

Subd. 4. **CONSUMMATION OF CONTROL SHARE ACQUISITION.** (a) The acquiring person may consummate the proposed control share acquisition if and only if both of the following occur:

(1) the proposed control share acquisition is approved by the affirmative vote of the holders of a majority of the voting power of all shares entitled to vote which are not beneficially owned by the acquiring person.

A class or series of shares of the corporation is entitled to vote as a class or series if any provision of the control share acquisition would, if contained in a proposed amendment to the articles, entitle the class or series to vote as a class or series; and

(2) the proposed control share acquisition is consummated within 180 days after shareholder approval.

Subd. 5. RIGHTS OF ACTION. An acquiring person, an issuing public corporation, and shareholders of an issuing public corporation may sue at law or in equity to enforce the provisions of this section and section 302A.449, subdivision 7.

Subd. 6. RETURN OF SHARES IF ACQUISITION NOT CONSUMMATED. If the proposed control share acquisition is not consummated in accordance with this section, the acquiring person shall immediately return any and all shares held in anticipation of the consummation to the shareholders from whom the person received the shares.

Sec. 20. **REPEALER.**

Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6 are repealed.

Sec. 21. **EFFECTIVE DATE.**

The amendments to Minnesota Statutes, section 302A.671, subdivision 1, paragraph (a), made by this act are effective August 1, 1986.

Approved June 24, 1985

CHAPTER 6 — S.F.No. 15

An act relating to occupations and professions; regulating persons who lay out, install, or maintain certain alarm systems; changing membership on the board of electricity; prescribing a penalty; amending Minnesota Statutes 1984, sections 326.01, by adding a subdivision; 326.241; 326.242, subdivisions 8 and 12; 326.243, as amended; 326.244, subdivisions 4, 5, as amended, and by adding a subdivision; and 326.246, as amended; proposing coding for new law in Minnesota Statutes, chapter 326.

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

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

Section 1. [326.2421] ALARM AND COMMUNICATION SYSTEMS.

Subdivision 1. APPLICABILITY OF LAW. Sections 326.241, 326.242, and 326.244 to 326.248 do not apply to a person who lays out, installs, or maintains class 2 or class 3 signaling circuits, outside wiring for alarm systems, or communication circuits or systems covered by articles 725, 770, 800, 810, and 820 of the National Electrical Code, as that code was approved by the American National Standards Institute and was in effect on January 14, 1985, if that person maintains a bond and insurance in the amounts required by section 326.242, subdivision 6.

Subd. 2. EXEMPTION. Except as provided in subdivision 3, no person exempt under subdivision 1 or licensed pursuant to subdivision 3 may be required to obtain any authorization, permit, franchise, or license from, or pay any fee, franchise tax, or other assessment to, any agency, department, board, or political subdivision of the state as a condition for performing any work described herein. The requirements of this section shall not apply to telephone companies as defined under section 237.01 nor to their employees, that are only engaged in the laying out, installation, and repair of telephone systems.

Subd. 3. ALARM AND COMMUNICATION CONTRACTOR'S LICENSES. No person may lay out, install, maintain, or repair alarm and communication systems, unless the person is licensed as an alarm and communication contractor under this subdivision or is an employee of the contractor. The board of electricity shall issue an alarm and communication contractor's license to any individual, corporation, partnership, sole proprietorship, or other business entity that provides adequate proof that a bond and insurance in the amounts required by section 326.242, subdivision 6, have been obtained by the applicant. The board may initially set license fees without rulemaking, pursuant to section 16A.128. Installation of alarm and communication systems are subject to inspection and inspection fees as provided in section 7.

Subd. 4. EXAMINATION. No alarm and communication contractor shall be issued a license by the board under this section unless the contractor or an employee of the contractor has passed an alarm and communication system examination given by the board of electricity.

Subd. 5. PENALTY. Any person who undertakes or offers to undertake for another to perform work described under subdivision 1 without having obtained the required bond and insurance is guilty of a misdemeanor.

