reparations board established by section 611A.55.

(3) "Claimant" means a person entitled to apply for reparations pursuant to sections 611A.51 to 611A.67.

(4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under sections 611A.51 to 611A.67 which the victim or claimant has received, or which is readily available to him, from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 611A.51 to 611A.67;

(c) social security, medicare, and medicaid;

(d) state required temporary nonoccupational disability insurance;

(e) workers' compensation;

(f) wage continuation programs of any employer;

(g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;

(h) a contract providing prepaid hospital and other health care services, or benefits for disability; or

(i) any private source as a voluntary donation or gift.

The term does not include a life insurance contract.

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(5) (a) "Crime" means conduct that

(i) occurs or is attempted in this state,

(ii) poses a substantial threat of personal injury or death, and

(iii) is included within the definition of "crime" in Minnesota Statutes 1971, section 609.02, subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or rehearing has been ordered.

(c) "Crime" does not include conduct arising out of the use of a motor vehicle, as defined in section 169.01, subdivision 2, an aircraft or watercraft unless

(i) the conduct was intended to cause personal injury or death, or

(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death, or

(iii) the claim arises out of a violation of section 609.21.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(iii) loss of income the victim would have earned had he not been injured; and

(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he not been injured.

(b) In the case of death the term is limited to:

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(i) reasonable expenses incurred for funeral, burial or cremation;

(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(iii) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived; and

(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of

(a) a crime;

(b) the good faith effort of any person to prevent a crime; or

(c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

Sec. 11. Minnesota Statutes 1984, section 611A.53, subdivision 2, is amended to read:

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if

(a) the crime was not reported to the police within five days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim is the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the board determined that the interests of justice otherwise require in a particular case;

(d) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; or

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~~(e)~~ (d) no claim was filed with the board within one year of victim's injury or death but if it could not have been made within that period, then the claim can be made within one year of the time when a claim could have been made; or

~~(f)~~ (e) the claim is less than \$100.

The limitations contained in clauses (a) and (d) do not apply to victims of domestic child abuse as defined in section 260.015, subdivision 24.

Sec. 12. Minnesota Statutes 1984, section 611A.54, is amended to read:

611A.54 AMOUNT OF REPARATIONS.

Reparations shall equal economic loss except that:

(1) reparations shall be reduced to the extent that economic loss is recouped from a collateral source or collateral sources;

(2) reparations shall be reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom he claims ~~and by the first \$100 of economic loss;~~ and

(3) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed ~~\$25,000~~ \$50,000.

Sec. 13. Minnesota Statutes 1984, section 611A.55, subdivision 1, is amended to read:

Subdivision 1. There is created in the department of public safety, for budgetary and administrative purposes, the crime victims reparations board, which shall consist of ~~three~~ five members appointed by the commissioner of public safety and selected from among the membership of the crime victim and witness advisory council created in section 17. One of the members shall be designated as ~~chairman~~ chairperson by the commissioner of public safety and serve as such at his pleasure. ~~At least one member shall be a person who is admitted to the bar of this state, and~~ At least one member shall be a medical or osteopathic physician licensed to practice in this state, and at least one member shall be a victim, as defined in section 611A.01.

Sec. 14. Minnesota Statutes 1984, section 611A.55, subdivision 2, is amended to read:

Subd. 2. The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575. Members of the board who are also members of the crime victim and witness advisory council created in section 17 shall not be compensated while performing duties for the advisory council.

Sec. 15. Minnesota Statutes 1984, section 611A.56, subdivision 1, is amended to read:

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Subdivision 1. **DUTIES.** In addition to carrying out any duties specified elsewhere in sections 611A.51 to 611A.67 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 14;

(b) ~~establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;~~

(e) promulgate within 90 days following the effective date of Laws 1974, chapter 463 rules to implement sections 611A.51 to 611A.67, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) (c) publicize widely the availability of reparations and the method of making claims; and

(e) (d) prepare and transmit annually to the governor, the commissioner of public safety, and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied.

Sec. 16. **[611A.70] CITATION.**

Sections 16 and 17 may be cited as the "Minnesota crime victim and witness advisory council act."

