

insurance shall only be consummated through a duly licensed resident agent of the insurer taking the risk. If the law of another state requires a non-resident agent who is a resident agent of Minnesota to pay a portion of the premium to or share commissions with a licensed resident agent of that state, then the licensed resident agent of Minnesota when consummating and countersigning for a licensed non-resident agent of that state shall receive five percent of the total premium or 25 percent of the commission, whichever is less.

(2) NON-RESIDENT AGENTS. (a) A non-resident insurance agent or solicitor placing insurance through a resident insurance agent of this state or with any insurer doing business within this state shall be permitted to do so only when he shall have first made written application for and procured from the commissioner a license therefor, upon a form prescribed by the commissioner, upon the payment of a fee prescribed by section 60A.14, subdivision 1, clause (3) (g). The license terminates automatically when the license for that line in the state in which he is a resident is terminated for any reason. The license expires one year from its date and shall in no case be granted to a resident of any state which does not permit the licensing of an agent of this state under like circumstances.

(b) Prior to receiving a nonresident's license, the applicant must, on a form prescribed by the commissioner appoint the commissioner as his attorney upon whom may be served all legal process issued in connection with any action or proceeding brought or pending in this state against or involving the licensee and relating to transactions under his nonresident license. The appointment shall be irrevocable and shall continue so long as any such action or proceeding could arise or exist.

(c) Duplicate copies of process shall be served upon the commissioner, accompanied by payment of the fee specified in section 60A.14, subdivision 1, clause (3) (d). Upon receiving such service, the commissioner shall promptly forward a copy thereof by registered or certified mail, with return receipt requested, to the nonresident licensee at his last known address. Process served upon the commissioner in this manner shall for all purposes constitute personal service thereof upon the licensee.

Approved April 9, 1976.

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#### CHAPTER 222—S.F.No.1906

[Coded in Part]

*An act relating to licensed occupations; establishing a policy for the regulation of occupations; transferring responsibility for the provision of staffing and administrative services; clarifying reporting responsibilities; prescribing a procedure*

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for complaint review; granting licensing boards additional powers relating to injunctive relief, subpoenas, continuing education, and other matters; prescribing duties of the board of health relating to human services occupations, creating advisory councils; merging the licensed practical nursing board into the board of nursing; making miscellaneous changes in practice acts for various licensed occupations; adopting the standard terms "licensure" and "license" for occupational licensing boards; transferring employees and moneys; amending Minnesota Statutes 1974, Sections 125.04; 125.05; 125.06; 125.08; 125.09, Subdivision 1; 125.12, Subdivision 1; 125.13, Subdivision 1; 125.17, Subdivision 1; 125.182, Subdivisions 2 and 3; 125.183, by adding a subdivision; 125.184, as amended; 125.185, as amended; 125.187; 144.652; 144.955; 144.959; 147.021, Subdivision 1; 147.035, by adding a subdivision; 147.06; 147.072; 147.073; 147.074; 147.13; 147.18; 147.23; 148.05; 148.06, Subdivision 1; 148.07, as amended; 148.10; 148.211, Subdivision 2; 148.241, Subdivision 1; 148.291, Subdivision 3; 148.32; 148.57; 148.59; 148.90, as amended; 148.91, Subdivisions 1 and 3; 148.97, Subdivision 6; 148.98; 150A.04, Subdivision 5; 150A.06, Subdivision 1; 150A.08, Subdivision 4; 150A.09, Subdivisions 1 and 3; 151.06, Subdivision 4; 151.10; 151.101; 151.11; 151.12; 151.13; 151.14; 151.19; 151.25; 151.27; 151.37, Subdivisions 5 and 6; 151.40; 153.07; 153.08; 153.09; 154.04; 155.02, Subdivision 7a; 155.03, Subdivision 2; 155.06, Subdivision 3; 155.09, Subdivisions 1, 4 and 5; 155.11, Subdivision 2; 155.14; 155.15; 155.16; 155.18, Subdivision 1; 155.19; 155.20, Subdivision 2; 156.01, Subdivision 5; 156.02, Subdivision 2; 156.03; 156.07; 156.072, Subdivisions 2 and 3; 156.081, Subdivision 1; 156.14; 214.01, Subdivision 1; 214.06; 270.47; 270.50; 270.51; 326.08, Subdivision 1; 326.11, Subdivision 6; 326.15; 326.19; 326.20; 326.21; 326.22, as amended; 326.23; 326.241, as amended; 326.242, Subdivisions 8 and 9; 326.33, Subdivisions 2 and 3; 326.331; 326.332, Subdivision 1; 326.333; 326.334, Subdivision 1; 326.54; 326.543; 326.544; 326.545; 326.546; 341.05, as amended; 341.06; 341.07; 341.08; 341.12; 341.13; 341.15; 386.61, Subdivision 2; 386.63, Subdivisions 2 and 3; 386.64; 386.65, Subdivision 1; 386.67; 386.69; 386.72; 386.73; Chapter 214, by adding sections; Chapter 147, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 125.03, Subdivision 1; 125.11; 125.183, Subdivision 3; 144.952, by adding a subdivision; 147.01; 147.02, Subdivision 1; 147.05; 148.03; 148.181; 148.191; 148.211, Subdivision 1; 148.261, Subdivision 1; 148.29, Subdivision 2; 148.291, Subdivision 1; 148.299; 148.52; 148.54; 148.60; 148.67; 148.95; 150A.02, Subdivision 1; 150A.03, Subdivision 2; 151.03; 151.06, Subdivision 1; 151.07; 153.02; 153.03; 153.04; 153.13; 153.15; 154.22; 154.23; 155.05; 155.06, Subdivision 1; 155.08; 156.01, Subdivision 1; 214.01, Subdivision 2; 214.04; 214.07; 214.09, Subdivision 3; 270.41; 270.42; 270.48; 326.03, Subdivision 1; 326.04; 326.05; 326.06; 326.08, Subdivision 2; 326.09; 326.10; 326.11, Subdivisions 1 and 5; 326.12; 326.13; 326.14; 326.17; 326.18; 326.33, Subdivision 1; 326.541; 326.542; 341.01; 341.04; 341.10; 341.11; 386.62; 386.63, Subdivision 1; 386.66; 386.68; 386.70, Subdivision 1; 386.71; repealing Minnesota Statutes 1974, Sections 125.09, Subdivisions 2 and 3; 144.956; 144.958; 144.96; 144.965; 145.861; 145.862; 145.863; 145.864; 145.865, Subdivision 3; 148.06, Subdivision 2; 148.08, Subdivision 1; 148.291, Subdivision 2; 148.55; 148.58; 148.94; 148.97, Subdivision 2; 148.99, Subdivision 1; 150A.04, Subdivisions 1, 2, 3 and 4; 150A.07; 150A.08, Subdivision 2; 150A.09, Subdivision 2; 151.09; 153.10; 153.11; 154.065, Subdivision 6; 156.01, Subdivision 4; 326.08, Subdivision 3; 326.11, Subdivision 3; 326.16; 326.334, Subdivision 3; 386.63, Subdivision 6; 386.65, Subdivision 2; Minnesota Statutes, 1975 Supplement, Sections 145.865, Subdivision 1; 145.866; 148.211, Subdivision 3; 148.231, Subdivision 3; 148.261, Subdivision 2; 148.291, Subdivision 4; 148.297, Subdivision 2; 148.55; 326.10, Subdivision 4; 326.11, Subdivisions 2 and 4; 386.695; 386.696; and 386.70,

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*Subdivisions 3, 4, 5 and 6.*

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

Section 1. Minnesota Statutes 1974, Chapter 214, is amended by adding a section to read:

**[214.001] OCCUPATIONS; LICENSES AND REGULATION; POLICY.** Subdivision 1. The legislature finds that the interests of the people of the state are served by the regulation of certain occupations. The legislature further finds: (1) that it is desirable for boards composed primarily of members of the occupations so regulated to be charged with formulating the policies and standards governing the occupation; (2) that economical and efficient administration of the regulation activities can be achieved through the provision of administrative services by departments of state government; and (3) that procedural fairness in the disciplining of persons regulated by the boards requires a separation of the investigative and prosecutorial functions from the board's judicial responsibility.

Subd. 2. The legislature declares that no regulation shall hereafter be imposed upon any occupation unless required for the safety and well being of the citizens of the state. In evaluating whether an occupation shall hereafter be regulated, the following factors shall be considered:

(a) Whether the unregulated practice of an occupation may harm or endanger the health, safety and welfare of citizens of the state and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; and

(c) Whether the citizens of this state are or may be effectively protected by other means.

Subd. 3. If the legislature finds after evaluation of the factors identified in subdivision 2 that it is necessary to regulate an occupation not heretofore credentialed or regulated, then regulation should be implemented consistent with the policy of this section, in modes in the following order:

(a) Creation or extension of common law or statutory causes of civil action, and the creation or extension of criminal prohibitions;

(b) Imposition of inspection requirements and the ability to enforce violations by injunctive relief in the courts;

(c) Implementation of a system of registration whereby practition-

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ers who will be the only persons permitted to use a designated title are listed on an official roster after having met predetermined qualifications; or

(d) Implementation of a system of licensing whereby a practitioner must receive recognition by the state that he has met predetermined qualifications, and persons not so licensed are prohibited from practicing.

Two or more of these modes may be simultaneously implemented if necessary and appropriate.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 214.04, is amended to read:

214.04 **SERVICES.** Subdivision 1. The commissioner of administration with respect to the board of electricity, the commissioner of education with respect to the ~~board of teacher standards and certification commission—teaching, the commissioner of public safety with respect to the board of private detective and protective agent services,~~ and the commissioner of revenue with respect to the board of assessors, shall provide suitable offices and other space, joint conference and hearing facilities, examination rooms, and the following administrative support services: purchasing service, accounting service, advisory personnel services, consulting services relating to evaluation procedures and techniques, data processing, duplicating, mailing services, automated printing of license renewals, and such other similar services of a housekeeping nature as are generally available to other agencies of state government. Investigative services shall be provided the boards by employees of the office of attorney general. ~~The commissioner of health with respect to the health related licensing boards and the commissioner—chairman of the commerce commission with respect to the remaining non-health related licensing boards shall provide the above facilities and services at a central location for the health related and remaining non-health related licensing boards.~~ The legal and investigative services for the boards shall be provided by employees of the attorney general assigned to the departments servicing the boards. Notwithstanding the foregoing, the attorney general shall not be precluded by this section from assigning other attorneys to service a board if necessary in order to insure competent and consistent legal representation. Persons providing legal and investigative services shall to the extent practicable provide the services on a regular basis to the same board or boards.

Subd. 2. The health related licensing boards and the non-health related licensing boards shall be required to provide compensation for the reasonable costs associated with providing the services and staff required by ~~subdivision—subdivisions 1 and 3 .~~ Such compensation shall be based upon biennial budgeting statements prepared by each licensing board. Transfers of funds to the account of the appropriate department as specified in subdivision 1 or the office of attorney general

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shall be made on the first day of each quarter of the biennium for services ~~to be furnished during the preceding quarter~~, and all funds so transferred shall be deposited to the account of the appropriate department or office.

Subd. 3. The executive secretary of each health related and non-health related board shall be the chief administrative officer for the board but he shall not be a member of the board. He shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive secretaries and other employees of the following boards shall be hired by the board, and the executive secretaries shall be in the unclassified civil service: dentistry; medical examiners; nursing; pharmacy; accountancy; architecture, engineering, land surveying and landscape architecture; barber examiners; cosmetology; electricity; and teaching. The executive secretaries serving the remaining boards shall be hired by those boards, and shall be in the unclassified civil service. Boards not requiring a full-time executive secretary may employ such services on a part-time basis. To the extent practicable the sharing of part-time executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive secretaries of the boards and employees of the attorney general, shall be classified civil service employees of the department servicing the board. To the extent practicable the commissioner shall insure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 3. Minnesota Statutes 1974, Section 214.06, is amended to read:

**214.06 FEES; RENEWALS.** Subdivision 1. ASSESSMENT OF FEES. Notwithstanding any law to the contrary, the board of health as authorized by section 8, all health related licensing boards as defined in section 214.01 and all non-health related licensing boards as defined in section 214.01, acting pursuant to the administrative procedures act, may by rule, with the approval of the commissioner of ~~administration~~ finance, ~~increase the adjust any fee for the renewal of a license or certificate which the board is empowered to assess~~ a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures. Examination fees, if any, shall be set by rule so that the total amount of annual examination fee income approximately meets the anticipated cost of administering the examinations. All fees received shall be deposited with the state treasurer and credited to the general fund.

Subd. 2. LICENSE RENEWALS. Notwithstanding any law to the contrary, each health-related and non-health related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures

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and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 214.07, is amended to read:

214.07 **REPORTS.** Subdivision 1. **BOARD REPORTS.** The health related licensing boards and the non-health related licensing boards shall prepare reports by October 1 of each even numbered year on forms prepared by the commissioner of administration. Copies of the reports shall be delivered to the legislature in accordance with section 3.195, the governor and the commissioner of administration. Copies of the reports of the health related licensing boards shall be delivered to the board of health. The reports shall contain the following information relating to the two year period ending the previous June 30:

- (a) A general statement of board activities;
- (b) The number of meetings and approximate total number of hours spent by all board members in meetings and on other board activities;
- (c) The receipts and disbursements of board funds;
- (d) The names of board members and their addresses, occupations, and dates of appointment and reappointment to the board;
- (e) The names and job classifications of board employees;
- (f) A brief summary of board rules proposed or adopted during the reporting period with appropriate citations to the state register and published rules;
- (g) The number of persons having each type of license and registration issued by the board as of June 30 in the year of the report;
- (h) The locations and dates of the administration of examinations by the board;
- (i) The number of persons examined by the board with the persons subdivided into groups showing age categories, sex, and states of residency;
- (j) The number of persons licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency;
- (k) The number of persons not licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency;

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(l) The number of persons not taking the examinations referred to in clause (h) who were licensed or registered by the board or who were denied licensing or registration with the reasons for the licensing or registration or denial thereof and with the persons subdivided by age categories, sex, and states of residency;

(m) The number of persons previously licensed or registered by the board whose licenses or registrations were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension or alteration;

(n) The number of written and oral inquiries and complaints and other communications received by the executive secretary of the board from residents of the state relating to activities which the board is required to license or regulate, a board member, or any other person performing services for the board (1) which allege or imply a violation of a statute or rule which the board is empowered to enforce and (2) which are forwarded to other agencies as required by section 5 ;

(o) A summary by category of the substance of the inquiries and complaints and communications referred to in clause (n) and the responses or dispositions ~~of the board thereto thereof~~ pursuant to sections 5 or 6 ;

(p) Any other objective information which the board members believe will be useful in reviewing board activities.

Subd. 2. **SUMMARY OF BOARD REPORTS.** Not later than December 15 of each even numbered year, the board of health with respect to the health related licensing boards and the commissioner of administration with respect to the non-health related boards shall prepare a summary report reports compiling the information required by subdivision 1, clauses (b) and (g) to (p) and contained in the reports submitted by the boards the preceding year pursuant to subdivision 1. The summary reports shall also specify the staff and services provided by the departments to each board. The summary report reports shall be distributed to the legislature pursuant to section 3.195 and to the governor.

Sec. 5. Minnesota Statutes 1974, Chapter 214, is amended by adding a section to read:

**[214.10] COMPLAINTS; INVESTIGATION AND HEARING.** Subdivision 1. RECEIPT OF COMPLAINT. The executive secretary of a board, a board member or any other person who performs services for the board who receives a complaint or other communication, whether oral or written, which complaint or communication alleges or implies a violation of a statute or rule which the board is empowered to enforce, shall promptly forward the substance of the communication on a form prepared by the attorney general to the designee of the attorney general responsible for providing legal services to the board. Before pro-

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ceeding further with the communication, the designee of the attorney general may require the complaining party to state his complaint in writing on a form prepared by the attorney general. Complaints which relate to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the executive secretary. An officer of that agency shall advise the executive secretary of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which a licensing board is empowered to enforce shall be forwarded to the executive secretary of the board to be processed in accordance with this section.

**Subd. 2. INVESTIGATION AND HEARING.** The designee of the attorney general providing legal services to a board shall evaluate the communications forwarded to him by the board or its members or staff. If the communication alleges a violation of statute or rule which the board is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, he shall consult with or seek the assistance of the executive secretary or, if the board determines, a member of the board who has been designated by the board to assist the designee. He may also consult with or seek the assistance of any other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation. The executive secretary or the consulted board member may attempt to correct improper activities and redress grievances through education, conference, conciliation and persuasion, and in these attempts he may be assisted by the designee of the attorney general. If the attempts at correction or redress do not produce satisfactory results in the opinion of the executive secretary or the consulted board member, or if after investigation the designee providing legal services to the board, the executive secretary or the consulted board member believes that the communication and the investigation suggest illegal or unauthorized activities warranting board action, he shall inform the executive secretary of the board who shall schedule a disciplinary hearing in accordance with Minnesota Statutes, Chapter 15. Before the designee of the attorney general or the executive secretary may direct the holding of a disciplinary hearing, he shall have considered the recommendations of the consulted board member. Before scheduling a disciplinary hearing, the executive secretary must have received a verified written complaint from the complaining party. A board member who was consulted during the course of an investigation may participate at the hearing but may not vote on any matter pertaining to the case. The executive secretary of the board shall promptly inform the complaining party of the final disposition of the complaint. Nothing in this section shall preclude the board from scheduling, on its own motion, a disciplinary hearing based upon the findings or report of the board's executive secretary, a board member or the designee of the attorney general assigned to the board. Nothing in this section shall preclude a member of the board or its executive secretary from initiating a complaint.

**Subd. 3. DISCOVERY; SUBPOENAS.** In all matters pending be-  
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fore it relating to its lawful regulation activities, a board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith. The chairman of the board acting on behalf of the board may issue subpoenas and any board member may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.

Sec. 6. Minnesota Statutes 1974, Chapter 214, is amended by adding a section to read:

**[214.11] ADDITIONAL REMEDY.** In addition to any other remedy provided by law, a licensing board may in its own name bring an action in district court for injunctive relief to restrain any unauthorized practice or violation or threatened violation of any statute or rule which the board is empowered to regulate or enforce. A temporary restraining order may be granted in the proceeding if continued activity by a person would create an imminent risk of harm to others. Injunctive relief granted pursuant to this section shall not relieve a person enjoined from criminal prosecution by any competent authority or from disciplinary action by the board in respect to the person's license or application for license or renewal.

Sec. 7. Minnesota Statutes 1974, Chapter 214, is amended by adding a section to read:

**[214.12] CONTINUING EDUCATION.** The health related and non-health related licensing boards may promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of continuing professional education or training shall be designed solely to improve professional skills and shall not exceed an average attendance requirement of 50 clock hours per year. All requirements promulgated by the boards shall be effective commencing January 1, 1977, or at a later date as the board may determine. The 50 clock hour limitation shall not apply to the board of teaching.

Sec. 8. Minnesota Statutes 1974, Chapter 214, is amended by adding

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ing a section to read:

**[214.13] HUMAN SERVICES OCCUPATIONS.** Subdivision 1. The board of health shall promote the recognition of human services occupations useful in the effective delivery of human services. The board shall coordinate the development of a credentials policy among the health related licensing boards consistent with section 1. The board shall, consistent with section 1, establish procedures for the identification of human services occupations not now credentialed by the state, recommend appropriate regulatory modes, and promulgate by rule standards and procedures relating to the credentialing of persons practicing in the affected occupations. If the board determines that credentialing of an occupation is appropriate, the board is empowered only to register the occupation. Before promulgating any rules resulting in registration for an occupation the board shall consult with state boards or agencies charged with regulating similar occupations in order to define the scope and range of practice for the registered occupation and the degree of supervision required. As used in sections 8 and 9 registration shall be defined as in section 1, subdivision 3, clause (c).

Subd. 2. Before promulgating any rules regulating a specific occupation under this section, the board shall determine whether a substantial number of persons in that occupation will be employed by an employer who is regulated by or funded through another state agency. If the board so determines, then it must submit the proposed rules to the head or governing board of that agency for review and approval. The agency shall review the rules to insure compliance with laws which are administered or enforced by that agency. The rules must have received the approval of that agency before promulgation.

Subd. 3. Rules promulgated by the board pursuant to subdivision 1 may include procedures and standards relating to the registration requirement, the scope of authorized practice, fees, supervision required, continuing education, career progression and disciplinary matters. These rules shall not be in conflict with provisions of chapter 214 and sections 1 to 7 of this act.

Subd. 4. The board of health shall wherever possible delegate the administration of regulation activities to a health related licensing board with the concurrence of that board. If the board of health delegates this function, the licensing board shall regularly bill the board of health for the cost of performing this function. The board of health may establish an advisory council to advise it or the appropriate health related licensing board on matters relating to the registration and regulation of an occupation. A council shall have seven members appointed by the board of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. A council shall expire, and the terms, compensation and removal of members shall be as provided in Minnesota Statutes, Section 15.059.

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Subd. 5. The board of health shall exercise care to prevent the proliferation of unessential registered human services occupations. If in evaluating a currently unregistered occupation the board determines that registration of the occupation is not appropriate, but that implementation of another mode as set forth in section 1, subdivision 3, is appropriate the board shall promptly so report to the legislature.