Subd. 6. EXISTING CONTRACTORS. Persons who on July 1, 1985, are in the business of laying out, installing, maintaining, or repairing alarm and communication systems and who have filed a license application with the electrical board by July 1, 1986, shall be allowed to continue in that business as if licensed under subdivision 3 until final action is taken by the board upon their

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applications. Contractors who are in the business on July 1, 1985, and who file a license application with the board by July 1, 1986, are exempt from the requirements of subdivision 4.

Subd. 6a. NEW CONTRACTORS. Notwithstanding the requirements of subdivision 4, persons who are not in the business of laying out, installing, maintaining, or repairing alarm and communication systems on July 1, 1985, may obtain an alarm and communication contractor's license if they obtain the required bond and insurance as required under subdivision 3 and the contractor or an employee of the contractor by July 1, 1986, passes the examination given by the board.

Subd. 7. HAZARDOUS LOCATIONS. The provisions of this section shall not apply to work performed in hazardous classified locations covered by articles 500 to 517 of the National Electrical Code as that code was approved by the American National Standards Institute and was in effect January 14, 1985.

Subd. 8. LIMITATION. Nothing in this section prohibits a unit of local government from charging a franchise fee to the operator of a cable communications system.

Sec. 2. Minnesota Statutes 1984, section 326.01, is amended by adding a subdivision to read:

Subd. 6d. ALARM AND COMMUNICATION SYSTEM. The term "alarm and communication system" means class 2 or class 3 signaling circuits, power limited fire protective signaling circuits, class 2 or class 3 alarm systems, or communication circuits or systems, as covered by articles 725, 760, 770, 800, 810, and 820, of the National Electrical Code as that code was approved by the American National Standards Institute and was in effect on January 14, 1985.

Sec. 3. Minnesota Statutes 1984, section 326.241, is amended to read:
326.241 BOARD OF ELECTRICITY.

Subdivision 1. COMPOSITION. The board of electricity shall consist of nine 11 members, residents of the state, appointed by the governor of whom at least two shall be representatives of the electrical suppliers in the rural areas of the state, two shall be master electricians, who shall be contractors, two journeyman electricians, one registered consulting electrical engineer, two licensed alarm and communication system contractors engaged in the business of installing alarm and communication systems, and two public members as defined by section 214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

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Subd. 2. **POWERS.** The board shall have power to:

(1) Elect its own officers;

(2) Engage and fix the compensation of inspectors, and hire employees. The salary of the executive secretary shall be established pursuant to chapter 43A. All agents and employees other than contract inspectors shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or subdivision 2(1), and shall give bond in an amount fixed by the board, conditioned upon the faithful performance of their duties.

(3) To pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.

(4) To enforce the provisions of ~~Laws 1967, chapter 602~~ sections 326.241 to 326.248, and provide, upon request, such additional voluntary inspections and reviews as it may deem appropriate.

(5) To issue, renew, refuse to renew, suspend and revoke licenses provided for in ~~Laws 1967, chapter 602~~ sections 326.241 to 326.248.

(6) To adopt reasonable rules to carry out its duties under ~~Laws 1967, chapter 602~~ sections 326.241 to 326.248 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

Subd. 3. **FEES AND FINANCES; DISPOSITION.** All license fees collected under the provisions of sections 326.241 to 326.248 are to be credited to the general fund. The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity.

Sec. 4. Minnesota Statutes 1984, section 326.242, subdivision 8, is amended to read:

Subd. 8. **LICENSE AND RENEWAL FEES.** All licenses issued hereunder shall expire in a manner as provided by the board. Fees, as set by the board, shall be payable for examination, issuance and renewal of the following:

(1) For examination:

Class A Master.

Class B Master.

Class A Journeyman, Class B Journeyman, Installer, Alarm and Communications Contractor, or Special Electrician.

(2) For issuance of original license and renewal:

Class A Master.

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Class B Master.

Class A Journeyman, Class B Journeyman, Installer, or Special Electrician.

Electrical contractor.

Alarm and Communication System Contractor.