Sec. 17. **[611A.71] COUNCIL; ESTABLISHMENT.**

Subdivision 1. CREATION. The Minnesota crime victim and witness advisory council is established and shall consist of 12 members.

Subd. 2. MEMBERSHIP. The crime victim and witness advisory council shall consist of the following members, appointed by the commissioner of public safety after consulting with the commissioner of corrections:

(1) two members of the Minnesota legislature who have demonstrated expertise and interest in crime victims issues, one from each house;

(2) one district court judge appointed upon recommendation of the chief justice of the supreme court;

(3) one county attorney appointed upon recommendation of the Minnesota county attorneys association;

(4) one public defender appointed upon recommendation of the state public defender;

(5) one peace officer;

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(6) one medical or osteopathic physician licensed to practice in this state;
and

(7) five members who are crime victims or crime victim assistance representatives.

The appointments should take into account sex, race, and geographic distribution. One of the nonlegislative members must be designated by the commissioner of public safety as chair of the council.

Subd. 3. TERMS OF OFFICE. Each appointed member must be appointed for a four-year term coterminous with the governor's term of office, and shall continue to serve during that time as long as the member occupies the position which made that member eligible for the appointment. Each member shall continue in office until that member's successor is duly appointed. Members are eligible for reappointment and appointment may be made to fill an unexpired term. The members of the council shall elect any additional officers necessary for the efficient discharge of their duties.

Subd. 4. COMPENSATION. Each member of the council shall serve without compensation.

Subd. 5. DUTIES. The council shall:

(1) review on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to victims;

(2) advise the agency designated by the governor to apply for victim assistance program grants under chapter 14 of Public Law No. 98-473, in the coordination and allocation of federal funds for crime victims assistance programs;

(3) advocate necessary changes and monitor victim-related legislation;

(4) provide information, training, and technical assistance to state and local agencies and groups involved in victim and witness assistance;

(5) serve as a clearinghouse for information concerning victim and witness programs;

(6) develop guidelines for the implementation of victim and witness assistance programs and aid in the creation and development of programs;

(7) coordinate the development and implementation of policies and guidelines for the treatment of victims and witnesses, and the delivery of services to them; and

(8) develop ongoing public awareness efforts and programs to assist victims.

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Subd. 6. EXECUTIVE DIRECTOR. The commissioner of public safety shall, with the advice of the advisory council, select and employ an executive director for the council who shall serve in the unclassified service at the pleasure of the commissioner and shall aid the council in the performance of its duties under subdivision 5 and supervise the administration of the following:

- (1) the crime victim ombudsman; and
- (2) the crime victims reparations act.

Sec. 18. [611A.72] CITATION.

Sections 18 to 20 may be cited as the "crime victim ombudsman act."

Sec. 19. [611A.73] DEFINITIONS.

Subdivision 1. DEFINITIONS. The definitions in this section apply to sections 19 and 20.

Subd. 2. APPROPRIATE AUTHORITY. "Appropriate authority" includes anyone who is the subject of a complaint to the crime victim ombudsman or anyone within the agency who is in a supervisory position with regard to one who is the subject of a complaint.

Subd. 3. ELEMENTS OF THE CRIMINAL JUSTICE SYSTEM. "Elements of the criminal justice system" refers to county attorneys and members of their staff; peace officers; probation and corrections officers; state officials involved in the criminal justice system; and does not include the judiciary.

Subd. 4. VICTIM. "Victim" refers to anyone or the next of kin of anyone who has been or purports to have been subjected to a criminal act, whether a felony, a gross misdemeanor, or misdemeanor.

Subd. 5. VICTIM ASSISTANCE PROGRAM. "Victim assistance program" refers to any entity which provides or claims to provide services and assistance to victims on a regular, ongoing basis.

Sec. 20. [611A.74] CRIME VICTIM OMBUDSMAN; CREATION.

Subdivision 1. CREATION. The office of crime victim ombudsman for Minnesota is created. The ombudsman shall be appointed by the commissioner of public safety with the advice of the advisory council, and shall serve in the unclassified service at the pleasure of the commissioner. The ombudsman is directly accountable to the executive director of the crime victim and witness advisory council and, through the executive director, accountable to the commissioner of public safety.