Sec. 9. Minnesota Statutes 1974, Chapter 214, is amended by adding a section to read:

**[214.14] ADVISORY COUNCIL.** Subdivision 1. There is established a human services occupations advisory council to assist the board of health in formulating policies and rules pursuant to section 8. The board shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the board for its consideration. Each of the health related licensing boards, the state examining committee for physical therapists, the advisory council for hospital administrator's registration, the consumer services section of the department of commerce, the state comprehensive health planning advisory council and the higher education coordinating commission shall have a representative selected by the boards, section or commission. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed pursuant to existing law, and five public members. The committee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in Minnesota Statutes, Section 15.059.

Subd. 2. The secretary of the board or his designee shall serve as secretary to the council and shall provide the additional assistance necessary to facilitate the work of the council.

Subd. 3. The advisory council shall review all rules and policies promulgated by the health related licensing boards and recommend any appropriate changes to the board of health or the relevant licensing board.

Sec. 10. Minnesota Statutes, 1975 Supplement, Section 125.03, Subdivision 1, is amended to read:

**125.03 TEACHERS, DEFINITION, CERTIFICATION.** Subdivision 1. The term "teachers" for the purpose of certification-licensure, means and includes any and all persons employed in a public school as members of the instructional and supervisory staff such as superintendents, principals, supervisors, classroom teachers, and librarians.

Sec. 11. Minnesota Statutes 1974, Section 125.04, is amended to

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read:

**125.04 QUALIFIED TEACHER DEFINED.** A qualified teacher is one holding a valid ~~certificate~~license, as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 12. Minnesota Statutes 1974, Section 125.05, is amended to read:

**125.05 BOARD TO ISSUE LICENSES.** Subdivision 1. **QUALIFICATIONS.** The authority to ~~certify~~license teachers as defined herein is vested in the ~~teacher standards and certification commission~~board of teaching but based solely on criteria and qualifications approved by the state board of education. The authority to ~~certify~~license superintendents and principals is vested in the state board of education. ~~Certificates~~Licenses shall be issued to such persons as the ~~commission~~board finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the ~~commission~~board under the rules which it promulgates. ~~Certificates of qualifications of teachers~~Licenses shall be issued by the commissioner and the commissioner shall issue ~~certificates~~licenses to any qualified blind graduates of a school of education.

Subd. 2. **EXPIRATION AND RENEWAL.** Each ~~certificate~~license shall bear the date of issue. ~~Certificates~~Licenses shall expire and be renewed in accordance with rules promulgated by the ~~commission~~board. Renewal requirements for the renewal of a ~~certificate~~license shall include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the ~~certificate~~license in grades or subjects for which the ~~certificate~~license is valid or the completion of such additional preparation as the ~~commission~~board shall prescribe.

Subd. 3. **EFFECTIVE DATE.** This act is effective July 1, 1969. Nothing contained herein shall be construed as affecting the validity of a permanent certificate issued prior to July 1, 1969.

Sec. 13. Minnesota Statutes 1974, Section 125.06, is amended to read:

**125.06 APPLICANTS TRAINED IN OTHER STATES.** When a ~~certificate~~license to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college, or of the University of Minnesota, or of a liberal arts college, or a technical training institution, such ~~certificate~~license may also, in the discretion of the ~~commission~~board of teaching, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher preparation essentially equivalent in content to that required by such Minnesota state college or the university of Minnesota or a liberal arts college in Minnesota or a technical training institution as pre-

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liminary to the granting of a diploma or a degree of the same rank and class.

Sec. 14. Minnesota Statutes 1974, Section 125.08, is amended to read:

**125.08 TEACHERS' LICENSES, FEES.** Each application for the issuance, renewal, or extension of a certificate license to teach shall be accompanied by a processing fee in an amount set by the ~~commission-board of teaching by rule~~. Except as otherwise provided in this section, such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fee as set by the ~~commission-board~~ shall be nonrefundable for applicants not qualifying for a certificate license, provided however, that the fee shall be refunded by the state treasurer in those cases in which the applicant already holds a valid unexpired certificate license.

Sec. 15. Minnesota Statutes 1974, Section 125.09, Subdivision 1, is amended to read:

**125.09 SUSPENSION OR REVOCATION OF LICENSES.** Subdivision 1. **GROUNDS FOR REVOCATION.** The commission board of teaching may, on the written complaint of the board employing a teacher, ~~or of the superintendent of schools where such teacher is employed; or of a teacher organization, or of a teacher in a district where no teacher organization exists; or of the commissioner-any other interested person~~, which complaint shall specify the nature and character of the charges, suspend or revoke such teacher's ~~certificate or~~ license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- (4) Failure to meet ~~recertification-relicensure~~ requirements; or
- (5) Fraud or misrepresentation in obtaining a certificate license.

Sec. 16. Minnesota Statutes, 1975 Supplement, Section 125.11, is amended to read:

**125.11 RECORDING OF LICENSES; DISTRICT SUPERINTENDENT.** No person shall be accounted a qualified teacher until such person has filed for record with the district superintendent where such person intends to teach a certificate license, or certified copy thereof, authorizing such person to teach school in such district school system.

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Sec. 17. Minnesota Statutes 1974, Section 125.12, Subdivision 1, is amended to read:

125.12 **EMPLOYMENT; CONTRACTS, TERMINATION.** Subdivision 1. **TEACHER DEFINED.** A superintendent, principal, supervisor, and classroom teacher and any other professional employee required to hold a ~~certificate license~~ from the state department shall be deemed to be a "teacher" within the meaning of this section.

Sec. 18. Minnesota Statutes 1974, Section 125.13, Subdivision 1, is amended to read:

125.13 **EXCHANGE TEACHERS.** Subdivision 1. A person holding a ~~certificate license~~ and contract to teach in a Minnesota public school and assigned by the employing district to teach elsewhere is an exchange teacher.

Sec. 19. Minnesota Statutes 1974, Section 125.17, Subdivision 1, is amended to read:

125.17 **TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS.** Subdivision 1. **WORDS, TERMS AND PHRASES.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) **TEACHERS.** The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if ~~certificated-licensed~~ as teachers or as school librarians.

(b) **SCHOOL BOARD.** The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) **DEMOTE.** The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

Sec. 20. Minnesota Statutes 1974, Section 125.182, Subdivision 2, is amended to read:

Subd. 2. "Teacher" means a supervisor, classroom teacher, or other similar professional employee required to hold a ~~certificate license~~ from the state department of education.

Sec. 21. Minnesota Statutes 1974, Section 125.182, Subdivision 3, is amended to read:

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Subd. 3. "~~Commission~~" "Board" means the board of teacher standards and certification commission-teaching .

Sec. 22. Minnesota Statutes, 1975 Supplement, Section 125.183, Subdivision 3, is amended to read:

Subd. 3. Except for the representatives of higher education and the public, to be eligible for appointment to the ~~commission-board of teaching~~ a person must be fully certificated for the position he holds and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The ~~commission-board~~ shall be composed of one teacher whose responsibilities are those either of a counsellor, librarian, psychologist, remedial reading teacher, speech therapist, vocational teacher, or certified school nurse, four elementary school classroom teachers, four secondary classroom teachers, three higher education representatives, from higher education faculties preparing teachers, two of whom shall be representatives of state institutions and one of whom shall be a representative of private institutions; one school administrator and four members of the public. Each nominee other than a public nominee shall be selected on the basis of his professional experience, and knowledge of teacher education, accreditation and ~~certification~~ licensure .

Sec. 23. Minnesota Statutes 1974, Section 125.183, is amended by adding a subdivision to read:

Subd. 5. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; the selection and duties of an executive secretary to serve the board; and other provisions relating to board operations shall be as provided in chapter 214 and sections 2 to 7 of this act. 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.

Sec. 24. Minnesota Statutes 1974, Section 125.184, as amended by Laws 1975, Chapter 136, Section 3, is amended to read:

125.184 MEETINGS. Subdivision 1. The ~~commission board of teaching~~ shall meet regularly at such times and places as the ~~commission-board~~ shall determine. Meetings shall be called by the chairman or at the written request of any eight members.

Subd. 2. ~~The commissioner of education shall serve as secretary of the commission and, in his discretion, may assign such persons as may be required to perform clerical and professional assistance to the commission.~~ The board of teaching shall have an executive secretary who shall be in the unclassified civil service and who shall not be a member of the board .

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Sec. 25. Minnesota Statutes 1974, Section 125.185, as amended by Laws 1975, Chapter 136, Section 4, is amended to read:

125.185 **DUTIES.** Subdivision 1. The ~~commission-board of teaching~~ shall ; ~~after public hearings~~; develop by rule a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

Subd. 2. The ~~commission-board~~ shall act in an advisory capacity to members of the profession in matters of interpretation of the code of ethics.

Subd. 3. The ~~commission-board~~ shall elect a chairman and such other officers as it may deem necessary.

Subd. 4. The ~~commission-board~~ shall develop and create ~~criteria, rules ; and regulations~~ for the certification-licensure of public school teachers and interns, which shall be submitted to the state board of education for approval, and from time to time the commission board of teaching shall revise or supplement the criteria rules for certification-licensure of public school teachers subject to approval by the state board of education . It shall be the duty of the ~~commission-board of teaching~~ to establish criteria-rules for the approval of teacher education programs subject to approval by the board of education . Subject to ~~criteria, rules ; and regulations~~ approved by the state board of education, the commission board of teaching shall also grant certificates-licenses to interns and to candidates for original certificates licenses and receive recommendations from local committees as established by the ~~commission-board of teaching~~ for the renewal of teaching certificates-licenses , to grant life certificates-licenses to those who qualify according to requirements established by the ~~commission-board of teaching~~ , and suspend or revoke certificates-licenses pursuant to section 125.09 and section 5 . With regard to vocational education teachers the ~~commission-board of teaching~~ shall adopt and maintain as its criteria-rules the state plan for vocational education..

In the event the state board of education disapproves any proposal from the ~~commission-board of teaching~~ , it shall give written notice of such disapproval within 120 days after the receipt of the proposal including its reasons. Any proposal disapproved by the state board may be resubmitted by the ~~commission-board of teaching~~ at any time after the expiration of 90 days after the date of disapproval.

Subd. 5. The executive secretary of the commission board of teaching shall keep a record of the proceedings of and a register of all persons certificated-licensed under Laws 1973, Chapter 749. The register shall show the name, address, certificate-license number and the renewal thereof. The ~~commission-board~~ shall on July 1, 1974, or as soon thereafter as is practicable, and each year thereafter compile a list of such duly certificated-licensed teachers and transmit a copy thereof to

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the board. A copy of the register shall be available during business hours at the office of the ~~commission board~~ to any interested person.

Subd. 6. The state board of education shall provide all necessary materials and assistance for the transaction of the business of the ~~commission board~~ and all moneys received by the ~~commission board~~ shall be paid into the state treasury as provided by law. The expenses of administering sections 125.01 to 125.187 shall be paid for from appropriations made to the state board of education and to the board of teaching

Subd. 7. Any person who shall in any manner represent himself as a ~~certificated-licensed~~ teacher without a valid existing ~~certificate-li-~~cence issued to him by the ~~commission board~~ or any person who employs fraud or deception in applying for or securing a ~~certificate-li-~~cence shall be guilty of a gross misdemeanor.

Subd. 8. ~~The sum of \$30,000 or so much thereof as may be necessary is appropriated to the state board of education from the general fund in the state treasury for the establishment of the commission to carry out the purposes of Laws 1973, Chapter 749.~~

Subd. 9-8 . The ~~commission board~~ may adopt rules and ~~regulations~~, pursuant to chapter 15, in order to effect the purposes of Laws 1973, Chapter 749. Rules and ~~regulations~~ so adopted shall be subject to the approval of the state board of education as provided in Laws 1973, Chapter 749. ~~The state board shall not hold a public hearing pursuant to chapter 15, with respect to rules and regulations adopted by the commission.~~

Sec. 26. Minnesota Statutes 1974, Section 125.187, is amended to read:

125.187 **VALIDITY OF CERTIFICATES.** No ~~regulation-rule~~ adopted by the board of teacher standards and certification commis-~~sion-teaching~~ shall affect the validity of certificates or licenses to teach in effect on July 1, 1974, or the rights and privileges of the holders thereof, except that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified by law.

Sec. 27. The revisor of statutes shall change the references to "teacher standards and certification commission" or "board of teacher standards and certification" or "commission" wherever they appear in chapters 121 to 129 and 214, to "board of teaching" or "board", as appropriate.

Sec. 28. Minnesota Statutes 1974, Section 144.652, is amended to read:

144.652 **NOTICE TO PATIENT.** The policy statement contained in ~~Changes or additions indicated by underline deletions by~~ strikeout

section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58. Copies of the policy statement shall be furnished the patient and resident upon admittance to the facility. The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed.

Sec. 29. Minnesota Statutes, 1975 Supplement, Section 144.952, is amended by adding a subdivision to read:

Subd. 3. 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 and sections 2 to 7 of this act.

Sec. 30. Minnesota Statutes 1974, Section 144.955, is amended to read:

144.955 **LICENSE FEES.** Each person licensed as a nursing home administrator shall be required to pay initial and renewal license fees in amounts to be fixed by the board ; ~~which fees shall not exceed \$100~~ . In addition each person who takes an examination as prescribed by section 144.953 shall be required to pay a fee, the amount to be fixed by the board ; ~~and shall not exceed \$50~~ . An initial license shall expire on June 30 of the year following its issuance, and shall be renewable pursuant to the relevant provisions of section 144.96.

Sec. 31. Minnesota Statutes 1974, Section 144.959, is amended to read:

144.959 **DUTIES OF THE BOARD.** The board shall have the duty and responsibility to:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators shall be individuals who are of good character and are otherwise suitable, and who, by training or experience are qualified to serve as nursing home administrators.

(2) Develop and apply appropriate techniques, including examination and investigations, for determining whether individuals meet such standards.

(3) Issue licenses to individuals, after application of such techniques, determined to meet such standards, and for cause, to revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.

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(4) Establish and implement procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(5) ~~Receive, investigate, and~~ Take appropriate action with respect to, and including the revocation of a license, if necessary, for cause, on any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.

(6) Conduct a continuing study and investigation of nursing homes, and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes.

(7) Recognize, or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements of sections 144.951 to 144.964, and make provisions for the conduct of such courses and their accessibility to residents of this state. The board may approve courses conducted within and without this state as sufficient to meet the education and training requirements hereof.

Sec. 32. Minnesota Statutes, 1975 Supplement, Section 147.01, is amended to read:

**147.01 BOARD OF MEDICAL EXAMINERS. Subdivision 1. CREATION; TERMS OF OFFICE.** The board of medical examiners shall consist of 11 members, residents of the state of Minnesota, appointed by the governor as hereinafter provided (a) seven of whom shall hold a degree of doctor of medicine and be licensed to practice medicine under chapter 147, (b) one of whom shall hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under chapter 147 and (c) three of whom shall be public members as defined for purposes of Laws 1973, Chapter 638. A member may serve more than one term but shall not serve more than two terms consecutively. 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 and sections 2 to 7 of this act.

**Subd. 2. RECOMMENDATIONS FOR APPOINTMENT.** Each year in which the terms of doctors of medicine expire the council of the Minnesota state medical association shall recommend to the governor

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three doctors of medicine qualified to serve on the board with respect to each membership which is then filled by a doctor of medicine. Each year in which the term of a doctor of osteopathy expires, the Minnesota state osteopathic association shall recommend to the governor three doctors of osteopathy qualified to serve on the board. From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of four years. Within 60 days after the occurrence of any vacancy in the board, the council of the Minnesota state medical association, if the vacancy be with respect to a membership vacated by a doctor of medicine, or the Minnesota state osteopathic association, if the vacancy be with respect to a membership vacated by a doctor of osteopathy, shall recommend to the governor three doctors of medicine qualified to serve on the board if the recommendation be by the Minnesota state medical association or three doctors of osteopathy qualified to serve on the board if the recommendation be by the Minnesota state osteopathic association. From the list of persons so recommended the governor, within 30 days after receiving such recommendation, may appoint one member to the board for the unexpired term occasioned by such vacancy and any appointment thereto to fill a vacancy shall be made within 90 days after the occurrence of such vacancy for the balance of the unexpired term.

**Subd. 3. BOARD ADMINISTRATION.** The board shall elect from among its number a president, a vice-president, and a secretary-treasurer, who shall each serve for one year, or until his successor is elected and qualifies. The board shall have authority to adopt ~~such rules and regulations~~ as may be found necessary to carry out the purposes of chapter 147. The members of the board shall have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. ~~In the administration of this chapter the board shall have the power to compel the attendance of witnesses and the production of documents by subpoena, to investigate complaints of violations of this chapter or the rules and regulations of the board, and to institute injunctive proceedings to restrain violations upon a showing of injury or potential injury to the public health or welfare.~~ Six members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the executive secretary, whose duty it shall be to keep a record of all proceedings of the board, including a register of all applicants for license under this chapter, giving their names, addresses, ages, educational qualifications, and the result of their examination. These books and registers shall be prima facie evidence of all the matters therein recorded.

**Subd. 4. DISCLOSURE OF INFORMATION.** All communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except only a final decision of the board, which shall state the specific reason therefor shall be confidential and privileged within the meaning of section 595.02, clause 5, and shall not be public records within the meaning of section 15.17,

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subdivision 4; provided that upon application of a party in a proceeding before the board pursuant to section 147.02, subdivision 3, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules civil procedure.

Sec. 33. Minnesota Statutes, 1975 Supplement, Section 147.02, Subdivision 1, is amended to read:

**147.02 EXAMINATION; LICENSING.** Subdivision 1. **EXAMINATION.** A person not authorized to practice medicine in the state and desiring so to do shall apply to the secretary of the state board of medical examiners and pay a fee of ~~\$125 for the use of~~ set by the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove (a) that he is of good moral character; (b) that he is either a graduate of a medical or osteopathic school approved by the board after a study of its curriculum, faculty, facilities, accreditation, and other relevant data, or is currently enrolled in the final year of study at such school; and (c) that he has satisfactorily passed, within three years before, or five years after being granted the degree of M.D. or D.O., an examination prepared and graded by either the federation of state medical boards or the national board of medical examiners. Certification of passage by either the federation of state medical boards, the national board of medical examiners or the medical school from which the applicant graduated shall be accepted as evidence that the applicant has passed such examination. If the board determines that the applicant has not satisfactorily passed an examination within three years before, or five years after being granted the degree of M.D. or D.O., the board may require the applicant to take either of the examinations. The board may by rule establish fees for the renewal of licenses and permits authorized by this chapter. The board may assess a charge, to be set by rule, for the delinquent payment of a fee.

The board may issue a temporary permit to practice medicine to a physician eligible for licensure under section 147.03 upon payment of a fee of ~~\$40 set by the board~~. The permit shall be valid only until the next meeting of the board.

Sec. 34. Minnesota Statutes 1974, Section 147.021, Subdivision 1, is amended to read:

**147.021 REFUSAL TO GRANT LICENSE, SUSPENSION OR REVOCATION OF LICENSE.** Subdivision 1. The board ~~may~~ shall ~~shall~~ refuse to grant a license to, shall order re-examination, or may ~~shall~~ suspend, revoke, condition, limit, qualify or restrict the license, whether granted under chapter 147 or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, of any person whom such board, after a hearing, adjudges unqualified or who the board determines after such a hearing is any one or more of the following:

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(a) a person who fails to demonstrate the qualifications or satisfy the standards for a license contained in chapter 147 or rules ~~and regulations~~ of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such standards.

(b) a person who makes misleading, deceptive, untrue or fraudulent representations in the practice of medicine or who employs a trick or scheme in the practice of medicine or fraud or deceit in obtaining a license to practice medicine.

(c) a person who ~~is at any time during the previous five years was convicted of a felony in the courts of this state or any other state, territory or country reasonably related to his practice of medicine or osteopathy~~ . Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) a person whose license to practice medicine has been revoked, suspended, annulled or with regard to whom disciplinary action has been taken or whose application for a license has been denied by the proper licensing authority of another state, territory or country.

In clauses (c) and (d) a copy of the judgment or proceeding under the seal of the clerk of the court or of the administrative agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the contents thereof.

(e) a person who advertises in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional superiority to or greater skill than that possessed by another doctor of medicine or another doctor of osteopathy licensed to practice medicine under chapter 147, or the positive cure of any disease ; ~~or the curing of venereal diseases; the restoration of "lost manhood," the treatment of private disease, peculiar to men or women; or advertises or holds himself out to the public in any manner as a specialist in diseases of the sexual organs; or diseases caused by sexual weakness; self-abuse; or excessive indulgences; or advertises any medicine or any means whereby the monthly periods of women may be regulated or the menses reestablished; or is employed by or is in the service of any person; concern; actual or pretended; so advertising; or in any manner creates a fear of private diseases .~~

(f) a person who violates a lawful rule ~~or regulation~~ promulgated by the board or violates a lawful order of the board, previously entered by the board in a disciplinary hearing.

(g) a person who engages in any unethical, deceptive or deleteri-

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ous conduct or practice harmful to the public, or who demonstrates a willful or careless disregard for the health, welfare or safety of his patients, in any of which cases, proof of actual injury need not be established.

(h) a person who procures, aids, or abets in the procuring of a criminal abortion.

(i) a person who violates a statute or law-rule of this state or of any other state or of the United States ; ~~without regard to its designation as either felony or misdemeanor,~~ which ~~statute or law~~ relates to the practice of medicine or in part regulates the practice of medicine.