Sec. 5. Minnesota Statutes 1984, section 326.242, subdivision 12, is amended to read:

Subd. 12. **EXEMPTIONS FROM LICENSING.** (a) A maintenance electrician who is supervised by a master electrician or an electrical engineer registered with the board and who is an employee of an employer and is engaged in the maintenance, and repair of electrical equipment, apparatus, and facilities owned or leased by his employer, and performed within the limits of property which is owned or leased and operated and maintained by said employer, shall not be required to hold or obtain a license under Laws 1967, Chapter 602 sections 326.241 to 326.248; or

(b) Employees of a licensed alarm and communication contractor are not required to hold a license under sections 326.241 to 326.248 while performing work authorized to be conducted by an alarm and communication contractor; or

(c) Employees of any electric, communications, or railway utility, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility or telephone company, shall not be required to hold licenses a license under sections 326.241 to 326.248:

1. While performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility or telephone company in the exercise of its utility or telephone function, and which

(i) are used ~~in connection with~~ exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility or telephone company, and

(ii) are generally accessible only to employees of such utility or telephone company or persons acting under its control or direction; or

2. While performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

3. While installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction.

Sec. 6. Minnesota Statutes 1984, section 326.243, as amended by Laws 1985, chapter 73, section 10, is amended to read:

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326.243 SAFETY STANDARDS.

All electrical wiring, apparatus and equipment for electric light, heat and power, alarm and communication systems shall comply with the rules and regulations of the department of public service, the commissioner of commerce, or the department of labor and industry, as applicable, and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the regulations and safety standards stated at the time the work is done in the then most recently published edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota building code is formulated pursuant to section 16B.61, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota building code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Sec. 7. Minnesota Statutes 1984, section 326.244, is amended by adding a subdivision to read:

Subd. 1a. ALARM AND COMMUNICATION SYSTEMS. (a) The installation of fire alarm systems as defined in article 760 of the National Electrical Code, except minor work performed by a contractor, must be inspected as provided in this section for compliance with the applicable provisions of articles 725, 760, 770, 800, 810, and 820 of the most recent edition of the National Electrical Code and the applicable provisions of the National Electrical Safety Code, as those codes were approved by the American National Standards Institute.

(b) The installation of alarm and communication systems as defined in articles 725, 770, 800, 810, and 820 of the National Electrical Code must be inspected only when requested by the owner of the property where the installation was made.

(c) For the purposes of this subdivision "minor work" means the adjustment or repair and replacement of worn or defective parts of an alarm or communication system. Minor work may be inspected under this section at the request of the owner of the property or the person doing the work.

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(d) Notwithstanding this subdivision, if an electrical inspector in the course of doing another inspection in a building observes that an alarm and communication contractor has not complied with accepted standards when the work was performed, as provided in the most recent editions of the National Electrical Code and the National Electrical Safety Code as approved by the American National Standards Institute, the inspector may order the contractor who has performed the work to make any necessary repairs to comply with applicable standards and require that the work be inspected.

Sec. 8. Minnesota Statutes 1984, section 326.244, subdivision 4, is amended to read:

Subd. 4. **POWERS OF POLITICAL SUBDIVISIONS.** Any political subdivision may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the board copies of its current inspection ordinances and codes. No political subdivision shall require any individual, partnership, corporation or other business association holding a license from the state board of electricity under Laws 1967, Chapter 602 sections 326.241 to 326.248 to pay any license or registration fee, provided however, that any such political subdivision may provide by ordinance a requirement that each individual, partnership, corporation or other business association doing electrical work within the jurisdiction of such political subdivision have on file with said political subdivision a copy of the current license issued by the state board of electricity or such other evidence of such license as may be provided by the state board of electricity.

Each electrical inspector of any political subdivision must be a licensed master or journeyman electrician under section 326.242, subdivision 1(1) or subdivision 2(1) and may not otherwise engage or be employed in the sale or installation of electrical wiring, devices, appliances or equipment, and shall have no financial interest in any concern engaged in any such business.