Subd. 2. DUTIES. The crime victim ombudsman may investigate complaints concerning possible violation of the rights of crime victims or witnesses provided under chapter 611A, the delivery of victim services by victim assistance programs, the administration of the crime victims reparations act, and other

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complaints of mistreatment by elements of the criminal justice system or victim assistance programs. The ombudsman shall act as a liaison, when the ombudsman deems necessary, between agencies, either in the criminal justice system or in victim assistance programs, and victims and witnesses. The ombudsman must be made available through the use of a toll free telephone number and shall answer questions concerning the criminal justice system and victim services put to the ombudsman by victims and witnesses in accordance with the ombudsman's knowledge of the facts or law, unless the information is otherwise restricted. The ombudsman shall establish a procedure for referral to the crime victim crisis centers, the crime victims reparations board, and other victim assistance programs when services are requested by crime victims or deemed necessary by the ombudsman.

Subd. 3. POWERS. The crime victim ombudsman has those powers necessary to carry out the duties set out in subdivision 1, including:

(a) The ombudsman may investigate, upon a complaint or upon his or her own initiative, any action of an element of the criminal justice system or a victim assistance program included in subdivision 2.

(b) The ombudsman may request and shall be given access to information pertaining to a complaint, unless the information is otherwise restricted.

(c) After completing investigation of a complaint, the ombudsman shall inform in writing the complainant, the investigated person or entity, and other appropriate authorities, including the attorney general, of the action taken.

Subd. 4. NO COMPELLED TESTIMONY. Neither the ombudsman nor any member of the ombudsman's staff may be compelled to testify in any court with respect to matters involving the exercise of official duties except as may be necessary to enforce the provisions of this section.

Subd. 5. RECOMMENDATIONS. (a) If, after duly considering a complaint and whatever material he or she deems pertinent, the ombudsman is of the opinion that the complaint is valid, the ombudsman may recommend action to the appropriate authority.

(b) If the ombudsman makes a recommendation to an appropriate authority for action, the authority shall, within a reasonable time period, inform the ombudsman about the action taken or the reasons for not complying with the recommendation.

Sec. 21. [611A.75] REPORT TO LEGISLATURE.

The commissioner of public safety shall report to the legislature by February 1, 1987, and biennially thereafter, on the implementation and administration of sections 10 to 20 of this act.

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Sec. 22. [611A.221] **ADDITIONAL POWER.** The department of correction's victim service unit is authorized to accept and expend funds received from other state agencies, other units of governments and other agencies, that result from the distribution of resource materials.

Sec. 23. **EFFECTIVE DATE.**

Section 3 is effective the day following final enactment and applies to crimes committed on or after that date. Section 9 is effective January 1, 1986. Sections 1, 2, and 4 to 8 are effective August 1, 1985. Sections 10 to 17, and 21, are effective July 1, 1985. Sections 18 to 20 are effective January 1, 1986; however, the commissioner of public safety shall not appoint a crime victim ombudsman until the commissioner of finance has determined that sufficient money will be available from the federal government to pay all the costs of the crime victim ombudsman's office. Section 22 is effective the day after final enactment.

Approved June 24, 1985

CHAPTER 5 — S.F.No. 10

An act relating to corporations; regulating corporate take-overs and control share acquisitions; defining terms; prescribing penalties; amending Minnesota Statutes 1984, sections 80B.01, subdivisions 6, 8, and 9; 80B.03, subdivisions 1, 2, 4a, 5, and 6; 80B.05; 80B.06, subdivision 7; 80B.07, subdivision 3; 80B.10, subdivisions 1, 4, and by adding a subdivision; 302A.011, subdivisions 37, 39, and by adding a subdivision; 302A.449, subdivision 7; and 302A.671; repealing Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6.

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

Section 1. Minnesota Statutes 1984, section 80B.01, subdivision 6, is amended to read:

Subd. 6. "Offeror" means a person who makes or in any way participates in making a take-over offer. Offeror does not include any bank or broker-dealer loaning funds to an offeror in the ordinary course of its business, or any bank, broker-dealer, attorney, accountant, consultant, employee, or other person furnishing information or advice to or performing ministerial duties for an offeror, and not otherwise participating in the take-over offer. When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, owning or voting securities of a target company, the syndicate or group is an "offeror."

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