(j) a person who has been adjudged mentally incompetent, mentally ill or mentally deficient, or adjudged to be a drug dependent person, an inebriate person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) a person who is guilty of ~~immoral or~~ unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established ; ~~or the omission by a physician of any act contrary to honesty, justice or good morals, whether the same is committed in the course of his practice or otherwise, and whether committed within or without this state .~~

(l) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. ~~In enforcing this clause the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination. If the board has probable cause to believe that a physician comes within this clause, it shall direct the physician to submit to a mental or physical examination. For the purpose of this clause, every physician licensed under chapter 147 shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.~~ Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, ~~consequent upon-in~~ which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the compe-

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tent practice of medicine with reasonable skill and safety to patients.

~~For the purpose of this clause, every physician licensed under chapter 147 who shall accept the privilege to practice medicine in this state and be so practicing shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.~~

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

~~(n) a person who is convicted of an offense involving moral turpitude.~~

~~(o)-(n) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.~~

Sec. 35. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

**[147.035] MALPRACTICE HISTORY.** Subdivision 1. SUBMISSION. A person desiring to practice medicine in this state who has previously practiced in another state shall submit the following additional information with his license application for the five year period of active practice preceding the date of filing such application:

(a) The name and address of his professional liability insurer in the other state.

(b) The number, date, and disposition of any medical malpractice settlement or award made to the plaintiff relating to the quality of medical treatment.

Subd. 2. ACTION BY THE BOARD. The board shall give due consideration to the information submitted pursuant to section 147.03 and this section. An applicant who wilfully submits incorrect information shall be subject to disciplinary action pursuant to section 147.021.

Sec. 36. Minnesota Statutes, 1975 Supplement, Section 147.05, is amended to read:

**147.05 SUPPLIES; SECRETARY, EXECUTIVE SECRETARY, COMPENSATION.** The board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is

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necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury and credited to the general fund and the unexpended balance in any special account of the board in the state treasury as of July 1, 1973 shall also be credited to the general fund. The expenses of administering sections 147.01 to 147.29 shall be paid from the appropriations made to the board of medical examiners. The board ~~may shall~~ employ ; ~~discharge, and fix the compensation of~~ an executive secretary ; ~~in the unclassified service; to perform duties prescribed by the board.~~ The secretary shall receive a salary of not to exceed \$9,600 per annum; the amount thereof to be fixed by the board .

Sec. 37. Minnesota Statutes 1974, Section 147.06, is amended to read:

**147.06 LICENSING OF ITINERANT PHYSICIANS BY STATE BOARD.** Any physician practicing medicine, surgery, or obstetrics, or professing or attempting to treat, cure, or heal diseases, ailments, or injuries by any medicine, appliance, or method, who, by himself, agent or employee, goes from place to place, or from house to house, or, by circular letters or advertisement, solicits persons to meet him for professional treatment at places other than his regular office or residence, shall be considered an itinerant physician. Any such itinerant physician shall, in addition to his regular license to practice medicine in this state, procure from the state board of medical examiners a license as an itinerant physician. Any physician licensed to practice in this state desiring to secure a license as an itinerant physician shall make an application therefor to the state board of medical examiners setting forth in detail such information as the board may require. The board shall examine into the application, the qualifications, character, and reputation of the applicant, and the question as to whether the public interest will be subserved by the granting of such itinerant license; and, if it shall determine that such license should be granted, it shall pass a resolution to that effect, to be spread upon its minutes; and, upon the payment of ~~\$300~~ a fee set by the board to the executive secretary of the board, an itinerant physician's license shall be issued to the applicant for a period of one year from the date thereof; the secretary shall forthwith pay the license fee into the state treasury for the use of the board.

The board may cancel any itinerant physician's license so issued by it upon satisfactory evidence of the incompetency or gross immorality of the licensee.

Sec. 38. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

**[147.072] MALPRACTICE REPORTS FROM INSURERS.** Four times each year as prescribed by the board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to physicians shall sub-

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mit to the board a report concerning the physicians against whom medical malpractice settlements or awards have been made to the plaintiff. The report shall contain but not be limited to the following information:

(a) The total number of medical malpractice settlements or awards made to the plaintiff;

(b) The date the medical malpractice settlements or awards to the plaintiff were made;

(c) The allegations contained in the settlements or awards made to the plaintiff;

(d) The dollar amount of each medical malpractice settlement or award.

Sec. 39. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

**[147.073] PHYSICIAN ACCOUNTABILITY.** Subdivision 1. INVESTIGATION. The board shall maintain and keep current a file containing the insurers reports and public complaints filed against physicians in the state, which shall be private information accessible, pursuant to sections 15.162 to 15.168, to the physician who is the subject of the data. Each complaint filed with the board pursuant to section 5, subdivision 1, shall be investigated according to section 5, subdivision 2.

Whenever the files maintained by the board show that a medical malpractice settlement or award to the plaintiff has been made against a physician as reported by insurers pursuant to section 38, the executive director of the board shall notify the board and the board may authorize a review of the physician's practice.

**Subd. 2. ATTORNEY GENERAL INVESTIGATES.** When the board initiates a review of a physician's practice it shall notify the attorney general who shall investigate the matter in the same manner as provided in section 5. If an investigation is to be made, the attorney general shall notify the physician, and, if the incident being investigated occurred there, the administrator and chief of staff at the medical care facilities in which the physician serves.

**Subd. 3. ACCESS TO HOSPITAL RECORDS.** The board shall have access to hospital and medical records of a patient treated by the physician under review if the patient signs a written consent permitting such access.

Sec. 40. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

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**[147.074] FILING OF HOSPITALS SERVED.** Each physician shall file with the board a list of the in-patient and out-patient medical care facilities at which they have medical privileges. The list shall be updated when the physician applies for license renewal.

Sec. 41. Minnesota Statutes 1974, Section 147.13, is amended to read:

**147.13 REVOCATION OF LICENSE.** In case a physician or surgeon shall be convicted of violating any of the provisions of section 147.11, the state board of medical examiners, upon a first conviction, may, and, upon a subsequent conviction, shall, revoke the license of the person so convicted; ~~but such revocation shall be subject to the right of the person whose license has been so revoked to appeal to the district court of the proper county on questions of law and fact.~~

Sec. 42. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

**[147.171] LICENSING OF PERSONS PRACTICING MASSAGE.** Any person who was licensed under Laws 1935, Chapter 245 may apply to the board of medical examiners for a permanent license. The board shall grant the request if its is satisfied that the applicant previously held a license under Laws 1935, Chapter 245.

Sec. 43. Minnesota Statutes 1974, Section 147.18, is amended to read:

**147.18 RENEWAL OF TEMPORARY CERTIFICATE, FEE.** Such temporary certificate may be issued for a period of not to exceed one year and in the discretion of the board, may be renewed annually for not more than four additional years. The fee for ~~such the certificate and renewal thereof~~ shall be fixed by the board ~~at not more than \$15 per annum or fraction thereof and which amount shall also be paid for each renewal thereof.~~

Sec. 44. Minnesota Statutes 1974, Section 147.23, is amended to read:

**147.23 HOSPITAL MEDICAL STAFF, MEMBERSHIP.** Nothing contained in Laws 1963, Chapter 45, shall be deemed to grant to any person the right to be admitted to the medical staff of any hospital. If a hospital withdraws the right of a person to practice medicine or osteopathy at that hospital, or limits the surgical procedures he may perform within that hospital while retaining the physician on their staff, the hospital shall promptly inform the board of this action. When the board receives a report pursuant to this section they shall treat it in the same manner as prescribed for receipt of complaints in section 5, subdivision 1, of this act.

Sec. 45. Minnesota Statutes, 1975 Supplement, Section 148.03, is

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amended to read:

**148.03 APPOINTMENT.** The governor shall appoint a board of chiropractic examiners consisting of two public members as defined for purposes of Laws 1973, Chapter 638 and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic. 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 and sections 2 to 7 of this act. The board shall have the authority to prescribe rules ~~and regulations~~ relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

Sec. 46. Minnesota Statutes 1974, Section 148.05, is amended to read:

**148.05 LICENSE AND FEE.** At its first meeting the state board of chiropractic examiners shall issue to each member a license to practice chiropractic, for which he shall pay a fee ~~of \$25 set by the board~~. The board shall have a common seal and ~~formulate~~ promulgate rules to govern its actions.

Sec. 47. Minnesota Statutes 1974, Section 148.06, Subdivision 1, is amended to read:

**148.06 APPLICATION; EXAMINATION; LICENSE; FEE.** Subdivision 1. **LICENSE REQUIRED; QUALIFICATIONS.** No person shall practice chiropractic in this state without first being licensed by the state board of chiropractic examiners. The applicant shall have earned at least one half of all academic credits required for awarding of a baccalaureate degree from the university of Minnesota, or other university, college or community college of equal standing, in subject matter determined by the board, and taken a four-year resident course of at least eight months each in a school or college of chiropractic that is accredited by the council on chiropractic education or association of chiropractic colleges or their successors wherein the curriculum includes instruction in the following branches: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, diagnoses, urinalysis, chiropractic orthopedy, intellectual adaption, and the science and art of chiropractic. The board may recommend a two year prechiropractic course of

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instruction to any ~~such~~ university, college or community college which in its judgment would satisfy the academic prerequisite for licensure as established by this section. An examination for a license shall be in writing. The applicant shall be required to give practical demonstration in vertebral palpation, nerve tracing, and adjusting. A license, countersigned by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who shall correctly answer 75 percent of the questions propounded in each of the above subjects and meets the standards of practical demonstration established by the board. Each application shall be accompanied by a fee of ~~\$50~~ set by the board. ~~Such~~~~The~~ fee shall not be returned in the event of failure to pass, but the applicant may, within one year, present himself for examination without the payment of an additional fee. The board may waive the written examination and may grant a license to an applicant who holds a valid certificate from the national board of chiropractic examiners, provided such applicant meets the other requirements of this section and satisfactorily passes the practical examination before the board.

Sec. 48. Minnesota Statutes 1974, Section 148.07, as amended by Laws 1975, Chapter 136, Section 77, is amended to read:

**148.07 DISPOSITION OF FEES.** Subdivision 1. **RENEWAL; FEE.** All persons practicing chiropractic within this state, or licensed so to do, shall pay, on or before the ~~first day of January of each year after a license is issued to them, as herein provided~~ date of expiration of their licenses, to the board of chiropractic examiners a renewal fee of ~~\$25 set by the board~~, with a penalty of ~~\$5 per month~~ set by the board for each month or portion thereof for which a license fee is in arrears ~~not to exceed a total of \$50~~; and upon payment of the renewal and upon compliance with all the rules ~~and regulations~~ of the board, shall be entitled to an ~~annual~~ renewal of their license. ~~The secretary-treasurer shall, 30 days or more before January first of each year, mail to all chiropractors of this state a notice of the fact that the renewal fee will be due on or before the first of January. Nothing in sections 148.01 to 148.10 shall be construed so as to require that the renewal receipts shall be recorded as original licenses are required to be recorded.~~

Subd. 2. **MANAGEMENT OF FUNDS.** All fees received by the board under sections 148.01 to 148.10 shall be paid to the secretary-treasurer, who shall forthwith deposit the same with the state treasurer to be credited along with any outstanding balance in the special fund of the board as of July 1, 1973 to the general fund. The expenses of administering sections 148.01 to 148.10 shall be paid from the appropriation made to the state board of chiropractic examiners.

Sec. 49. Minnesota Statutes 1974, Section 148.10, is amended to read:

**148.10 LICENSES REVOKED; NEW LICENSES.** Subdivision 1. **GROUND.** The state board of chiropractic examiners may refuse to

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grant, or may revoke, a license to practice chiropractic, or may cause the name of a person licensed to be removed from the records in the office of the clerk of the district court for:

(1) the publishing or distributing, or causing to be published or distributed, in newspapers, magazines, directories, pamphlets, posters, cards, or in any other manner by advertisement, wherein the term "cure" or "guarantee to cure" or similar terms are used; which is hereby declared to be fraudulent and misleading to the general public;

(2) the employment of fraud or deception in applying for a license or in passing the examination provided for in section 148.06;

(3) the practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name;

(4) the conviction of a crime involving moral turpitude;

(5) habitual intemperance in the use of ardent spirits, narcotics, or stimulants;

(6) failure to pay the annual renewal license fee herein provided;

(7) professional misconduct.

~~Any person duly licensed, or who is an applicant for a license to practice chiropractic, against whom any grounds for revoking or refusing a license is presented to the board with a view of having the board revoke, or refuse to grant, a license shall be furnished with a copy of the complaint and have a hearing before the board in person or by attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. In case a license is revoked by the board, a certified copy of the order of revocation shall be filed forthwith in the office of the clerk of the district court, who shall make a notation of the revocation in the book in which the record of the license is kept and cancel the revoked license. The clerk shall receive a fee of \$1 for filing the order of revocation and making the notation and cancellation, which shall be paid by the board.~~

**Subd. 2. ISSUANCE FOLLOWING REFUSAL, REVOCATION OR CANCELATION.** The state board of chiropractic examiners may, at any time within two years of the refusal or revocation or cancellation of a license under this section, by a majority vote, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him, all the rights and privileges of, and pertaining to, the practice of chiropractic, as defined and regulated by sections 148.01 to 148.10. Any person to whom such have been restored shall pay to the ~~secretary-treasurer the sum of \$100-~~a fee set by the board upon issuance of a new license.

Sec. 50. Minnesota Statutes, 1975 Supplement, Section 148.181, is

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amended to read:

**148.181 BOARD OF NURSING; MEMBERSHIP, APPOINTMENTS, VACANCIES, REMOVALS.** Subdivision 1. The board of nursing shall consist of 11 members appointed by the governor, each of whom shall be a resident of this state. ~~Seven~~ Five members shall be registered nurses ;, each of whom shall have graduated from an approved school of nursing ;, shall be licensed as a registered nurse in this state ;, and shall have had at least five years experience in nursing following graduation—practice, nursing administration, or nursing education immediately preceding appointment . ~~Four~~ Two of the ~~seven~~ five shall have had at least two years executive or teaching experience in professional nursing education ~~and shall have been actively engaged in the practice of nursing within two years of—during the five years immediately preceding appointment, and one of the five shall have had at least two years executive or teaching experience in practical nursing education during the five years immediately preceding appointment.~~ Three members shall be licensed practical nurses each of whom shall have graduated from an approved school of nursing, shall be licensed as a licensed practical nurse in this state, and shall have had at least five years experience in nursing practice immediately preceding appointment. The remaining ~~four~~ three members shall be public members as defined for purposes of Laws 1973, Chapter 638 in 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 and sections 2 to 7 of this act. Each member of the board shall file with the secretary of state the constitutional oath of office before beginning his or her term of office.

Subd. 2. On expiration of the term of a member who is a registered nurse, the governor may appoint ;, a registered nurse from a list of members submitted by professional nursing groups ; ~~a nurse to hold office for a term of five years commencing on July 1 next following the date of expiration of the former term~~ . Likewise on expiration of the term of a member who is a licensed practical nurse, the governor may appoint a licensed practical nurse from a list of members submitted by licensed practical nursing groups. Such ~~list~~ lists should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a registered nurse or a licensed practical nurse , may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by ~~professional~~ nursing groups in the manner aforesaid ; ~~within a period of 90 days~~ . No board member shall be appointed to consecutive terms. Members shall hold office until a successor is appointed and qualified.

Sec. 51. Minnesota Statutes, 1975 Supplement, Section 148.191, is

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amended to read:

**148.191 OFFICERS; RULES; EXECUTIVE SECRETARY.** Subdivision 1. The board shall elect from its members a president, a vice president and a secretary-treasurer who shall each serve for one year or until his successor is elected and qualifies. The board ~~may shall~~ appoint and employ an executive ~~director~~ secretary as hereinafter provided who need not be a member of the board. A majority of the board, including one officer, shall constitute a quorum at any meeting.

Subd. 2. The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to ~~148.285~~ 148.299. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to ~~148.285~~ 148.299. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to ~~148.285~~ 148.299 and board rules. It shall examine, license and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. ~~It shall conduct hearings pursuant to the administrative procedure act upon charges calling for discipline of a licensee or revocation of a license. It shall have power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.~~ It shall cause the prosecution of all persons violating sections 148.171 to ~~148.285~~ 148.299 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings ~~and make a biennial report to the governor on or before October 1 in each even-numbered year~~. The board shall appoint an advisory task force on nursing education consisting of 11 members for the purposes of advising the board on matters pertaining to career progression and the approval and operation of nursing programs, assisting with surveys of nursing programs, collecting nursing education data and providing liaison between the board and nursing education. Three members shall be either an administrator or supervisor in one of the following types of agencies at the time of appointment and throughout his term: hospital, nursing home or community nursing service. The remaining eight members shall be either an administrator or faculty member in one of the following types of educational programs at the time of appointment and throughout his term: nursing assistant program, practical nursing program preparing for licensure, professional nursing program preparing for licensure, or advanced nursing program for licensed practical or registered nurses. The task force shall expire and the compensation and removal of members shall be as provided in section 15.059.

Subd. 3. ~~The board may appoint and employ a qualified person to~~

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serve as executive director to the board, and it shall define duties for this position. The board may as necessary from time to time secure the services of a qualified person to serve as a hearing officer consistent with chapters 15 and 43. ~~It-The board~~ may employ such other persons as may be necessary to carry on ~~the-its~~ work of the board .

Sec. 52. Minnesota Statutes, 1975 Supplement, Section 148.211, Subdivision 1, is amended to read:

148.211 **LICENSING.** Subdivision 1. **LICENSE BY EXAMINATION.** An applicant for a license to practice as a registered nurse shall ~~submit-apply~~ to the board ~~written evidence, verified by oath,~~ for license by examination on the application form-forms prescribed by the board ; ~~that said applicant;~~ and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

~~(1) Is of good moral character;~~

~~(2) Is in good mental health;~~

~~(3) Meets secondary education requirements as determined by the board and shall meet such other preliminary qualification requirements as the board may prescribe;~~

~~(4) Has completed a course of study in an approved school of professional nursing and holds a diploma therefrom.~~

Before being scheduled for examination the applicant shall provide written evidence verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed a course of study in a professional nursing program approved by the board or is enrolled in the final term of study in such program.

The applicant shall be required to pass a written examination in the subjects the board may determine. Each written examination may be supplemented by an oral or practical examination. An applicant failing to pass any portion of the examination shall be deemed to have failed the examination and may apply for re-examination in the subjects or sections failed.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license

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to the applicant.

Sec. 53. Minnesota Statutes 1974, Section 148.211, Subdivision 2, is amended to read:

Subd. 2. **LICENSE BY ENDORSEMENT.** ~~(1) The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such examination, may apply for re-examination. Upon passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.~~

~~(2) The board may issue a license to practice professional nursing as a registered nurse without examination ; to an applicant who has been duly licensed or registered as a registered professional nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant has the qualifications equivalent to the qualifications required for registration of nurses in this state as stated in subdivision 1, all other laws not inconsistent with this section and rules promulgated by the board .~~

Sec. 54. Minnesota Statutes 1974, Section 148.241, Subdivision 1, is amended to read:

148.241 **DEPOSIT OF MONEYS.** Subdivision 1. ~~All moneys received by the board collected under sections 148.171 to 148.285 shall be paid to the treasurer of the board who shall deposit the same each month; with the state treasurer. The state treasurer shall deposit the money; together with any outstanding balance in any special fund of the board as of July 1, 1973, in the general fund. The expenses of administering sections 148.171 to 148.285-148.299 shall be paid from the appropriation made to the Minnesota board of nursing.~~

Sec. 55. Minnesota Statutes, 1975 Supplement, Section 148.261, Subdivision 1, is amended to read:

148.261 **REVOCATION OF LICENSE.** Subdivision 1. The board shall have power ~~pursuant to procedures specified in the administrative procedure act; unless otherwise permitted in this section;~~ to deny, suspend, revoke, or restrict the license and registration of any person to practice professional nursing pursuant to sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant upon proof that the person:

(1) Has employed fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or annual registration for the practice of professional nursing;

(2) Has been convicted of a felony or gross misdemeanor;

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(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Has, in his or her professional capacity, exhibited behavior which creates an undue risk of harm to others;

(6) Is guilty of unethical practice of nursing;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.171 to 148.285.

Sec. 56. Minnesota Statutes, 1975 Supplement, Section 148.29, Subdivision 2, is amended to read:

Subd. 2. "Board" means "Minnesota Board of Nursing," provided that one registered nurse who is a member of the Minnesota board of nursing, chosen by lot, shall not be a member of the licensed practical nurses board for purposes of this definition, and for the purposes of sections 148.29 to 148.297 and 148.299, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed health care facility located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses the board of nursing .

On expiration of the term of a member the governor shall appoint a new member to hold office for a term of five years, commencing on July 1 next following the date of expiration of the former term. Members shall hold office until a successor is appointed and qualifies. No board members shall serve consecutive terms. On expiration of the term of a member who is a licensed practical nurse, the governor may appoint, from a list of members submitted by practical nursing groups, a licensed practical nurse to hold office for a term of five years. The list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor in the manner aforesaid.