Sec. 9. Minnesota Statutes 1984, section 326.244, subdivision 5, as amended by Laws 1985; chapter 73, section 13, is amended to read:

Subd. 5. **EXEMPTIONS FROM INSPECTIONS.** Installations, materials, or equipment shall not be subject to inspection under Laws 1967, Chapter 602 sections 326.241 to 326.248:

1. When owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under Laws 1967, Chapter 602 sections 326.241 to 326.248, while performing electrical maintenance work only as defined by board rule; or

2. When owned or leased, and operated and maintained by any electric, communications or railway utility or telephone company in the exercise of its utility or telephone function; and

(i) are used in ~~connection with~~ exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation

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of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility or telephone company; and

(ii) are generally accessible only to employees of such utility or telephone company or persons acting under its control or direction; or

3. When used in the street lighting operations of an electric utility; or

4. When used as outdoor area lights which are owned and operated by an electric utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction; or

5. When the installation, material, and equipment are alarm or communication systems laid out, installed, or maintained within residential units not larger than a duplex.

Sec. 10. Minnesota Statutes 1984, section 326.246, as amended by Laws 1985, chapter 73, section 14, is amended to read:

326.246 CRIMES.

It is a misdemeanor knowingly and willfully to commit, or to order, instruct, or direct another to commit, any of the following acts:

(1) To make a false statement in any license application, request for inspection, certificate or other lawfully authorized or required form or statement provided by ~~Laws 1967, Chapter 602~~ sections 326.241 to 326.248;

(2) To perform electrical work for another without a proper license for such work;

(3) To fail to file a request for inspection when required;

(4) To interfere with, or refuse entry to, an inspector lawfully engaged in the performance of his duties; and

(5) To violate any lawful statute, rule, or order of the board, or any city ordinance which pertains to powers given to political subdivisions under section 326.244, subdivision 4.

Sec. 11. REPEALER.

Section 1, subdivisions 1 and 5, are repealed effective July 1, 1986.

Sec. 12. SUNSET PROVISION.

Section 7, subdivision 1a, paragraph (b), is repealed effective July 1, 1988.

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

Sec. 13. **EFFECTIVE DATE.**This act is effective July 1, 1985.

Approved June 25, 1985

CHAPTER 7 — H.F.No. 2

An act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 176.021, subdivision 7; 352.01, subdivision 11; 352.029; 352.22, subdivision 3; 352.95, subdivision 1; 352B.10; 352E.01, subdivision 2; 352E.04; 353.01, subdivision 16; 353.27, subdivision 12; 353.271, subdivision 2; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivisions 5 and 6; 354.48, subdivisions 3, 6, and 7; 354.49, subdivision 2; 354.55, subdivision 11; 354.62, subdivision 2; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; 356.70; and Laws 1984, chapter 501, section 1; proposing coding for new law in Minnesota Statutes, chapter 352D; repealing Minnesota Statutes 1984, sections 352.113, subdivision 5; and 354.621.

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

Section 1. Minnesota Statutes 1984, section 3.85, subdivision 11, is amended to read:

Subd. 11. **RULES STANDARDS FOR PENSION VALUATIONS AND COST ESTIMATES.** The commission shall by June 30, 1985, adopt rules standards prescribing specific detailed methods of calculating, evaluating, and displaying current and proposed law liabilities, costs, and actuarial equivalents of all public employee pension plans in Minnesota. These rules standards shall be consistent with the general direction prescribed in chapter 356 and shall be updated annually thereafter.

There is appropriated from the general fund to the commission not to exceed \$75,000 in fiscal year 1985, and \$25,000 in each fiscal year thereafter for developing, implementing, and annually updating the rules adopted pursuant to this section.

Sec. 2. Minnesota Statutes 1984, section 3.85, subdivision 12, is amended to read:

Subd. 12. **LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT TO PREPARE VALUATIONS AND MAKE REPORTS TO LEGISLATURE.** (a) The legislative commission on pensions and retirement shall annually contract with an established actuarial consulting firm to conduct annual valuations and finance financial adequacy studies for the funds specified in (b). The contract shall also include provisions for performing cost analyses of proposals for changes in benefit and funding policies.

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