On expiration of the term of a member who is a doctor of medicine or administrator or superintendent of a licensed health care facility, the governor may appoint, from a list of members submitted by appropriate professional societies, a doctor of medicine and administrator or superintendent of a health care facility to hold office for a term of five years each. The list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a doctor of medicine or administrator or superintendent of a health care facility, may be filled for the unex-

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pired terms by appointments to be made by the governor in the manner aforesaid:

The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

Sec. 57. Minnesota Statutes, 1975 Supplement, Section 148.291, Subdivision 1, is amended to read:

148.291 LICENSING. Subdivision 1. LICENSE BY EXAMINATION. An applicant for a license to practice nursing as a licensed practical nurse shall ~~submit-apply~~ to the board ~~written evidence for examination on a form-forms~~ provided by the board ; ~~verified by oath, that the applicant:~~

(1) ~~Is of good moral character;~~

(2) ~~Is in good mental health;~~

(3) ~~Meets secondary education requirements as determined by the board and any other preliminary qualification requirements as the board may prescribe by rule;~~

(4) ~~Has completed an approved course for the training of licensed practical nurses and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded .~~

Before being scheduled for examination the applicant shall provide written evidence, verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and any other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed an approved course for the training of licensed practical nurses or is enrolled in the final term of study in such program.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to such applicant.

Sec. 58. Minnesota Statutes 1974, Section 148.291, Subdivision 3, is amended to read:

Subd. 3. LICENSE BY ENDORSEMENT. The board may issue a li-  
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cense to practice as a licensed practical nurse without examination to ~~any an~~ applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title ; under the laws of another state, territory or foreign country ; if ; in the opinion of the board ; the applicant has qualifications equivalent to the qualifications required in this state as stated in subdivision 1, all other laws not inconsistent with this section and rules promulgated by the board .

Sec. 59. Minnesota Statutes, 1975 Supplement, Section 148.299, is amended to read:

**148.299 UNAUTHORIZED PRACTICE OF PRACTICAL NURSING.** The practice of practical nursing by a person who has not been licensed to practice practical nursing under the provisions of sections 148.29 to 148.299, or whose license or registration certificate has been denied, suspended or revoked, or has expired is declared to be inimical to the public health and welfare and to constitute a public nuisance. ~~Upon complaint being made thereof by the board, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where the practice occurred may enjoin the acts and practice. The injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.~~

Sec. 60. Minnesota Statutes 1974, Section 148.32, is amended to read:

**148.32 LICENSES; DENIAL, REVOCATION, REFUSAL.** All licenses to practice midwifery heretofore or hereafter issued by the board of medical examiners must be ~~annually~~ renewed and a fee of ~~\$1~~ be paid for each renewal as set by the board . Licenses may be revoked, suspended, conditioned, limited, qualified or restricted, or renewals refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases.

A license to practice midwifery is suspended if (1) a guardian of the person of a licensee is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) the licensee is committed by order of a probate court pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing.

Sec. 61. Minnesota Statutes, 1975 Supplement, Section 148.52, is amended to read:

**148.52 BOARD OF OPTOMETRY.** The board of optometry shall consist of two public members as defined for purposes of Laws 1973, Chapter 638 and five qualified optometrists appointed by the governor.

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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 and sections 2 to 7 of this act.

Sec. 62. Minnesota Statutes, 1975 Supplement, Section 148.54, is amended to read:

**148.54 BOARD; OFFICERS; SEAL.** The board of optometry shall elect from among its members a president and may adopt a seal. ~~An executive secretary or assistant may be employed who need not necessarily be a member of the board.~~

Sec. 63. Minnesota Statutes 1974, Section 148.57, is amended to read:

**148.57 LICENSE.** Subdivision 1. **EXAMINATION.** A person not authorized to practice optometry in the state and desiring to do so shall apply to the secretary of the state board of optometry for examination and pay a fee of \$50 to the board a fee in an amount set by the board. The candidate desiring to apply for examination by the board shall complete a form furnished by the board and shall file the same with the secretary of the board at least two weeks prior to the date of the examination. With the submission of the application form, the candidate shall prove (a) that he is of good moral character, and (b) that he is a graduate of an optometry school requiring at least two academic years of preprofessional training for admittance to such school and which has been approved by the board, or that he is currently enrolled in the final year of study at such a school. The examination shall include both a written test and a practical demonstration and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written examination, the board (a) may prepare, administer, and grade the examination itself or (b) may recognize and approve in whole or in part a similar examination prepared, administered and graded by the national board of examiners in optometry or (c) may administer a recognized and approved examination prepared and graded by or under the direction of the national board of examiners in optometry. The board shall issue a license to each applicant who satisfactorily passes the examination and fulfills the other requirements stated in this section. The applicant shall pay to the board a fee of ~~\$12 as set by the board~~ \$35 as set by the board upon issuance of the license. In the event the candidate fails to pass a part of the examination, upon the payment of an additional fee of ~~\$35 as set by the board~~, he may retake the examination at the time the board next schedules such examinations. The fees mentioned in this section are for the use of the board and in no case shall be refunded.

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Subd. 2. **RECIPROCITY.** A person who holds a certificate of registration, or license, from another state, and who has practiced not less than three years in that state, may apply for licensure in Minnesota by filling out and swearing to an application for license by reciprocity form furnished by the board and by filing that form with the board secretary along with a fee ~~of \$100~~ as set by the board at least two weeks prior to the regular meeting at which the board is considering such applications. The application fee ~~of \$100~~ as set by the board shall be for the use of the board and in no case shall be refunded. To verify that the applicant possesses the knowledge and ability essential to the practice of optometry in this state, the board may for good cause request the applicant to perform a practical demonstration to its satisfaction. The applicant may then be issued a license if the requirements for registration or licensure in the other state are deemed by the board to be equivalent to those of sections 148.52 to 148.62; provided, that the other state accords like privileges to holders of certificates from the Minnesota board.

Subd. 3. **REVOCAION SUSPENSION.** The board ; ~~upon hearing, of which the accused shall have ten days notice in writing~~ may revoke the license or suspend the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who is found by the board to be grossly incompetent, afflicted with contagious disease, an habitual drunkard, or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, price advertising, and free examination advertising, the loaning of his license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

Subd. 4. **PEDDLING OR CANVASSING FORBIDDEN.** Every ~~registered-licensed~~ optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall display his ~~registered certificate-license~~ and deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain his signature and show his permanent registered place of business or post-office address and number of his ~~certificate-license~~ , together with the amount charged therefor, but nothing contained in this section shall be construed as to permit peddling or canvassing by licensed optometrists.

Sec. 64. Minnesota Statutes 1974, Section 148.59, is amended to read:

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**148.59 ANNUAL LICENSE RENEWAL; FEES.** Before April 1 each year, each authorized ~~A licensed~~ optometrist shall pay to the state board of optometry a fee of \$50, as set by the board in default of which the board, upon a hearing and after 20 days notice given by registered mail to the last known address of the registrant, may revoke the license of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding \$25 as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. At the time of paying the fee required by this section, the optometrist shall inform the board of the address of the place or places where he conducts his practice. He shall also inform the board of any change in the address or addresses of his practice during the next 12 month period within one month of the change. The board may, after promulgation of rules relating thereto and the issuance of an initial list of approved courses, require that optometrists satisfactorily complete appropriate educational requirements as a condition precedent to annual license renewal. Courses conducted within the state of Minnesota to be eligible for approval by the board must be open to all optometrists licensed in this state. The board shall consider both curriculum and fees in approving courses-in order to renew his license as provided by board rule .

Sec. 65. Minnesota Statutes, 1975 Supplement, Section 148.60, is amended to read:

**148.60 DISPOSAL OF FEES.** All fees collected under sections ~~148.52 to 148.62~~ shall be received by the secretary and deposited together with any unexpended balance in a special fund of the board as of July 1, 1973 in the general fund. The secretary shall give such bond as the board shall from time to time require. The expenses of administering sections 148.52 to 148.62 shall be paid from appropriations made to the board of optometry.

Sec. 66. Minnesota Statutes, 1975 Supplement, Section 148.67, is amended to read:

**148.67 EXAMINING COMMITTEE.** The board of medical examiners shall appoint an examining committee in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medicine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the state board of medical examiners. The committee shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 67. Minnesota Statutes 1974, Section 148.90, as amended by Laws 1975, Chapter 136, Sections 22, 23 and 77, is amended to read:

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**148.90 BOARD OF EXAMINERS.** Subdivision 1. ~~The state board of examiners of psychologists created pursuant to Laws 1951, Chapter 672, is abolished, the terms of office of its members are terminated, and a new state board of examiners of psychologists—psychology is hereby created with powers and duties as hereinafter prescribed. The new board shall consist of eleven members. In its initial composition, membership shall consist of (1) three psychologists whose qualifications shall be not less than those specified in section 148.91, subdivision 4, (2) two psychologists whose qualifications shall be those specified in section 148.91, subdivision 5, (3) two doctoral level psychologists, not necessarily licensed under Laws 1973, Chapter 685, whose specialities broadly represent the fields of interest in psychology, and (4) four public members. After the initial appointments, members specified in clause (1) shall be licensed consulting psychologists and members specified in clause (2) shall be licensed psychologists. The initial appointments to the new board of examiners shall include among the eleven members the three individuals most recently appointed to the state board of examiners of psychologists herein abolished.~~

Subd. 2. The members of the board shall:

- (1) Be appointed by the governor;
- (2) Be residents of the state;
- (3) Serve for not more than two consecutive terms;

(4) Designate the officers of the board, ~~fix the compensation of its employees, employ such personnel as it deems necessary, and pursuant to chapter 15, prescribe such rules and regulations as may be necessary to enable it to carry into effect the provisions of Laws 1973, Chapter 685; and~~

- (5) Administer oaths pertaining to the business of the board.

Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part time basis in the practice of psychology.

Subd. 3. 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 and sections 2 to 7 of this act.

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Sec. 68. Minnesota Statutes 1974, Section 148.91, Subdivision 1, is amended to read:

**148.91 REQUIREMENTS OF LICENSES.** Subdivision 1. The board of ~~examiners~~ may grant licenses for two levels of psychological practice. The persons so licensed are to be known and are hereafter referred to as (a) licensed consulting psychologist and (b) licensed psychologist, or if both levels are referred to, as licensee.

Sec. 69. Minnesota Statutes 1974, Section 148.91, Subdivision 3, is amended to read:

Subd. 3. Each applicant shall pay a nonrefundable application fee of ~~\$75~~ set by the board. The licenses granted hereunder shall be valid for a period of ~~two years from date of issuance, but may be renewed biennially as set by the board~~ . The fee for renewal shall be ~~\$25~~ set by the board .

Sec. 70. Minnesota Statutes, 1975 Supplement, Section 148.95, is amended to read:

**148.95 SUSPENSION AND REVOCATION.** ~~Subdivision 1.~~ The license of any consulting psychologist or psychologist may be suspended or revoked by the board upon proof that he has been guilty of unprofessional conduct as defined by the rules established by the board or has violated the code of ethics adopted by the board.

(1) ~~No license shall be suspended or revoked or reprimand issued until after a hearing before the board. A notice of at least 30 days shall be served upon the licensee charged, either personally or by registered mail, stating the time and place of the hearing and setting forth the ground or grounds constituting the charges against him. The licensee is entitled to be heard in his defense and by counsel and may produce testimony and may testify in his own behalf. A record of the hearing shall be taken and presented. The hearing may be adjourned as necessary. If the licensee fails or refuses to appear, the board may proceed to hear and determine the charges in his absence. If he pleads guilty, or if upon hearing the charges, six members of the board find them to be true, the board may enter an order suspending or revoking the license or reprimanding him, as the case may be. The board shall record its findings and orders in writing.~~

(2) ~~The board, through its chairman or vice chairman, may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state as in civil cases in the district court by subpoena issued over the signature of the chairman or vice chairman and the seal of the board. Upon request by an accused licensee and statement under oath that the testimony or evidence is reasonably necessary to his defense, the subpoena shall be served out of the district courts in this state and returned as a return in such case is made.~~

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(3) For reasons it deems sufficient and upon a vote of six of its members, the board may restore a license which has been revoked, reduce a period of suspension or withdraw a reprimand.

Sec. 71. Minnesota Statutes 1974, Section 148.97, Subdivision 6, is amended to read:

Subd. 6. Nothing in Laws 1973, Chapter 685 shall be construed to authorize a person licensed under Laws 1973, Chapter 685 to engage in the practice of any other profession ~~licensed-regulated~~ under Minnesota law unless he is duly licensed or registered in that profession.

Sec. 72. Minnesota Statutes 1974, Section 148.98, is amended to read:

**148.98 CODE OF ETHICS.** The board of ~~examiners~~ shall adopt a code of ethics to govern appropriate practices or behavior, as referred to in section 148.89. The board of ~~examiners~~ shall file such code with the secretary of state at least 30 days prior to the effective date of such code. This code of ethics shall include, but not be limited to, the following principles:

(1) The psychologist recognizes the boundaries of his competence and the limitation of his techniques and does not offer services or use techniques that fail to meet professional standards established in particular fields.

(2) The psychologist who engages in practice assists his client in obtaining professional help for all important aspects of his problem that fall outside the boundaries of the psychologist's competence.

(3) A psychologist does not claim either directly or by implication professional qualifications that differ from actual qualifications, nor does he misrepresent his affiliation with any institution, organization, or individual, nor lead others to assume he has affiliations that he does not have.

Sec. 73. Minnesota Statutes, 1975 Supplement, Section 150A.02, Subdivision 1, is amended to read:

**150A.02 BOARD OF DENTISTRY.** Subdivision 1. There is hereby created a board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12. The board shall consist of two public members as defined for purposes of Laws 1973, Chapter 638 and five qualified resident dentists appointed by the governor. 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 board complaints; the setting of board fees; and other provisions relating to board operations shall

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be as provided in chapter 214 and sections 2 to 7 of this act. Each board member who is a dentist shall have been lawfully in active practice in this state for five years immediately preceding his appointment; and no board member shall be eligible for appointment to more than two consecutive four year terms, and members serving on the board at the time of the enactment hereof shall be eligible to reappointment provided they shall not have served more than nine consecutive years at the expiration of the term to which they are to be appointed. The Minnesota state dental association, at least 90 days prior to the expiration of the terms of dentists, shall recommend to the governor for each term expiring not less than two dentists qualified to serve on the board, and from the list of dentists so recommended the governor may appoint members to the board for the term of four years, the appointments to be made within 30 days after the expiration of the terms. Within 60 days after the occurrence of a dental vacancy, prior to the expiration of the term, in the board, the Minnesota state dental association shall recommend to the governor not less than two dentists qualified to serve on the board and from the list of dentists so recommended the governor, within 30 days after receiving such list of dentists, may appoint one member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy.

Sec. 74. Minnesota Statutes, 1975 Supplement, Section 150A.03, Subdivision 2, is amended to read:

Subd. 2. ~~The secretary-treasurer shall be paid a salary in the amount to be set by the board; not to exceed \$4,000 per year. The board shall appoint an executive secretary who shall not be a member of the board and who shall be in the unclassified civil service. The board may expend funds for administrative, consultant, secretarial, clerical, and stenographic services for the board; the amount of such expenditures to be set by the board after consultation with the department of personnel. The board may accept any funds which may be made available to the board from any source. All funds received by the board under sections 150A.01 to 150A.12 shall be paid to the secretary-treasurer-executive secretary thereof; who shall deposit the same each month with the state treasurer, the funds to be credited to the general fund together with any unexpended balance in the special account of the board as of July 1, 1973.~~ The expenses of administering sections 150A.01 to 150A.12 shall be paid from the appropriation made to the board of dentistry.

Sec. 75. Minnesota Statutes 1974, Section 150A.04, Subdivision 5, is amended to read:

Subd. 5. **RULES.** The board may ~~make promulgate~~ such rules ~~and regulations~~ as are necessary to carry out and make effective the provisions and purposes of sections 150A.01 to 150A.12, in accordance with sections 15.0411 to 15.0422.

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Sec. 76. Minnesota Statutes 1974, Section 150A.06, Subdivision 1, is amended to read:

**150A.06 LICENSURE.** Subdivision 1. **DENTISTS.** A person not already a licensed dentist of the state, desiring to practice dentistry herein, shall apply to the ~~secretary-treasurer~~ of the state board of dentistry for examination and pay the fee established by the board for the first examination, and the same fee for each subsequent examination, which in no case shall be refunded. At the time and place designated by the board the applicant may present himself for examination and shall produce his diploma or equivalent from a dental college of good standing, of which standing the board shall be the sole judge, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant such an examination as to test thoroughly his fitness for the practice of dentistry. Said examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules ~~and regulations~~ of the ~~Minnesota~~ state board of dentistry. An applicant who successfully passes the examination shall be licensed to practice dentistry and supplied with a license by the board.

Sec. 77. Minnesota Statutes 1974, Section 150A.08, Subdivision 4, is amended to read:

Subd. 4. **RECORDS.** The ~~secretary-treasurer-executive~~ secretary of the board shall keep a record of all licenses issued, suspended, or revoked.

Sec. 78. Minnesota Statutes 1974, Section 150A.09, Subdivision 1, is amended to read:

**150A.09 ANNUAL REGISTRATION OF LICENSE.** Subdivision 1. **RENEWAL INFORMATION AND PROCEDURE.** On or before the ~~first day of January each year~~ license expiration date every licensed dentist and dental hygienist shall transmit to the executive secretary of the board, ~~upon a form prescribed by the board; his signature; office address or addresses; the number of his license certificate; whether such licensee has been engaged during the preceding year in the active practice of dentistry or dental hygiene; whether within or without the state; and such other pertinent information as may be required by the board, together with the fee established by the board and; in default of providing such information or payment of such fee; the board may, upon hearing and upon 30 days' notice; suspend the license of the dentist or dental hygienist during such default; but the providing of such information as requested by the board and the payment of such fee on or before the date of hearing; with an additional sum equal to that of the renewal fee; shall excuse the default and the suspension proceeding shall thereupon terminate. The board may collect such fee by civil action .~~ At least 30 days before ~~January~~ license date expiration , the board shall cause a written notice stating the amount and due date of the fee and the information to be provided by the licensee, to be sent

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to ~~every~~ the licensed dentist and dental hygienist.

Sec. 79. Minnesota Statutes 1974, Section 150A.09, Subdivision 3, is amended to read:

Subd. 3. **CHANGE OF LOCATION OF PRACTICE AND DUPLICATE CERTIFICATES.** Every licensed dentist upon changing his location of practice shall, within 10 days thereafter, furnish the ~~secretary-treasurer of the board~~ with his new address. Duplicate licenses or duplicate annual ~~registration~~ certificates of license renewal may be issued by the board upon satisfactory proof being furnished to the board of the need for such duplicates and upon the payment of the fee established by the board.

Sec. 80. Minnesota Statutes, 1975 Supplement, Section 151.03, is amended to read:

151.03 **MEMBERSHIP.** 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 and sections 2 to 7 of this act. Any pharmacist on the board who, during his incumbency, ceases to be actively engaged in the practice of pharmacy in this state shall be automatically disqualified from membership.

Sec. 81. Minnesota Statutes, 1975 Supplement, Section 151.06, Subdivision 1, is amended to read:

151.06 **POWERS AND DUTIES.** Subdivision 1. The board of pharmacy shall have the power and it shall be its duty:

- (1) To regulate the practice of pharmacy;
- (2) To regulate the manufacture, wholesale, and retail sale of drugs or medicines within this state;
- (3) To regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States pharmacopoeia and the national formulary, or any revisions thereof, or standards adopted under the federal act as the standard;
- (4) It may, by its duly authorized representative, enter and inspect any and all places where drugs or medicines are sold, vended, given away, compounded, dispensed, manufactured, wholesaled or held; it may secure samples or specimens of any drug or medicine after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of drugs or medicines provided, however,

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that such inspection shall not extend to financial data, sales data, or pricing data;

(5) To examine and ~~register-license~~ as pharmacists all applicants whom it shall deem qualified to be such;

(6) To deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151, to any applicant or registrant or licensee upon any of the following grounds:

(a) Fraud or deception in connection with the securing of such license or registration ;

(b) In the case of a pharmacist, conviction in any court of a felony;

(c) In the case of a pharmacist, conviction in any court of an offense involving moral turpitude;

(d) Habitual indulgence in the use of narcotics, stimulants, or depressant drugs; or habitual indulgence in intoxicating liquors in a manner which could cause conduct endangering public health;

(e) Unprofessional conduct or conduct endangering public health;

(f) Gross immorality;

(g) Employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;

(h) Conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;

(i) Violation of any of the provisions of this chapter or any of the rules or regulations of the state board of pharmacy;

(j) In the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;

(k) In the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy;

(7) To employ necessary assistants and make rules for the conduct of its business;

(8) To perform such other duties and exercise such other powers as the provisions of the act may require;

(9) For the purposes aforesaid it shall be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith for carrying out and enforcing the provisions of this chapter.

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Sec. 82. Minnesota Statutes 1974, Section 151.06, Subdivision 4, is amended to read:

Subd. 4. Any license or registration which has been suspended or revoked may be reinstated by the board provided the holder thereof shall pay all costs of the proceedings resulting in the suspension or revocation, and, in addition thereto, pay a fee of \$25 set by the board.

Sec. 83. Minnesota Statutes, 1975 Supplement, Section 151.07, is amended to read:

**151.07 MEETINGS; EXAMINATION FEE.** The board shall meet at times as may be necessary and as it may determine to examine applicants for ~~registration-licensure~~ and to transact its other business, giving reasonable notice of all examinations by mail to known applicants therefor. The secretary shall record the names of all persons ~~registered~~ licensed by the board, together with the grounds upon which the right of each to ~~registration-licensure~~ was claimed. The fee for examination shall be in such amount as the board may determine ~~not exceeding the sum of \$50~~, which fee may in the discretion of the board be returned to applicants not taking the examination.

Sec. 84. Minnesota Statutes 1974, Section 151.10, is amended to read:

**151.10 QUALIFICATIONS OF APPLICANTS.** To be entitled to examination by the board as a pharmacist the applicant shall be ~~a citizen of the United States~~, of good moral character, at least 18 years of age, and shall be a graduate of the college of pharmacy of the University of Minnesota or of a college or school of pharmacy in good standing of which the board shall be the judge and shall have completed internship requirements as prescribed by the board. ~~Any person who was qualified and lawfully entitled to be examined by the board as a pharmacist under the laws in force immediately prior to the enactment of Laws 1937, Chapter 354, and who had filed sworn statement of proof with the board prior to March 20, 1930, but was disqualified from taking such examination because of the enactment of Laws 1937, Chapter 354, may take such pharmacists' examination up to and including two years after March 28, 1941.~~

Sec. 85. Minnesota Statutes 1974, Section 151.101, is amended to read:

**151.101 INTERNSHIP.** The board may ~~register-license~~ as an intern any natural person who has satisfied the board that he is of good moral character, not physically or mentally unfit, and who has successfully completed the educational requirements for intern ~~registration-licensure~~ prescribed by the board. The board shall prescribe standards and requirements for internship training but may not require more than one year of such training.

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The board in its discretion may accept internship experience obtained in another state provided the internship requirements in such other state are in the opinion of the board equivalent to those herein provided.

Sec. 86. Minnesota Statutes 1974, Section 151.11, is amended to read:

**151.11 REGISTERED ASSISTANT PHARMACIST TO CONTINUE IN CERTAIN CASES.** It shall be lawful for all persons duly registered as assistant pharmacists prior to January 1, 1930, to ~~continue to act as such a licensed assistant pharmacist~~ and nothing herein shall prevent such persons from taking the examination for pharmacists upon proper application and payment of the examination fee.

Sec. 87. Minnesota Statutes 1974, Section 151.12, is amended to read:

**151.12 RECIPROCITY; LICENSURE FEE.** The board may in its discretion grant ~~registration-licensure~~ without examination to any pharmacist licensed by the board of pharmacy or a similar board of another state which accords similar recognition to licensees of this state; provided, the requirements for ~~registration-licensure~~ in such other state are in the opinion of the board equivalent to those herein provided. The fee for ~~registration-licensure~~ shall be in such amount as the board may determine ~~not exceeding the sum of \$100 by rule~~ .

Sec. 88. Minnesota Statutes 1974, Section 151.13, is amended to read:

**151.13 ANNUAL RENEWAL FEE; CONTINUING EDUCATION.** Subdivision 1. Every person ~~registered-licensed~~ by the board shall ~~annually~~ pay to the board a renewal fee to be fixed by it ; ~~which fee shall not exceed \$25 for a pharmacist and \$3 for an assistant pharmacist .~~ The board may promulgate by rule a charge to be assessed for the delinquent payment of a fee. It shall be unlawful for any such person who refuses or fails to pay such renewal fee to practice pharmacy in this state. Every certificate and ~~every renewal-licensure~~ shall expire at the time therein prescribed ; ~~not later than one year from its date~~ .

Subd. 2. ~~Commencing March 4, 1975, no annual license renewal shall be issued to a pharmacist until such pharmacist shall have submitted to the board satisfactory evidence that he has completed an accredited program of continuing pharmaceutical education during the previous two year period. Thereafter, each pharmacist shall submit such evidence every two years. The board shall adopt rules and regulations for accrediting programs, establishing the number of hours of credit for each program, the number of hours, not less than 25 or more than 40, to be completed in each two year period by each pharmacist, and such other rules as are necessary to implement, enforce, and administer this subdivision. No annual license renewal shall be issued by~~

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the board subsequent to March 4, 1975 unless the provisions of this subdivision are complied with; provided that the board may grant a pharmacist, upon application, an extension of time not to exceed one year to comply with the requirements of this subdivision. Such extension shall not relieve the pharmacist from complying with the continuing education requirements for any other two year period. The board shall appoint an advisory council—task force on continuing education, consisting of not more than ten members, to study continuing education programs and requirements and to submit its report and recommendations to the board. Members of the advisory council shall serve without compensation; shall not be considered state employees by virtue of such appointment; but may be reimbursed by the board for all necessary expenses incurred in the performance of their duties in the same manner as other state employees and officers are reimbursed for such expenses. Five members of the advisory council shall be pharmacists designated by the Minnesota state pharmaceutical association and three members shall be pharmacists designated by the college of pharmacy of the university of Minnesota. The task force shall expire, and the compensation and removal of members shall be as provided in section 15.059.

Sec. 89. Minnesota Statutes 1974, Section 151.14, is amended to read:

**151.14 REINSTATEMENTS.** Any person who has been ~~registered-~~licensed by the board and has defaulted in the payment of the renewal fee may be reinstated within two years of such default without examination, upon payment of the arrears and upon compliance with the provisions of section 151.13, subdivision 2.

Sec. 90. Minnesota Statutes 1974, Section 151.19, is amended to read:

**151.19 REGISTRATION OF PHARMACIES; LICENSE, FEE.** The board shall require and provide for the annual registration of every pharmacy now or hereafter doing business within this state. Upon the payment of a fee ; ~~not to exceed \$40 to be set by the board~~ , the board shall issue a license in such form as it may prescribe to such persons as may be qualified by law to conduct a pharmacy. Such license shall be exposed in a conspicuous place in the pharmacy for which it is issued and expire on the thirtieth day of June following the date of issue. It shall be unlawful for any person to conduct a pharmacy unless such license has been issued to him by the board.

Sec. 91. Minnesota Statutes 1974, Section 151.25, is amended to read:

**151.25 REGISTRATION OF MANUFACTURERS OR WHOLESALE-SALERS; LICENSE; FEE; PROHIBITIONS.** The board shall require and provide for the annual ~~registration-~~licensure of every person engaged in manufacturing or selling at wholesale drugs, medicines, chemicals

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or poisons for medicinal purposes, now or hereafter doing business within this state. Upon a payment of a fee of ~~\$50 as set by the board~~, the board shall issue a license in such form as it may prescribe to such manufacturer or wholesaler. Such license shall be exposed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the 13th day of June following the date of issue. It shall be unlawful for any person to manufacture or sell at wholesale drugs, medicines, chemicals or poisons for medicinal purposes unless such a license has been issued to him by the board. It shall be unlawful for any person engaged in the manufacture or selling at wholesale, or his agent, to sell legend drugs to other than a pharmacy, except as provided in this chapter.

Sec. 92. Minnesota Statutes 1974, Section 151.27, is amended to read:

**151.27 DEPOSIT OF FEES.** ~~All fees received by the board under this chapter shall be forthwith deposited with the state treasurer to be kept in a separate fund, which shall be deposited in the general fund in the state treasury together with any unexpended balance in the special fund of the board as of July 1, 1973. All expenditures of the board and all expenses necessarily paid or incurred thereby, in the exercise of its powers or the performance of its duties under this chapter, shall be paid out of this fund. Payments out of the fund shall be made only upon written orders issued and signed by the secretary of the board. The expenses of administering sections 151.01 to 151.40 shall be paid from the appropriations made to the state board of pharmacy.~~

Sec. 93. Minnesota Statutes 1974, Section 151.37, Subdivision 5, is amended to read:

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by registered licensed drug wholesalers, ~~registered licensed~~ manufacturers, registered pharmacies, any licensed hospital or bona fide hospitals wherein animals are treated or licensed pharmacists and licensed practitioners while acting within the course of their practice only.

Sec. 94. Minnesota Statutes 1974, Section 151.37, Subdivision 6, is amended to read:

Subd. 6. Nothing in this chapter shall prohibit the possession of a legend drug by an employee or agent of a ~~registered licensed~~ manufacturer, ~~registered licensed~~ drug wholesaler, or registered pharmacy, while acting in the course of his employment.

Sec. 95. Minnesota Statutes 1974, Section 151.40, is amended to read:

**151.40 POSSESSION AND SALE OF HYPODERMIC SYRINGES AND NEEDLES.** It shall be unlawful for any person to possess, have

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under his control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections, except by the following persons when acting in the course of their practice or employment: licensed practitioners, registered pharmacies and their employees or agents, ~~registered-licensed~~ pharmacists, licensed doctors of veterinary medicine or their assistants, registered nurses, registered medical technologists, medical interns, ~~registered-licensed~~ drug wholesalers, their employees or agents, licensed hospitals, licensed nursing homes, bona fide hospitals where animals are treated, licensed morticians, syringe and needle manufacturers, their dealers and agents, persons engaged in animal husbandry, clinical laboratories, persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so, persons who administer drugs pursuant to an order or direction of a licensed doctor of medicine or of a licensed doctor of osteopathy duly licensed to practice medicine.

Sec. 96. Minnesota Statutes, 1975 Supplement, Section 153.02, is amended to read:

**153.02 BOARD OF EXAMINERS AND REGISTRATION.** The governor shall appoint a board of podiatry ~~examiners and registration~~ consisting of two public members as defined for purposes of Laws 1973, Chapter 638 and five resident podiatrists of good standing in their profession. 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 related to board operations shall be as provided in chapter 214 and sections 2 to 7 of this act.

Sec. 97. Minnesota Statutes, 1975 Supplement, Section 153.03, is amended to read:

**153.03 APPLICATION FOR REGISTRATION; FEES; DISPOSITION.** Application for registration shall be made upon blanks furnished by the board and signed and sworn to by the applicant.

~~All fees received by the board shall once a month be paid into the general fund together with any unexpended balance in the special fund of the board as of July 1, 1973.~~ The expenses of administering sections 153.01 to 153.15 shall be paid from the appropriations made to the board.

Sec. 98. Minnesota Statutes, 1975 Supplement, Section 153.04, is amended to read:

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**153.04 REGISTRATION BY EXAMINATION.** Any person entitled to ~~registration-licensure~~, who shall furnish the board with satisfactory proof that he is 18 years of age or over and of good moral character, provide documentary evidence of preliminary education received prior to entering the study of podiatry equal to that required for completion of four years work in a high school course, and one year in a college of liberal arts, and present a diploma or certificate from a school of podiatry recognized by the board and having a minimum requirement of at least 32 months of course work shall, upon payment of a fee of ~~\$50-~~set by the board, be examined. If found qualified, the applicant shall be ~~registered-licensed~~ and receive in testimony thereof a ~~certificate-li-~~license signed by the chairman and secretary of the board.

An applicant who fails to pass an examination satisfactory to the board and is therefore refused ~~registration-licensure~~ shall be entitled, within one year after the refusal, to a reexamination. Payment of an additional fee of ~~\$20-~~set by the board for each reexamination may be required. No more than two reexaminations shall be permitted under an original application.

Any person to whom a ~~certificate of registration~~ license is granted under the provisions of this chapter shall designate himself as a doctor of podiatric medicine.

Upon the payment of a license renewal fee and the satisfaction of requirements as the board may ; by rule ~~and regulation~~, prescribe, a ~~registered-licensed~~ podiatrist shall have his license renewed ~~on or before July 1 of each year~~. The board may, by rule ~~and regulation~~, establish penalties for late renewal.

Sec. 99. Minnesota Statutes 1974, Section 153.07, is amended to read:

**153.07 CANCELLATION OF REGISTRATION.** The board after hearing may by majority vote revoke any ~~certificate issued by it and cancel the registration-licensure~~ of any podiatrist who has been convicted of violation of the provisions of section 153.08. The board may after hearing by majority vote revoke the ~~certificate and cancel the registration license~~ of any person when the court records of any state or territory within the United States, or the federal court records, or the record of any court of jurisdiction in any foreign country, show that such person has been found guilty of a criminal offense. The board may after hearing by majority vote revoke the ~~certificate and cancel the registration-licensure~~ of any person whose ~~registration license~~ was granted upon mistake of material fact. The board may subsequently, but not earlier than one year thereafter, by unanimous vote, ~~reissue any certificate and register-licensure~~ anew any podiatrist whose ~~certificate license~~ was revoked ~~and whose registration was canceled~~ by the board.

Sec. 100. Minnesota Statutes 1974, Section 153.08, is amended to

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read:

153.08 **UNPROFESSIONAL CONDUCT.** The board may after hearing refuse to issue a ~~certificate~~-license to any person, or may revoke the ~~certificate and cancel the registration~~-license of any person ~~registered~~-licensed under the provisions of this chapter, who after investigation shall be found by a majority vote of the board guilty of grossly unprofessional and dishonest conduct. The words "unprofessional and dishonest conduct" shall be held to mean, within the provisions of this chapter:

(1) The willing betrayal of a professional secret;

(2) Having professional connection with, or lending the use of one's name to, an ~~unregistered~~-unlicensed podiatrist, or having professional connection with anyone who has been convicted in court of any criminal offense;

(3) Being guilty of offenses involving moral turpitude, habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine or other drugs having a similar effect, or for using, selling, or giving away any substance or compound containing alcohol or drugs for other than legal and legitimate purposes;

(4) Practice of podiatry with any type of business establishment other than an approved hospital or medical clinic or accredited college or university, or private office or association with another podiatrist or medical practitioner; provided that any podiatrist may practice with any existing business establishment where podiatry is presently being practiced;

(5) Violation of any of the provisions of this chapter.

Sec. 101. Minnesota Statutes 1974, Section 153.09, is amended to read:

153.09 **SUSPENSION OF LICENSURE.** The board may revoke or suspend for an indefinite period, but not less than six months, the ~~certificate of registration~~-license of any person found guilty under the provisions of section 153.08.

Sec. 102. Minnesota Statutes, 1975 Supplement, Section 153.15, is amended to read:

153.15 **OFFENSES; PENALTIES.** Any person who shall unlawfully obtain ~~registration~~-licensure under this chapter, whether by false or untrue statements contained in his application to the board or by presenting to the board a fraudulent diploma, certificate, or license, or one fraudulently obtained, shall be deemed guilty of a misdemeanor; ~~and, upon conviction thereof, punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than 30 nor more than~~

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~~90 days~~; and any person not being lawfully authorized to practice podiatry in this state and ~~registered-licensed~~ as aforesaid, who shall advertise as a podiatrist in any form, or hold himself out to the public as a podiatrist, or who shall attempt to mislead any person or the public into assuming that he or she is licensed, or who, not being duly licensed to practice medicine, osteopathy, or chiropractic in this state, shall offer to diagnose or treat the ailments of the human foot, or who shall diagnose or treat the ailments of the human foot by medicinal, mechanical, or surgical means, shall be guilty of a misdemeanor; ~~and, upon conviction thereof, for each offense, punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than 30 nor more than 90 days~~; provided, that the simple sale of shoes, appliances or similar devices including arch supports and the adjustment thereof, or the sale of heel pads, cushions or other devices shall not be considered the practice of podiatry; however the adjusting of, or the addition of corrective wedging of said shoes, appliances or similar devices for correction of feet ailments except as provided above shall be by prescription of a licensed practitioner under the terms of this chapter. Provided, however, that no appliance prescribed by a podiatrist for the prevention, correction or relief of foot ailments or troubles shall be in any manner altered, adjusted or readjusted by any person other than licensed practitioner of podiatry.

It shall be unlawful for any person, firm, or corporation to publish directly or indirectly or circulate any fraudulent, false, or misleading statements as to the skill or method of practice of any person or operator in the practice of podiatry, or in any way to advertise podiatry as to be practiced without pain, or to advertise in any manner with a view to deceiving the public, or to claim superiority over other podiatrists, or to publish reports of cases or certificates of same in any advertising media, or to advertise as using any anaesthetic, drug, formula, material, medicine, method, or system, or to advertise free podiatry services or examinations, or to advertise any amount as a price or fee for the service of any person engaged in the practice of podiatry. Any licensed ~~and registered~~ podiatrist may announce by way of a professional card containing only the name, title, degree, office location, office hours, telephone number, and residence address and telephone number, if desired, and if he limits his practice to a specialty he may announce it, but such card shall not be greater in size than eight column inches, and such information may be inserted in public print when not more than two columns in width and four inches in depth; outdoor or similar signs shall not exceed 12 by 18 inches and the text limited to the above qualifications. It shall not be considered unprofessional or unlawful to conduct an educational campaign to give information as to the practice of podiatry, providing such campaign is first approved by the board. Any person violating any of the provisions of this section as it relates to advertising shall be guilty of a misdemeanor.

Sec. 103. Minnesota Statutes, 1975 Supplement, Section 153.13, is amended to read:

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153.13 **RECIPROCITY.** The board may accept the certificate of license of the board of registration and examination of any other state or territory or any foreign country whose standards of qualifications and requirements for practice are equivalent to those of this state, on payment of the required fee of ~~\$200~~ set by the board, with the endorsement of the chairman and secretary of the board.

Sec. 104. Minnesota Statutes 1974, Section 154.04, is amended to read:

154.04 **PERSONS EXEMPT FROM COMPLIANCE.** The following persons are exempt from the provisions of this chapter while in the proper discharge of their professional duties:

(1) Persons authorized by the law of this state to practice medicine, surgery, osteopathy, and chiropractic;

(2) Commissioned medical or surgical officers of the United States army, navy, or marine hospital service;

(3) Registered nurses, licensed practical nurses and nursing aides performing services under the direction and supervision of a registered nurse, provided, however, that no additional compensation shall be paid for such service and patients who are so attended shall not be charged for barbering;

(4) Persons practicing beauty culture, provided, however, that persons practicing beauty culture shall not hold themselves out as barbers or, except in the case of manicurists, practice their occupation in a barber shop.

Sec. 105. Minnesota Statutes, 1975 Supplement, Section 154.22, is amended to read:

154.22 **BOARD OF BARBER EXAMINERS CREATED; TERMS.** A board of barber examiners is established to consist of four members appointed by the governor. Three of such members shall be practical barbers who have followed the occupation of a registered barber in this state for at least five years immediately prior to their appointment; shall be graduates from the twelfth grade of a high school, or have an equivalent education; and shall have knowledge of the matters to be taught in approved schools of barbering, as set forth in section 154.07. The remaining member of the board shall be a public member as defined for purposes of Laws 1973, Chapter 638. One of the members shall be a member of, or recommended by, a union of journeymen barbers which shall have existed at least two years, and one shall be a member of, or recommended by, the master barbers association of Minnesota.

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting

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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 and sections 2 to 7 of this act.

Members appointed to fill vacancies caused by death, resignation, or removal shall serve during the unexpired term of their predecessors.

Sec. 106. Minnesota Statutes, 1975 Supplement, Section 154.23, is amended to read:

**154.23 OFFICERS; COMPENSATION; FEES; DISPOSITION.** The board of barber examiners shall annually elect a chairman and secretary. It shall adopt and use a common seal for the authentication of its orders and records. The board shall appoint an executive secretary who shall not be a member of the board and who shall be in the unclassified civil service.

The executive secretary shall keep a record of all proceedings of the board and turn over to the state treasurer all moneys and fees collected pursuant to this chapter which shall be credited to the general fund in the state treasury together with the unexpended balance in any special account of the board as of July 1, 1973. The expenses of administering sections 154.01 to 154.26 shall be paid from the appropriations made to the board of barber examiners.

Each member of the board shall take the oath provided by law for public officers.

A majority of the board, in meeting assembled, may perform and exercise all the duties and powers devolving upon the board.

The secretary shall receive as compensation \$9,000 per annum and the other members of the board shall receive compensation for each day spent on board activities, but not to exceed 20 days in any calendar month nor 100 days in any calendar year.

The board shall have authority to employ such inspectors, clerks, deputies, and other assistants as it may deem necessary to carry out the provisions of this chapter.

Sec. 107. Minnesota Statutes 1974, Section 155.02, Subdivision 7a, is amended to read:

Subd. 7a. A junior instructor is a licensed operator who is working under the supervision of a senior instructor for one year. The license fee for junior instructor shall be set by the board and is ~~\$1~~, payable on or before June 30 in each year.

A senior instructor is a manager-operator having a high school

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education or its equivalent and who has had two years of practical experience or one year's experience as a junior instructor within the last five years, and who has passed an examination for a senior instructor. The fee for such examination is ~~\$5, including the license for the first year shall be set by the board~~ . The license fee for a senior instructor ~~shall be set by the board and~~ is \$5 payable on or before June 30 in each year.

Any person who, prior to July 1, 1965, held a license as a manager-operator and then teaching as an instructor, as defined in this subdivision, shall be deemed a senior instructor upon payment of the license fee.

Sec. 108. Minnesota Statutes 1974, Section 155.03, Subdivision 2, is amended to read:

Subd. 2. All beauty shops shall be registered with the board by the owners thereof before commencing operations and annually, on or before June 30, upon blanks provided for such purposes by the board showing the names of the owners and the location of ~~such~~ the shops. No ~~such~~ shops shall be permitted to operate without ~~such~~ a registration. The license and renewal fee for ~~such~~ the registration shall be ~~\$15 and \$7.50 for each renewal thereof set by the board~~ .

Sec. 109. Minnesota Statutes, 1975 Supplement, Section 155.05, is amended to read:

**155.05 MEMBERS OF BOARD.** 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 and sections 2 to 7 of this act. Three of such members shall have an official seal, shall have had five years of experience within the last seven years and practice in this state in the occupation and practices as named within this chapter, and shall be senior instructors or have the qualifications to take the examination therefor, prior to the first appointment. The board members shall be citizens of this state and not members of, nor affiliated with, any school approved and teaching the practices, as defined herein, while a member of the board, nor shall any two members of the board be graduates of the same school, or system of schools, teaching the practices, as defined herein. Each member of the board shall take the oath provided by law for public officers.

Sec. 110. Minnesota Statutes, 1975 Supplement, Section 155.06, Subdivision 1, is amended to read:

**155.06 BOARD; ORGANIZATION, RULES, RECORDS, INSPECTIONS.** Subdivision 1. The board shall each year elect from among its

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members a president, a vice-president, and a secretary-treasurer to serve until their successors are elected and have qualified. The board shall appoint such assistants, inspectors, and clerical help as it may deem necessary to perform the work of the board. The appointments shall be made in accordance with the rules ~~and regulations~~ to be adopted by the board and chosen upon the basis of experience, training, and general qualifications for the work. ~~The board shall maintain an office for the conduct of its business. The secretary-treasurer of the board shall maintain its office and devote his entire time to the duties thereof and receive an annual salary of \$9,000. The board shall appoint an executive secretary who is not a member of the board and who shall be in the unclassified service.~~

Sec. 111. Minnesota Statutes 1974, Section 155.06, Subdivision 3, is amended to read:

Subd. 3. ~~The secretary-treasurer shall keep a record of all the board's official proceedings and this record shall be prima facie evidence of all matters therein recorded. The secretary-treasurer shall be charged with the supervision of the records of receipts and disbursements of the board.~~ Any member of the board, or its agents, assistants or inspectors shall have the authority to enter upon and inspect any beauty shop or beauty school at any time during business hours.

Sec. 112. Minnesota Statutes, 1975 Supplement, Section 155.08, is amended to read:

**155.08 COMPENSATION OF BOARD MEMBERS.** Each member of the board ~~except the secretary-treasurer~~ shall be compensated for each day spent on board activities. ~~Such days employed are not to exceed 100 days in any one year except that in the months when state board examinations are given this limitation will not apply.~~

Sec. 113. Minnesota Statutes 1974, Section 155.09, Subdivision 1, is amended to read:

**155.09 APPLICANTS FOR EXAMINATION; LICENSE FEES.** Subdivision 1. The board shall determine the qualifications of each applicant for examination on the following basis:

(1) Such proof as the board, by rule, may require of good moral character;

(2) Such proof as the board, by rule, may require that the applicant is free from contagious or infectious disease;

(3) That the applicant is at least 16 years of age and has a tenth grade education or its equivalent;

(4) That the applicant shall provide the board with a certificate from a school of beauty culture, approved by the board, as herein re-

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ferred to and described, showing that the applicant has satisfactorily completed all the courses of instruction provided by this approved school, which certificate shall be signed and verified by the individual owner or owners of the approved school, if owned by an individual or partnership, or the proper and lawful officer, if a corporation;

In any case, before an applicant shall be eligible to receive such certificate, the applicant shall have received in accordance with the curriculum established by the board 1,500 hours of instruction in theory and practice in classes actually attended by him, except for manicuring only, 250 hours of instruction shall be deemed sufficient; and

(5) Payment of an examination fee of ~~\$5~~; ~~except that for manicuring only the examination fee shall be \$3~~ set by the board .

Sec. 114. Minnesota Statutes 1974, Section 155.09, Subdivision 4, is amended to read:

Subd. 4. A manager-operator may be licensed as such under this chapter upon the payment of a fee of ~~\$10~~ set by the board , provided that he has practiced as an operator under the supervision of a manager-operator in this state for at least one year and upon complying with all other requirements applicable to a manager-operator as provided for in this chapter.

Sec. 115. Minnesota Statutes 1974, Section 155.09, Subdivision 5, is amended to read:

Subd. 5. ~~Renewal~~ License renewal periods and fees shall be as follows: set by the board.

For operator .....	\$4.00
For manager-operator .....	5.00
For manicurist .....	3.00
For junior instructor .....	1.00
For senior instructor .....	5.00

Sec. 116. Minnesota Statutes 1974, Section 155.11, Subdivision 2, is amended to read:

Subd. 2. At the time set for hearing of the application, the applicant shall show by competent evidence his qualifications. After the duly held hearing and upon proper showing at the hearing of qualifications of the applicant, the board may issue a certificate of approval to the school. Each new school, before being initially approved, shall pay a fee of ~~\$250~~ as set by the board . If approval for any reason is not granted, the fee shall be returned to the applicant for such registration.

All existing schools shall register with the board annually on or before June 30, 1949, and annually thereafter, upon blanks provided by the board. The registration shall show the name of the owner and the location of the school. The annual fee for registration is ~~\$50~~ shall be

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set by the board . There shall be one registration for each school accepted by the board. Each school or branch at each location shall be established to teach a complete course in the theory and practice of cosmetology, and no part of such course shall be offered at a separate location from the school without approval of the board.

Sec. 117. Minnesota Statutes 1974, Section 155.14, is amended to read:

**155.14 PRACTITIONERS FROM OTHER STATES.** The board may dispense with and waive the examination for license upon the application of any person who is able to furnish documentary evidence and proof of having lawfully practiced in another state, territory, District of Columbia or foreign country for a period of at least two years prior to the time of such application for license in Minnesota, upon the payment of the fee of ~~\$15~~ as set by the board for license as provided in this chapter.

Sec. 118. Minnesota Statutes 1974, Section 155.15, is amended to read:

**155.15 LICENSES; DISPLAY, RENEWAL.** Every holder of a license granted by the board, as provided in this chapter, shall display it in a conspicuous place in his place of business. All licenses shall expire ~~December 31 of the year in which issued~~ on the date each year as set forth , unless renewed as herein provided. The holder of a license issued by the board shall ~~annually, on or before December 31,~~ renew his license and pay the renewal fee as prescribed by the board . If such license is not renewed on or before ~~December 31 of the year in which it is issued~~ the designated date, such licensee shall pay a penalty of ~~\$1; in addition to the renewal fee of an operator's license and \$2, in addition to the renewal fee of a manager-operator's or manicurist's license.~~ In the event that such renewal shall be applied for more than ~~one year-~~ three months subsequent to the expiration date of the last license, then such applicant shall be required to take an examination in the same manner as if no license had ever been issued.

Sec. 119. Minnesota Statutes 1974, Section 155.16, is amended to read:

**155.16 LICENSES, CERTIFICATES; GRANTING, REVOKING, SUSPENDING.** The board shall have the following additional powers:

(1) It may refuse to grant or may revoke or suspend a license or certificate to a person guilty of a fraud in taking the examination herein provided for, or shall at any time be found guilty of a felony, or of gross immorality, or grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors, or the use of drugs to such an extent as to render the licensee or applicant unfit to practice in any of the occupations defined in this chapter, or to a person found by the board to have knowingly engaged in advertising

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by means of false or deceptive statements, or for the failure to display his license in a conspicuous place in his place of business; and

(2) It may refuse, revoke or suspend licenses or certificates provided for in this chapter, upon proof of the violation of any section of this chapter; and

(3) It may revoke or suspend licenses or applications for practicing while having any contagious or infectious disease, or for gross incompetency; or it may revoke or suspend the license or application of any manager-operator or operator who permits an unlicensed operator to work upon a customer or patron in any shop or shops.

~~Before any license or certificate shall be revoked, suspended or refused, the holder thereof shall have notice in writing of the charges made and filed against him and shall, at a day specified in the notice, at least 20 days after the service of the notice, be given a public hearing and full opportunity to produce testimony and evidence in his behalf and to confront the witnesses against him. The board shall have authority to administer oaths and take testimony.~~ Any person whose license or certificate has been so revoked, suspended, or refused may on written application to the board have the same re-issued to him or the suspension lifted upon satisfactory showing that the disqualification has ceased.

Sec. 120. Minnesota Statutes 1974, Section 155.18, Subdivision 1, is amended to read:

**155.18 DISPOSAL OF FEES.** Subdivision 1. ~~All fees, as provided in this chapter, shall be paid in advance to the board and deposited in the state treasury and credited to the general fund together with the unexpended balance in any special account of the board as of July 1, 1973.~~ The Expenses of administering sections 155.01 to 155.21 shall be paid from the appropriations made to the Minnesota state board of cosmetology. These funds shall be disbursed by the board only on the order of the president of the board and in payment of expenses lawfully incurred and approved by the board and with the approval of the department of administration in these cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee.

Sec. 121. Minnesota Statutes 1974, Section 155.19, is amended to read:

**155.19 SERVICES EXCEPTED; EMERGENCY.** Nothing in this chapter shall prohibit services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor services by persons authorized and licensed under the laws of this state

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to practice medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or barbering. This section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner. This section shall not be construed to permit a barber to practice barbering in a beauty shop.

Sec. 122. Minnesota Statutes 1974, Section 155.20, Subdivision 2, is amended to read:

Subd. 2. Any person practicing hairdressing and beauty culture outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom hairdressing and beauty culture work is being performed. Said certificate of identification shall contain the signature of the operator, his postoffice address, the number and date of his license, and place of business where such operator regularly is employed. The board shall issue such certificate over the signature of the executive secretary of said board upon demand by any person entitled thereto.

Sec. 123. Minnesota Statutes, 1975 Supplement, Section 156.01, Subdivision 1, is amended to read:

**156.01 STATE VETERINARY EXAMINING BOARD.** Subdivision 1. There is hereby created a ~~veterinary examining~~ board of veterinary medicine which shall consist of two public members as defined for purposes of Laws 1973, Chapter 638 and five qualified veterinarians appointed by the governor. Each appointee shall be a resident of the state of Minnesota, and the veterinarian members of the board shall have practiced veterinary medicine in this state for at least five years prior to their appointment and shall be graduates of an accredited veterinary college. 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 and sections 2 to 7 of this act.

Sec. 124. Minnesota Statutes 1974, Section 156.01, Subdivision 5, is amended to read:

Subd. 5. The executive secretary shall conduct all correspondence necessary to carry out the provisions of this chapter. The board shall keep an official record of all meetings. The board shall keep an official register of all applicants for licenses and a register of licensees. Such registers shall be prima facie evidence of the matters therein contained.

Sec. 125. Minnesota Statutes 1974, Section 156.02, Subdivision 2, is amended to read:

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Subd. 2. Every application shall contain the following information and material: (1) A fee of ~~\$50~~ as set by the board in the form of a check or money order payable to the state treasurer, which fee shall not be returnable in the event permission to take the examination is denied upon good cause; (2) A certificate from the dean or secretary of an approved college of veterinary medicine showing the time spent in such school, and the date when the applicant was duly and regularly graduated therefrom. If the applicant attended more than one college of veterinary medicine, he shall furnish transcripts from each as to work done in each; (3) Affidavits of at least two veterinarians and three adults who are not related to the applicant setting forth how long a time, when, and under what circumstances such persons have known the applicant, details respecting the applicant's habits and general reputation, and such other facts as may be proper to enable the board to determine the moral character of the applicant; (4) If the applicant has served in the armed forces, he shall furnish a copy of his discharge papers.

Sec. 126. Minnesota Statutes 1974, Section 156.03, is amended to read:

156.03 **FEE; EXAMINATION.** Upon filing such application and any other papers, affidavits, or proof that the veterinary examining board may require, together with the payment to the board of a fee of ~~\$50~~ as set by the board, the board, if satisfied, shall issue to the applicant for license an order for examination. Every applicant for a license shall submit to a theoretical or practical examination, or both, as designated by the board. The examination may be oral, or written, or both.

Sec. 127. Minnesota Statutes 1974, Section 156.07, is amended to read:

156.07 **LICENSE RENEWAL.** Every person licensed under Minnesota Statutes, Chapter 156, shall conspicuously display his license in his principal place of business.

Each person now qualified to practice veterinary medicine in this state, or who shall hereafter be licensed by the veterinary examining board to engage in such practice, shall ~~register with the board before March 1 each year and thereupon the license of such veterinarian shall be renewed for such calendar year~~ periodically renew his license in a manner set by the board.

~~The annual fee for such registration shall be not more than \$10 as deemed necessary by the board to maintain sufficient funds to carry out its duties. Such fees shall be paid by each licensed veterinarian in this state to the secretary of the board before March 1 each year. Notice of such fee shall be given to all veterinarians licensed in the preceding year by January 1 of the year for which the license fee is due. Renewal fees shall be set by the board. The board may assess a charge~~

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for delinquent payment of a renewal fee.

Any such veterinarian failing so to register and pay this registration fee before March 1 each year shall pay to the secretary of the board the sum of \$10 plus the regular fee before his license shall be renewed; provided, that in the event any such licensed veterinarian fails to pay the registration fee provided herein within 60 days after March 1 in any year, then and in that event the board shall suspend his license to practice veterinary medicine in this state.

Any person who is licensed to practice veterinary medicine in this state pursuant to Minnesota Statutes, Chapter 156, shall be entitled to receive a license to continue such practice upon making application to the board and complying with the terms of this section for annual registration .

Any person who was qualified to practice veterinary medicine on or before March 31, 1937, and who has remained active in the field of veterinary medicine for a period of 35 years but who has failed to register with the state veterinary examining board may receive a license to practice veterinary medicine upon making application to the board and complying with the terms of this section for annual registration .

Sec. 128. Minnesota Statutes 1974, Section 156.072, Subdivision 2, is amended to read:

Subd. 2. Such doctor of veterinary medicine shall accompany his application by the following:

(1) A certified copy of his license registration and affidavits of two practicing doctors of veterinary medicine of the state, territory or District of Columbia so certifying that they are well acquainted with such applicant, that he is a person of good moral character, that he has been actively engaged in practicing or teaching as the case may be in such state, territory, or District of Columbia for the period above prescribed;

(2) A certificate from the proper body therein having jurisdiction over the conduct of practice of veterinary medicine that such applicant is in good standing and not under pending charges of misconduct; and

(3) A fee of ~~\$100~~ as set by the board in form of check or money order payable to the treasurer of the state of Minnesota, no part of which shall be refunded, should the application be denied.

Sec. 129. Minnesota Statutes 1974, Section 156.072, Subdivision 3, is amended to read:

Subd. 3. A doctor of veterinary medicine duly admitted to practice in any of the other states or territories or in the District of Columbia desiring admission to practice in this state but who has not been ac-

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tively engaged in the practice thereof for the period prescribed herein must be examined for admission in accordance with the rules prescribed herein for those not admitted to practice anywhere and in addition, must meet all of the requirements of this section except that the fee shall be \$50 instead of \$100—may differ from the fee charged to those not admitted to practice in other states .

Sec. 130. Minnesota Statutes 1974, Section 156.081, Subdivision 1, is amended to read:

156.081 **REVOCATION; SUSPENSION.** Subdivision 1. The board may revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in this state after notice and hearing for any of the causes provided in this section. ~~Such person shall be entitled to counsel of his own choosing. The board shall have the power to subpoena witnesses and take testimony.~~ The executive secretary, in all cases of suspension or revocation of licenses, shall enter on the register the fact of suspension or revocation, as the case may be. The record of such suspension or revocation so made by the secretary shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of the board in the matter of the suspension or revocation.

Sec. 131. Minnesota Statutes 1974, Section 156.14, is amended to read:

156.14 **FUNDS PAID TO STATE TREASURER.** ~~All fees collected on behalf of the veterinary examining board, as provided by this chapter, and all receipts of every kind or nature received by the board shall be collected by the treasurer of the board and by him deposited in the state treasury and credited to the general fund, together with the unexpended balance in any special account of the board as of July 1, 1973.~~ The expenses of administering sections 156.001 to 156.14 shall be paid from the appropriations made to the state veterinary examining board.

Sec. 132. Minnesota Statutes, 1975 Supplement, Section 270.41, is amended to read:

270.41 **BOARD OF ASSESSORS.** A board of assessors is hereby created. The board shall be for the purpose of establishing, conducting, reviewing, supervising, coordinating or approving courses in assessment practices, and establishing criteria for determining assessor's qualifications. The board shall also have authority and responsibility to consider other matters relating to assessment administration brought before it by the commissioner of revenue. The board shall consist of nine members, who shall be appointed by the governor, in the manner provided herein.

1. Two from the department of revenue,
2. Two county assessors,

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3. Two assessors who are not county assessors, one of whom shall be a township assessor, and
4. One from the private appraisal field holding a professional appraisal designation,
5. Two public members as defined by section 214.02.

The appointment provided in 1, 2 and 3, may be made from a list of not less than three names submitted to the governor by the commissioner of revenue containing recommendations for appointees described in 1, the Minnesota Association of Assessing Officers or its successor organization containing recommendations for the appointment of appointees described in 2, and the Minnesota Association of Assessors, Inc. or its successor organization containing recommendations for the appointees described in 3, 30 days before the commencement of the term. In the case of a vacancy, a new list shall be furnished to the governor by the respective organization immediately. In the event any member of the board shall no longer be engaged in the capacity listed above, he shall automatically be disqualified from membership in the board.

The board shall ~~designate one of the appointees from the department of revenue to be the~~ annually elect a chairman and a secretary of the board.

Sec. 133. Minnesota Statutes, 1975 Supplement, Section 270.42, is amended to read:

**270.42 MEMBERSHIP, OPERATIONS.** 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 and sections 2 to 7 of this act.

Sec. 134. Minnesota Statutes 1974, Section 270.47, is amended to read:

**270.47 RULES.** The board shall establish the rules ~~and regulations~~ necessary to accomplish the purpose of section 270.41, and shall establish criteria required of assessing officials in the state. Separate criteria may be established depending upon the responsibilities of the assessor. The board shall prepare and give examinations from time to time to determine whether assessing officials possess the necessary qualifications for performing the functions of his office. Such tests shall be given immediately upon completion of courses required by the board, or to persons who already possess the requisite qualifications under the regulations of the board.

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Sec. 135. Minnesota Statutes, 1975 Supplement, Section 270.48, is amended to read:

**270.48 LICENSURE OF QUALIFIED PERSONS.** The board shall ~~certify-license~~ persons as possessing the necessary qualifications of an assessing official. Different levels of ~~certification-licensure~~ may be established as to classes of property which assessors may be certified to assess at the discretion of the board. Every person, except a local or county assessor, regularly employed by the assessor to assist in making decisions regarding valuing and classifying property for assessment purposes shall be required to become ~~certified-licensed~~ within three years of his date of employment or June 1, 1975, whichever is later. ~~Certification-Licensure~~ shall be required for local and county assessors as otherwise provided in sections 270.41 to 270.53.

Sec. 136. Minnesota Statutes 1974, Section 270.50, is amended to read:

**270.50 EMPLOYMENT OF LICENSED ASSESSORS.** Commencing June 15, 1975, no assessor shall be employed who has not been ~~certified-licensed~~ as qualified by the board, provided the time to comply may be extended after application to the board upon a showing that ~~certified-licensed~~ assessors are not available for employment. The board may ~~certify license that~~ a county or local assessor who has not received the training, but possesses the necessary qualifications for performing the functions of his office by the passage of an approved examination or may waive the examination if such person has demonstrated competence in performing the functions of his office for a period of time the board deems reasonable. The county or local assessing district shall assume the cost of training of its assessors in courses approved by the board for the purpose of obtaining the assessor's ~~certificate-license~~ to the extent of course fees, mileage, meals and lodging, and recognized travel expenses not paid by the state. If the governing body of any township or city fails to employ an assessor as required by sections 270.41 to 270.53, the assessment shall be made by the county assessor.

A town shall pay its assessor \$20 for each day the assessor is attending approved courses or taking the examination. In addition, the town shall pay its assessor \$10 for each approved course successfully completed and \$20 upon his ~~certification-licensure~~. The maximum payable to an assessor for successful completion of courses and ~~certification-licensure~~ shall not exceed \$50.

In the case of townships organized after the effective date of this act except towns located in counties enumerated in section 391.01 or which have elected a county assessor system in accordance with section 273.055, the board shall allow the town adequate time to employ a ~~certified-licensed~~ assessor.

Sec. 137. Minnesota Statutes 1974, Section 270.51, is amended to

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read:

**270.51 PREVIOUSLY ACCREDITED ASSESSORS.** All assessors previously accredited by the commissioner of revenue shall be considered as qualified under sections 270.41 to 270.53 and shall be so ~~certified-licensed~~.

Sec. 138. Minnesota Statutes, 1975 Supplement, Section 326.03, Subdivision 1, is amended to read:

**326.03 LICENSE REQUIRED.** Subdivision 1. No person, except an architect, engineer, land surveyor or landscape architect, ~~registered-licensed~~ as provided for in sections 326.02 to 326.15 shall practice architecture, professional engineering, land surveying or landscape architecture, respectively, in the preparation of plans, specifications, report, plats or other architectural, engineering, land surveying or landscape architectural documents, or in the observation of architectural, engineering, land surveying or landscape architectural projects.

Sec. 139. Minnesota Statutes, 1975 Supplement, Section 326.04, is amended to read:

**326.04 BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND SURVEYORS.** To carry out the provisions of sections 326.02 to 326.15 there is hereby created a board of ~~registration for architects, engineers, land surveyors, and landscape architects-architect~~ registration for architects, engineers, land surveying and landscape architecture (hereinafter called the board) consisting of sixteen members, who shall be appointed by the governor. Three members shall be ~~registered licensed~~ licensed architects, five members shall be ~~registered licensed~~ licensed engineers, one member shall be a licensed landscape architect, one member shall be a ~~registered-licensed~~ licensed land surveyor and six members shall be public members ~~as defined for purposes of Laws 1973, Chapter 638~~. Not more than one member of said board shall be from the same branch of the profession of engineering. The first landscape architect member shall be appointed as soon as possible and no later than 60 days after August 1, 1975 and shall serve for a term to end on January 1, 1977. 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 and sections 2 to 7 of this act.

Sec. 140. Minnesota Statutes, 1975 Supplement, Section 326.05, is amended to read:

**326.05 QUALIFICATIONS OF BOARD MEMBERS.** Each member of the board shall be a ~~citizen of the United States and a~~ resident of this state at the time of his appointment. Each member except the pub-

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lic members shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. Each such member shall be a member in good standing of a recognized society of architects, engineers, land surveyors or landscape architects; and, except as provided in section 326.06, shall be a ~~registered-licensed~~ architect, ~~registered-licensed~~ engineer, ~~registered licensed~~ land surveyor or ~~registered-licensed~~ landscape architect.

Sec. 141. Minnesota Statutes, 1975 Supplement, Section 326.06, is amended to read:

**326.06 GENERAL POWERS AND DUTIES OF BOARD.** Each member of the board shall receive a certificate of appointment from the governor, and, before beginning his term of office, shall file with the secretary of state the constitutional oath of office. ~~The board, or any committee thereof, shall be entitled to the services of the attorney general in connection with the affairs of the board; and the board shall have power to compel the attendance of witnesses; administer oaths; and take testimony and proofs concerning all matters within its jurisdiction.~~ The board shall adopt and have an official seal, which shall be affixed to all ~~certificates of registration-licenses~~ granted; shall make all ~~bylaws and rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture or engineering.~~

Sec. 142. Minnesota Statutes 1974, Section 326.08, Subdivision 1, is amended to read:

**326.08 FEES, DISPOSAL OF; PAY OF BOARD MEMBERS; BONDS,** Subdivision 1. ~~All fees and other moneys accruing from the operation of sections 326.02 to 326.16 shall be paid to the board and shall be credited to the general fund in the state treasury together with any unexpended balance in a special fund of the board as of July 1, 1973.~~ The expenses of administering sections 326.02 to 326.16 shall be paid from the appropriation made to the ~~state board of registration for architects, engineers and surveyors~~. The expenses of the board shall be paid by voucher made by the ~~secretary-treasurer-executive secretary~~ and approved by the chairman. Each member of the board shall receive \$35 for each day or portion thereof that he attends a meeting of the board or is otherwise engaged in performing official business of the board. The members of the board shall be reimbursed for ordinary and actual expenses in the same amount and manner as state employees.

Sec. 143. Minnesota Statutes, 1975 Supplement, Section 326.08, Subdivision 2, is amended to read:

Subd. 2. Any member of the board, the executive secretary of the

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board, or the attorney for the board may be authorized by the board to attend any architectural, engineering, land surveying or landscape architectural conference or meeting held outside of this state, the major purpose of which is the consideration of problems directly associated with the registration or licensing of architects, professional engineers, land surveyors or landscape architects. In addition to any subsistence and travel allowance prescribed by law for travel outside of the state, a member of the board who attends such an architectural, engineering, land surveying or landscape architectural conference or meeting pursuant to authorization by the board shall receive \$35 for each day or portion thereof he attends the conference or meeting or travels to or from the conference or meeting.

Sec. 144. Minnesota Statutes, 1975 Supplement, Section 326.09, is amended to read:

**326.09 RECORDS AND REPORTS OF BOARD.** The board shall keep a record of its proceedings and a register of all applicants for ~~registration-licensing~~ , showing for each the date of application, name, age, educational and other qualifications, place of business, and the place of residence, whether or not an examination was required and whether the applicant was rejected or a ~~certificate of registration-lic~~ense granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business or of residence of all ~~registered-licensed~~ architects, engineers, land surveyors and landscape architects shall be prepared by the executive secretary of the board during the month of July, of each even numbered year. Roster supplements listing newly ~~registered-licensed~~ persons shall be published semi-annually between publications of the biennial roster. Rosters may be printed out of the funds of the board, as provided in section 326.08. ~~On or before the first day of October in each even numbered year, the board shall submit a biennial report to the governor covering its activities during the two preceding fiscal years; together with a complete statement of the receipts and expenditures of the board; signed by the chairman and the treasurer, and a copy of the roster, with supplements, of registered architects; registered engineers; registered land surveyors and registered landscape architects.~~

Sec. 145. Minnesota Statutes, 1975 Supplement, Section 326.10, is amended to read:

**326.10 CERTIFICATES OF REGISTRATION.** Subdivision 1. **ISSUANCE.** The board shall on application therefor on a prescribed form, and upon payment of a fee prescribed by rule of the board, issue a ~~certificate of registration~~ license as an architect, engineer, land surveyor or landscape architect. A separate fee shall be paid for each profession ~~registered-licensed~~ .

(1) To any person over 25 years of age, who is of good moral character and repute, and who has the experience and educational

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qualifications which the board by rule may prescribe.

(2) To any person who holds an unexpired certificate of registration or license issued to him by proper authority in the District of Columbia, any state or territory of the United States, or any foreign country, in which the requirements for registration or licensure of architects, engineers, land surveyors or landscape architects, respectively, at the time of registration in the other jurisdiction, were equal, in the opinion of the board, to those fixed by the board and by the laws of this state, and in which similar privileges are extended to the holders of certificates of registration or licensure issued by this state. The board may require such person to submit a certificate of his technical qualification from the National Council of Architectural Registration Boards in the case of an architect, from the National Council of Engineering Examiners in the case of an engineer, and from the National Council of Landscape Architects Registration Board in the case of a landscape architect.

Subd. 2. **EXAMINATION.** The board may subject any applicant for ~~registration; or for certification as an engineer-in-training or land surveyor-in-training;~~ licensure to such examinations as may be deemed necessary to establish his qualifications.

In determining the qualifications in such cases of applicants for ~~registration-licensure~~ as architects, a majority vote of the architect members of the board only shall be required; in determining the qualifications in such cases of applicants for ~~registration-licensure~~ as engineers, a majority vote of the engineer members of the board only, shall be required; and in determining the qualifications of applicants for ~~registration-licensure~~ as land surveyors, the affirmative vote of the land surveyor member and of one engineer of the board only, shall be required; and in determining the qualifications of applicants for ~~registration-licensure~~ as landscape architects, the affirmative vote of the landscape architect member of the board and of one architect member or one civil engineer member of the board only, shall be required.

Subd. 4: ~~Certificates of registration shall expire on the last day of the fiscal year next succeeding the year in which they are issued and shall become invalid on that date unless renewed. It shall be the duty of the executive secretary of the board to notify, by mail, every person registered of the date of the expiration of his certificate and the amount of fee required for its renewal; such notice shall be mailed to the registrant at his address as shown on the records of the board at least one month in advance of the date of the expiration of the certificate. Renewal may be effected on or before June 30 of the year of expiration by the payment of a fee in such manner and in such amount as the board, by rule, shall determine for each profession.~~

Subd. 5. **DELAYED RENEWAL FEE.** The failure on the part of any ~~registrant-licensee~~ to renew his ~~certificate before June 30 of the year of expiration-licensure~~ shall not deprive such person of his right of

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renewal thereafter, but ~~the fee to be paid for the~~ a late renewal of the ~~certificate fee~~ shall be \$3 for each profession ~~paid~~ in addition to the renewal fee for each profession.

Subd. 7. **ENGINEER-IN-TRAINING; LAND SURVEYOR-IN-TRAINING; LANDSCAPE ARCHITECT-IN-TRAINING.** (1) An applicant for certification as an engineer-in-training who is a graduate with a bachelor of engineering degree from a school or college having an engineering curriculum accredited by the engineers' council for professional development or whose education, in the opinion of the board, is equivalent thereto, shall receive from the board, upon passing an examination in fundamental engineering subjects, a certificate stating that he has passed such examination and that his name has been recorded as an engineer-in-training.

(2) An applicant for certification as a land surveyor-in-training who has had a minimum of four years of qualifying experience of a character satisfactory to the board, of which a formal education in an accredited engineering or land surveying curriculum may constitute a part thereof, shall receive from the board, upon passing a written examination in the fundamentals of mathematics and the basic principles of land surveying, a certificate stating that he has passed such examination and that his name has been recorded as a land surveyor-in-training.

(3) Any applicant for certification as a landscape architect-in-training who is a graduate with a degree from a school or college having a landscape architecture curriculum accredited by the American society of landscape architects committee on education or who has had equivalent education or experience or a combination thereof of a grade and character acceptable to the board shall receive from the board, upon passing an examination in fundamental landscape architectural subjects, a certificate stating that he has passed that examination and that his name has been recorded as a landscape architect-in-training.

Sec. 146. Minnesota Statutes, 1975 Supplement, Section 326.11, Subdivision 1, is amended to read:

**326.11 CERTIFICATES OF REGISTRATION, REVOCATION, REISSUE, DUPLICATES.** Subdivision 1. **REVOCATION.** The board shall have the power to revoke or suspend ~~as hereinafter provided;~~ the ~~certificate of registration license~~ of any architect, engineer, land surveyor or landscape architect, who is found guilty by the board of any fraud or deceit in obtaining a ~~certificate of registration license~~, or of attaching his seal or signature to any plan, specification, report, plat, or other architectural, engineering, land surveying or landscape architectural document not prepared by him or under his direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, land surveying or landscape architecture, or upon conviction of any violation of sections 326.02 to 326.16 or amendments thereof, or of any crime involving moral turpitude or upon adju-

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dication of insanity or incompetency ; and in the case of such conviction or adjudication, such revocation or suspension may be made by the board on its own motion on the filing with its secretary of a copy of the minutes of such conviction and judgment or adjudication, duly certified by the clerk in whose custody they are, the same to be conclusive evidence of such conviction or adjudication .

Sec. 147. Minnesota Statutes, 1975 Supplement, Section 326.11, Subdivision 5, is amended to read:

Subd. 5. **RE-ISSUE.** The board may re-issue a ~~certificate of registration~~license to any person whose ~~certificate~~license has been revoked, provided ten or more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

Sec. 148. Minnesota Statutes 1974, Section 326.11, Subdivision 6, is amended to read:

Subd. 6. **REPLACEMENT OF LOST CERTIFICATE.** A new ~~certificate of registration~~license to replace any ~~certificate~~license revoked, lost, destroyed, or mutilated, may be issued, subject to the rules and regulations of the board. ~~A charge of \$1.00 shall be made for such reissuance.~~

Sec. 149. Minnesota Statutes, 1975 Supplement, Section 326.12, is amended to read:

**326.12 CERTIFICATES AS EVIDENCE; SEALS OF REGISTRANTS.** Subdivision 1. **JUDICIAL PROOF.** The issuance of a ~~certificate of registration~~license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a ~~registered~~licensed architect, ~~registered~~ engineer, ~~registered~~ land surveyor or ~~registered~~ landscape architect while the ~~certificate~~license remains unrevoked or has not expired or has not been suspended.

Subd. 2. **SEAL.** Each ~~registrant~~licensee may, upon registration, obtain a seal of a design approved by the board, bearing the ~~registrant's licensee's~~ name and the legend " ~~registered~~licensed architect," " ~~registered~~licensed professional engineer," " ~~registered~~licensed land surveyor" or " ~~registered~~licensed landscape architect." Plans, specifications, plats, reports, and other documents prepared by a ~~registrant~~licensee may be stamped with the seal during the life of ~~registrant's certificate~~the license . A rubber stamp facsimile thereof may be used in lieu of the seal on tracings from which prints are to be made or on papers which would be damaged by the regular seal. It shall be unlawful for any one to stamp or seal any document with the stamp or seal after the ~~certificate~~license of the registrant named thereon has expired, been revoked or suspended, unless said ~~certificate~~license shall have been renewed or reissued.

Subd. 3. **CERTIFIED SIGNATURE.** Each plan, specification, plat,

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report, or other document which sections 326.02 to 326.16 require be prepared by a ~~registered-licensed~~ architect, ~~registered~~ engineer, ~~registered~~ land surveyor or ~~registered~~ landscape architect shall bear the signature of the person preparing it, or the signature of the person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is ~~registered-licensed~~ under sections 326.02 to 326.16, by the person's registration license number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to documents of an intra-office or intra-company nature.

Sec. 150. Minnesota Statutes, 1975 Supplement, Section 326.13, is amended to read:

**326.13 PRACTICE EXEMPT.** Practice of architecture, engineering or land surveying in this state prior to ~~registration-licensure~~ by the board shall be permitted under the following conditions and limitations:

(1) By any person or firm not a resident of and having no established place of business in this state, or any person or firm resident in this state, but whose arrival in the state is recent; provided, however, such person or a person connected with such firm:

(a) is registered or licensed and qualified to practice such profession in a state or country to which the board grants registration or licensure by comity in accordance with the provisions of section 326.10, subdivision 1, clause (2); and

(b) shall have filed an application for registration licensure as an architect or an engineer, shall have paid the fee provided for in section 326.10, and shall have been notified by the board that the applicant meets the requirements for registration-licensure in this state and is entitled to receive a certificate of registration licensure ;

(c) notwithstanding the provisions of paragraph (b) and prior to the notification provided for therein, an applicant who meets the requirements of paragraph (a) shall be permitted to practice in this state provided that such practice is limited solely to solicitation of work within the terms of sections 326.02 to 326.16;

(2) Practice as an architect, an engineer, a land surveyor or a landscape architect by any person not a resident of, and having no established place of business in, this state, as a consulting associate of an architect, an engineer, a land surveyor or a landscape architect ~~registered-licensed~~ under the provisions of sections 326.02 to 326.15; provided, the non-resident is registered licensed and qualified to practice his profession in a state or country to which the board grants registration-licensure by comity in accordance with the provisions of section 326.10, subdivision 1, clause (2);

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(3) Practice as an architect, an engineer, a land surveyor or a landscape architect solely as an officer or employee of the United States.

Sec. 151. Minnesota Statutes, 1975 Supplement, Section 326.14, is amended to read:

**326.14 CORPORATIONS AND PARTNERSHIPS AUTHORIZED.**

A corporation, partnership or other firm may engage in work of an architectural or engineering character, in land surveying or in landscape architecture in this state, provided the person or persons connected with such corporation, partnership or other firm in responsible charge of such work is or are ~~registered~~-licensed as herein required for the practice of architecture, engineering, land surveying and landscape architecture.

Sec. 152. Minnesota Statutes 1974, Section 326.15, is amended to read:

**326.15 FALSE IMPERSONATION.** It shall be unlawful for any person to present or attempt to use as his own the seal or certificate of another, or to give false or forged evidence of any kind to the board, or any member thereof, or to falsely impersonate any registrant of like or different name, or to use or attempt to use as his own the ~~certificate of registration~~-license of another issued by any authority outside of this state, or to use or attempt to use an expired or revoked or suspended ~~certificate of registration~~ license .

Sec. 153. Minnesota Statutes 1974, Section 326.54, is amended to read:

**326.54 WATCHMAKERS TO BE LICENSED.** No person shall engage in watchmaking for profit or compensation of any kind, without first obtaining a ~~certificate of registration and~~ license, as hereinafter provided, which license shall at all times be conspicuously displayed in his place of business.

Sec. 154. Minnesota Statutes, 1975 Supplement, Section 326.541, is amended to read:

**326.541 BOARD OF EXAMINERS IN WATCHMAKING; FEES; DISPOSITION.** (1) There is created a board to be known as the "Board of Examiners in Watchmaking," whose duties it shall be to administer the provisions of Laws 1943, Chapter 474. Such board shall consist of seven members, appointed by the governor. All persons so appointed shall have been residents of this state and five such members shall have actually engaged in watchmaking, as defined in section 326.01, subdivision 20, for at least five years immediately preceding the time of their appointment. The remaining members shall be public members as defined for purposes of Laws 1973, Chapter 638. Membership terms, compensation of members, removal of members, the filling of member-

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ship 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 and sections 2 to 7 of this act. The board of seven shall have at least two employees as members.

(2) The board shall choose annually, one of its members as president and one as secretary, who shall severally have power to administer oaths and take affidavits certifying thereto under the seal of the board. The board shall meet at such times and places as the officers may direct. A majority of the board shall constitute a quorum. ~~The secretary shall give such bond as the board shall determine to be proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed \$2,500.~~

(3) The board shall establish suitable and proper uniform apprenticeship regulations ; ~~may retain administrative or legal counsel, if it deems needed or proper, and may appoint one clerk or assistant to the secretary, exempt from civil service .~~

(4) ~~The secretary shall collect the fees and shall pay the same into the state treasury, to be credited to the general fund together with any unexpended balance in a special fund of the board as of July 1, 1973. The chairman or his designee shall draw by warrant for necessary expenses. The expenses of administering sections 326.54 to 326.546 shall be paid from appropriations made to the board.~~

Sec. 155. Minnesota Statutes, 1975 Supplement, Section 326.542, is amended to read:

**326.542 EXAMINATIONS; FEES.** Applicants for ~~certificates—li-~~licenses shall be examined at a time and place fixed by the board. Applications for examination shall be filed with the board at least ten days before the date set for the examination and shall be accompanied by an examination fee of ~~\$25~~ in an amount as set by the board . The applicant shall be of good character, at least 18 years of age, and possess such training and experience as the board shall determine to be requisite.

Sec. 156. Minnesota Statutes 1974, Section 326.543 is amended to read:

**326.543 EXAMINATIONS; RE-EXAMINATIONS.** An applicant to be entitled to a ~~certificate—license~~ , shall pass an examination before the board which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include a practical demonstration of the applicant's

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skill in the manipulation of watchmakers tools. The board shall make rules ~~and regulations~~ for conducting examinations and shall define the standards of workmanship and skill. In the case of failure at any examination, the applicant shall have the privilege of taking another examination at any other examination period upon the payment of a fee of ~~\$10~~ as set by the board .

Sec. 157. Minnesota Statutes 1974, Section 326.544, is amended to read:

**326.544 CERTIFICATES OF REGISTRATION AND LICENSES OF REGISTRATION.** (1) If the applicant successfully passes the examination, ~~the secretary of~~ the board shall register such fact and shall issue to him a ~~certificate of registration and~~ license.

(2) A watchmaker in good standing, registered ~~and or~~ licensed in another state or states and having engaged in watchmaking therein for two years immediately preceding his application for a ~~certificate and~~ license, upon filing with the board satisfactory proof thereof and upon a personal interview with the board, shall be issued a ~~certificate and~~ license, without examination upon the payment of a fee of ~~\$25~~ as set by the board .

(3) Licenses of ~~registration~~ shall expire ~~on May 1 of each year~~ and must be renewed ~~within 30 days for one year~~ upon payment of a fee of ~~\$16, or less at the discretion of the board~~ as set by the board . If ~~such~~ the license of registration is not renewed ~~on or before June 30 of the year in which issued, such registrant before its expiration, the licensee~~ may be required to pay a penalty of ~~\$2~~ in addition to the renewal fee. ~~Application may be made for renewal after the fifteenth day of March of each year.~~

(4) The board shall issue a temporary 60 day ~~certificate~~ license upon payment of a fee of ~~\$2~~ as set by the board .

Sec. 158. Minnesota Statutes 1974, Section 326.545, is amended to read:

**326.545 CERTIFICATES FOR APPRENTICE WATCHMAKERS.** Any person 16 years of age or over, of good character, apprenticed to a ~~registered-licensed~~ watchmaker in accordance with the ~~regulations determined and established rules promulgated~~ by the board, may pursue the trade of watchmaking upon obtaining from the board a ~~certificate of registration~~ license as an apprentice watchmaker, which ~~certificate~~ license shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of ~~\$3 annually~~ as set by the board .

Sec. 159. Minnesota Statutes 1974, Section 326.546, is amended to read:

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**326.546 MAY REVOKE LICENSES.** (1) The board may revoke a license ~~and certificate of registration~~ upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder 30 days notice in writing of such proposed revocation.

(2) The board may revoke a license ~~and certificate of registration~~ obtained through error of the board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. ~~The holder of such certificate shall be given 30 days notice in writing, enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. The holder may within 30 days after revocation file with the secretary of the board, a written notice of appeal to the district court of Ramsey county, and the secretary shall transmit to the court and to the attorney general a certified copy of the record. The appeal shall be tried by the court de novo.~~

(3) One whose ~~certificate and~~ license has been revoked, may, upon the expiration of one year after such revocation, apply to the board for ~~registration-reinstatement~~ and, upon satisfactory proof that the cause of revocation no longer exists, the board may, in its discretion, issue to said person a ~~certificate of registration and~~ license upon payment of the fees herein provided.

(4) "Unethical Conduct" includes and means any conduct of a character likely to mislead, deceive, or defraud the public; advertising of any character in which untruthful or misleading statements are made; advertising of prices on watch repairing or the giving of any watch parts, gratis or at less than cost, performance of any service in pursuance of any such advertising; loaning of certificate or license of registration to any person, performance of any work upon a watch in an unworkmanlike or unskilled manner, representation that certain services or parts are necessary or have been or will be used in the repair of a watch, although such services or parts are not necessary and have not been used in such repairs; employing, directly or indirectly, any ~~unregistered-unlicensed~~ watchmaker to perform any watchmaking, or repairs on watches, or non-compliance, within 30 days, with the directions given in a written notice from the board to terminate employment with any person who is violating the provisions of Laws 1943, Chapter 474.

Sec. 160. Minnesota Statutes, 1975 Supplement, Section 326.17, is amended to read:

**326.17 BOARD OF ACCOUNTANCY.** A board of accountancy is hereby created to carry out the purposes and enforce the provisions of sections 326.17 to 326.23. It shall consist of seven citizens of this state

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to be appointed by the governor, two of whom shall be public members as defined for purposes of Laws 1973, Chapter 638 and five of whom shall be the holders of certificates issued under the provisions of sections 326.17 to 326.23. 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 and sections 2 to 7 of this act.

Sec. 161. Minnesota Statutes, 1975 Supplement, Section 326.18, is amended to read:

**326.18 BOARD, DUTIES, OFFICERS, EXAMINATIONS.** A majority of the board shall constitute a quorum. The board shall elect one of its number as chairman, another as vice chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of four members of the board shall be considered as the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience, as prescribed in sections 326.17 to 326.23, in all examinations conducted thereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character and scope of such examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections 326.17 to 326.23. All such examinations shall be conducted by the board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held, and not less than 20 days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board. The board may make further rules and regulations, including but not limited to rules of professional conduct, pertaining to corporations practicing public accounting which it deems consistent with or required by the public welfare.

The board shall keep records of its proceedings, an accurate list of all applications made, ~~certificates licenses~~ issued; ~~certificates registered~~; and ~~certificates licenses~~ revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. The board shall issue to each person who meets the examination and experience requirements of a certified public accountant a certificate to that effect, and shall maintain a record of that issuance. It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate issued ~~or registered~~ under sections 326.17 to

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326.23. All records of the board shall be open to the inspection of the public at the office of its secretary.

Sec. 162. Minnesota Statutes 1974, Section 326.19, is amended to read:

**326.19 LICENSURE; QUALIFICATION OF ACCOUNTANT.** Subdivision 1. **LICENSES TO WHOM GRANTED.** No ~~certificate~~ license for a certified public accountant shall be granted, except as provided herein or in subdivisions 2 and 3, to any person other than one who is over the age of 18 years and of good moral character and who shall have completed at least three years of public accounting experience (1) as a staff employee of a certified public accountant or public accountant or (2) as an auditor in the office of legislative auditor or state auditor, an auditor in the division of cooperative accounting, state department of agriculture, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified or (3) as a self-employed public accountant or as a partner in a firm of public accountants or (4) in any combination of the foregoing capacities, and who shall have successfully passed an examination in such subjects as the board may prescribe in its rules. No person qualifying under this section shall be permitted to take such examination unless he shall have completed the above experience requirements. This subdivision shall expire July 1, 1976.

Subd. 2. **LICENSES; GRANTING; EXAMINATION.** The ~~certificate~~ license, certified public accountant, shall be granted to any person:

- (a) Who has attained the age of 18 years; and
- (b) Who is of good moral character; and
- (c) Who holds:

(i) a master's degree with a major in accounting from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or who has in the opinion of the board at least an equivalent education, providing at least one year of experience of the type specified in subdivision 4, has been completed; or

(ii) a baccalaureate degree, with a major in accounting, from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education, providing at least two years experience of the type specified in subdivision 4, has been completed; or

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(iii) a baccalaureate degree from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education, providing at least three years experience of the type specified in subdivision 4, has been completed; or

(iv) evidence of having completed two or more years of study with passing grade average or above from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or an area vocational-technical school, a Minnesota licensed private vocational school which fulfills the requirements of sections 141.21 to 141.36, or who has in the opinion of the board at least an equivalent education, providing at least five years experience of the type specified in subdivision 4, has been completed; or

(v) a diploma as a graduate of an accredited high school or who has in the opinion of the board at least an equivalent education, providing at least six years experience of the type specified in subdivision 4, has been completed; and

(d) Who has completed successfully an examination in such subjects and at such times, as the board may prescribe in its rules. The examination shall be administered by the board only to a candidate who holds:

(i) a baccalaureate degree with a major in accounting or higher degree, as described in clause (c) (i) or clause (c) (ii) or to persons having at least an equivalent education, or to candidates for such degree providing such candidate is currently registered in his final semester or quarter preceding graduation, or

(ii) a baccalaureate degree, as described in clause (c) (iii), provided at least one year experience of the type specified in subdivision 4, has been completed, or

(iii) evidence of having completed two or more years of study with passing grade average or above from a college, university, area vocational-technical school or a Minnesota licensed private vocational school which fulfills the requirements of sections 141.21 to 141.36, as described in clause (c) (iv), provided at least three years experience of the type specified in subdivision 4, has been completed, or

(iv) a diploma as a graduate of an accredited high school, as described in clause (c) (v), provided at least five years experience of the type specified in subdivision 4, has been completed.

**Subd. 3. LICENSE WITHOUT EXAMINATION.** The state board of

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accountancy may, in its discretion, waive the examination of and may issue a ~~certificate~~-license for certified public accountant to any person possessing the qualifications mentioned in this section, who:

(a) Is the holder of a C.P.A. license or certificate, issued under the laws of another state, provided the requirements for the degree or certificate in the state which has granted it to the applicant are, in the opinion of the state board of accountancy, equivalent to those herein provided; or

(b) Shall be the holder of a degree or certificate of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign country, provided that the requirements for such degree or certificate are equivalent to those herein provided for the ~~degree or certificate~~-license of certified public accountant in this state.

(c) Shall in another jurisdiction have completed successfully an examination which, in the opinion of the board, is comparable to that prescribed by the board in its rules and provided that such person has satisfied the other requirements of subdivision 2.

**Subd. 4. QUALIFYING EXPERIENCE FOR EXAMINATION AND GRANTING OF LICENSE.** Qualifying experience for subdivisions 2 and 3 shall include public accounting experience (1) as a staff employee of a certified public accountant or public accountant, a firm of certified public accountants or public accountants, or a corporation formed for the practice of public accounting; or (2) as an auditor in the office of the legislative auditor or state auditor, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified; or (3) as a self-employed public accountant or as a partner in a firm of public accountants; or (4) in any combination of the foregoing capacities.

Sec. 163. Minnesota Statutes 1974, Section 326.20, is amended to read:

**326.20 RENEWAL.** Subdivision 1. **LICENSE RENEWAL OF CERTIFIED PUBLIC ACCOUNTANTS.** Every holder of a certified public accountant ~~certificate~~-license issued by the board, if he is engaged, or intends to be engaged, in public practice within this state at any time during a calendar year shall ~~obtain a registration card for such year~~-renew his license as prescribed by the board .

The board shall, in December of each year, upon application made by any holder of an unrevoked Minnesota certificate and license as a certified public accountant ~~issue a registration card~~-renew the license which shall be good ~~until December 31 of the next succeeding year~~-for a period prescribed by the board , unless the said certificate or license shall sooner be revoked. Interim ~~registration cards~~-licenses shall be issued to individuals who have satisfied the provisions of sections 326.17 to 326.23 within the year.

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Subd. 2. **LICENSURE OF PARTNERSHIPS.** Every partnership in which one or more certified public accountants of this state is a partner, if it is engaged, or intends to be engaged, in public practice within this state at any time during a calendar year shall register with the state board of accountancy for such year. Upon application made upon the affidavit of a general partner of such partnership who is a certified public accountant of this state in good standing, the board shall, in December of each year, issue a ~~registration card~~license which shall be good ~~until December 31 of the next succeeding year~~for a period prescribed by the board, unless the said ~~registration card~~license shall sooner be revoked. Interim ~~registration cards~~licenses shall be issued to partnerships who have satisfied the provisions of this subdivision. The application shall confer upon the board the consent of the partnership, and of the general partner making the application, to the board's jurisdiction over the acts of the partnership and its partners or agents within the state.

Subd. 3. **UNLICENSED PRACTICE.** It shall be unlawful for any certified public accountant or any partnership containing one or more certified public accountants to engage in public practice within this state ~~unless such certified public accountant or partnership is duly registered~~licensed as provided by this section. A partnership shall be deemed in public practice within this state if it performs professional accounting services for a fee. A certified public accountant shall be deemed in public practice within this state if he performs professional accounting services for a fee within this state.

Sec. 164. Minnesota Statutes 1974, Section 326.21, is amended to read:

**326.21 HOLDER OF LICENSE, HOW STYLED.** Any person who has received from the state board of accountancy a certificate ~~of his qualifications~~ to practice as a certified public accountant shall be known and styled a certified public accountant; and no other person who has not received ~~such a~~ certificate shall assume such title or the title of certified accountant, or the abbreviation C.P.A., or any other words, letters, or abbreviations tending to indicate that the person so using the same is a certified public accountant. No partnership shall style itself as a firm of certified public accountants unless (1) all partners resident in this state are certified public accountants of this state and (2) all managers in charge of offices maintained in this state are certified public accountants of this state and (3) all partners, wherever situated, are certified public accountants of one of the states or territories or of the District of Columbia and (4) the partnership is duly ~~registered~~licensed under section 326.20. No corporation, other than one duly ~~registered~~licensed under the laws of this state shall style itself as certified public accountants, or use the abbreviation C.P.A. in connection with its corporate name.

Sec. 165. Minnesota Statutes 1974, Section 326.22, as amended by Laws 1975, Chapter 136, Section 61, is amended to read:

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**326.22 FEES.** Subdivision 1. **FEE FOR LICENSE AND RENEWAL.** The state board of accountancy shall charge for each examination and certificate provided for in sections 326.17 to 326.23 a fee to be prescribed in the rules of the board, ~~not to exceed \$50~~, to meet the expenses of such examination. This fee shall be payable by the applicant at the time of making his initial application, and no additional charge shall be made for the issuance of a certificate to any applicant.

Subd. 2. **ANNUAL REGISTRATION FEE.** Each person or partnership to whom ~~an annual registration card~~ a license is issued shall pay ~~an annual~~ a renewal fee at the rate set by the board for such year ; ~~not in excess of \$10 for individual registrants nor \$25 for partnerships~~ .

Subd. 3. **EXPENSES OF ADMINISTRATION; FEES; DISPOSITION.** ~~The board shall pay all ordinary and necessary expenses. The fees collected under sections 326.17 to 326.23 shall be paid into the state treasury and credited to the general fund together with the unexpended balance in any special fund of the board as of July 1, 1973. The expenses of administering sections 326.17 to 326.23 shall be paid from appropriations made to the state board of accountancy.~~

Sec. 166. Minnesota Statutes 1974, Section 326.23, is amended to read:

**326.23 REVOCATION OR SUSPENSION; REINSTATEMENT.** The state board of accountancy may revoke or suspend any certificate or ~~registration~~ license issued under sections 326.17 to 326.23, for bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct ; ~~provided, a written notice shall have been mailed to the holder of such certificate at least 20 days before any hearing thereon, stating the cause for such contemplated action and appointing a time and place for a hearing thereon by the state board of accountancy; and, provided, further, that no certificate or registration issued under sections 326.17 to 326.23 shall be revoked or suspended until an opportunity for such hearing shall have been afforded. At all such hearings the attorney general, or one of his assistants designated by him, shall attend~~ . Certificates or ~~registrations~~ licenses issued under sections 326.17 to 326.23 shall be surrendered to the state board of accountancy on their revocation or suspension by the board.

The state board of accountancy may reinstate a revoked certificate or ~~registration~~ license upon a petition for reinstatement by the former holder thereof. ~~The board of accountancy shall appoint a time and place for the hearing on such petition and may prescribe any necessary rules and regulations relating to such reinstatement of a revoked certificate or registration not inconsistent with any provisions of the statutes relating to public accountancy.~~

Sec. 167. Minnesota Statutes 1974, Section 326.241, as amended by Laws 1975, Chapter 136, Sections 62 and 63, is amended to read:

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326.241 **BOARD OF ELECTRICITY.** Subdivision 1. **COMPOSITION.** The board of electricity shall consist of nine members, residents of the state, 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 and two public members as defined for purposes of Laws 1973, Chapter 638. 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 and sections 2 to 7 of this act.

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

(1) Elect its own officers;

(2) Engage and fix the compensation of such officers, inspectors, and employees as it may see fit. All agents and employees other than ~~the executive secretary, an assistant executive secretary, and~~ contract inspectors shall be in the classified service. 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, 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.

(6) To adopt reasonable rules ~~and regulations~~ to carry out its duties under Laws 1967, Chapter 602 and to provide for the amount and collection of fees for inspection and other services. All ~~such rules and regulations~~ shall be adopted in accordance with ~~Minnesota Statutes 1965~~, chapter 15.

Subd. 3. **FEES AND FINANCES; DISPOSITION.** All license fees collected under the provisions of Laws 1967, Chapter 602 are to be credited to the general fund. Of the unexpended balance in a special fund of the board as of July 1, 1973, those portions attributable to previously collected license fees credited to the fund, but not inspection fees held in escrow, shall be credited to the general fund. The expenses of administering sections 326.241 to 326.248 shall be paid from appro-

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priations made to the board of electricity.

Sec. 168. Minnesota Statutes 1974, Section 326.242, Subdivision 8, is amended to read:

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

(1) For examination:

Class A Master — ~~\$35~~

Class B Master — ~~\$20~~

Class A Journeyman, Class B. Journeyman, Installer, or Special Electrician — ~~\$10~~

(2) For issuance of original license and renewal:

Class A Master — ~~\$35~~

Class B Master — ~~\$20~~

Class A Journeyman, Class B Journeyman, Installer, or Special Electrician — ~~\$7.50~~

Electrical Contractor — ~~\$10~~

Sec. 169. Minnesota Statutes 1974, Section 326.242, Subdivision 9, is amended to read:

Subd. 9. **REVOCATION.** The board may ; ~~for cause shown and upon notice and hearing in accordance with the rules and regulations of the board and Minnesota Statutes 1965, Chapter 16,~~ revoke, suspend, or refuse to renew any license issued hereunder.

Sec. 170. Minnesota Statutes, 1975 Supplement, Section 326.33, Subdivision 1, is amended to read:

**326.33 PRIVATE DETECTIVE AND PROTECTIVE LICENSING BOARD; CREATION; DUTIES; APPEAL.** Subdivision 1. There is hereby created a private detective and protective agent licensing board, consisting of the attorney general or a departmental employee designated by him; the superintendent of the bureau of criminal apprehension or a departmental employee designated by him; a licensed private detective and two public members. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as pro-

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vided 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 and sections 2 to 7 of this act.

The board members shall meet as they deem necessary and conduct such business ascribed to the board by the provisions of sections 326.331 to 326.339. The board shall designate one of the board members to fulfill the capacity of board chairman who will remain in the capacity of chairman for a term of one year. The board shall have the option of retaining or replacing a board member as chairman.

Sec. 171. Minnesota Statutes 1974, Section 326.33, Subdivision 2, is amended to read:

Subd. 2. It shall be the duty of the board to receive and review all applications for private detective and protective agent licenses and render approval or denial of the issuance of such licenses within the intent of sections 326.331 to 326.339.

(1) Upon conducting a board review of the application the board may approve the application for licensing and shall subsequently issue a license.

(2) Upon conducting a board review of the application the board may deny the application for licensing on the grounds that the applicant does not conform to the provisions of sections 326.331 to 326.339.

(3) Upon denial of a license the board chairman shall notify the applicant of the board finding and the facts and circumstances that constitute the board finding. The board chairman shall advise the applicant of the right of the applicant to a hearing pursuant to ~~sections 15.0418 to 15.0424~~ chapter 15.

Sec. 172. Minnesota Statutes 1974, Section 326.33, Subdivision 3, is amended to read:

Subd. 3. ~~It shall be the duty of~~ The board ~~to shall~~ receive objections to the continued possession of a license by a licensee on the ground that such licensee has not observed the provisions of sections 326.331 to 326.339, or any other law of Minnesota, or has ceased to be a qualified person ; ~~providing such objection is in the form of a written complaint~~ .

~~(1) Upon receipt of an objection the board shall notify the licensee of such objection and the contents of the complaint and shall appoint a time and place for a board hearing.~~

~~(2) The board shall conduct a hearing relative to the objection and the contents of the written complaint and determine whether the alle-~~

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gations of such objection or complaint are true. The board hearing shall be public and be had upon the testimony of witnesses under oath, and the board shall have the power to compel the attendance of witnesses and the production of evidence by application to any district court for a subpoena to require testimony or a subpoena duces tecum, and to receive testimony by deposition taken by stipulation or pursuant to a commission which may be issued by any district court as in civil actions. If the averments of the objection or of the complaint be supported by a preponderance of the credible evidence presented at such board hearing, the board shall make findings of fact and, as the case may be, revoke the license or suspend it for a period of not more than one year. If the objection or complaint is not supported by a preponderance of credible evidence, the board may dismiss the objection or complaint.

~~(3)~~<sup>(1)</sup> If a licensee or any employee of a licensee while acting in the capacity of a private detective or protective agent violates any provision of sections 326.331 to 326.339, such licensee may be subject to a board hearing and the suspension of the holder's license.

~~(4)~~<sup>(2)</sup> If any licensee is convicted of a felony, such licensee shall be the subject of a board hearing and shall be subject to the revocation of the holder's license.

Sec. 173. Minnesota Statutes 1974, Section 326.331, is amended to read:

**326.331 LICENSES.** No person shall engage in the business of private detective, investigator, or protective agent for hire, fee or reward, or advertise or indicate in any letter, document or verbally that he is so engaged or available to supply such services without having first obtained a license as herein provided. Any person desiring to engage in such business may for each office or agency to be maintained by such person apply to the commissioner of public safety for a license. Upon application by any person qualified under sections 326.331 to 326.339 to engage in such business, the private detective and protective agent licensing board shall issue such a license for a period of two years upon the conditions herein set forth, such license to continue for said period so long as such licensee remains a qualified person and complies with the provisions of sections 326.331 to 326.339 and with the laws of Minnesota. No person shall be deemed qualified to hold such a license ~~who is not a citizen of the United States or~~ who has been convicted of felony by the courts of this or any other state or of the United States, or who has been convicted anywhere of acts which if done in Minnesota would be assault, theft, larceny, unlawful entry, extortion, defamation, buying or receiving stolen property, using, possessing, or carrying weapons or burglar tools or escape, or who has been convicted in any other country of acts which if done in Minnesota would be a felony or would be any of the other offenses specified above, nor shall any person who shall make any false statement in any application for license hereunder be deemed a qualified person to hold

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any such license. No other license shall be required by any other political unit or subdivision.

Sec. 174. Minnesota Statutes 1974, Section 326.332, Subdivision 1, is amended to read:

**326.332 APPLICATION FOR LICENSE.** Subdivision 1. The application for such license shall be in duplicate and shall state:

(1) The full name, age, sex, residence for the past five years, present and previous occupations and employers, of all persons signing the application;

(2) That each person signing the application ~~is a citizen of the United States and~~ has attained the age of majority;

(3) That the person, firm, or corporation applying for the license is a resident of the state of Minnesota, or that the applicant holds an equivalent license in another state, which state shall be set forth;

(4) ~~The municipality, stating the street and number or such apt description as will reasonably indicate the location in said municipality, where the licensed office of the applicant is to be located;~~

(5) Such further facts as may be required by the commissioner of public safety to show the good character, competency and integrity of each person signing the application;

(6) If applicant is a corporation, the name of the corporation, the date and place of its incorporation, the location of its principal place of business or registered office, in its state of incorporation;

(7) That the applicant has been a bona fide resident of the state of Minnesota for a period of six months immediately preceding the filing of the application or is presently a license holder in another state;

(8) That the license holder, one member of a partnership or one corporate member of a corporation shall be an active participant in said licensee's business, and that the branch manager or director of a licensee's Minnesota based office shall have the same qualifications as a license holder and shall comply with all provisions of sections 326.331 to 326.339.

Sec. 175. Minnesota Statutes 1974, Section 326.333, is amended to read:

**326.333 INFORMATION AND MATERIAL ACCOMPANYING APPLICATION.** Each such application shall be accompanied by:

(1) A surety bond executed by a company authorized to do business in the state of Minnesota wherein the applicant shall be principal,

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with sureties to be approved by the commissioner of public safety, to the state of Minnesota, in the penal sum of \$5,000, upon the condition that applicant and each of applicant's employees shall faithfully observe all the laws of Minnesota and of the United States, including sections 326.331 to 326.339, and shall pay all damages suffered by any person by reason of the violation of any such law by applicant or by the commission of any wilful and malicious wrong by any such applicant in the course of the conduct of such business. Action upon such bond may be brought by any person so aggrieved not later than within two years of the act complained of;

(2) For each person signing the application the verified certificates of at least five citizens not related to the signer who have known the signer for more than five years, certifying that the signer is of good moral character;

(3) Two photographs and a full set of fingerprints for each person signing the application;

(4) A duly acknowledged certificate evidencing the fact that at least one of the persons signing the application for private detective has been regularly employed as a detective by a licensed detective agency or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade of sergeant or higher, or equivalent occupation, for a period of not less than three years;

(5) An acknowledged certificate evidencing the fact that at least one of the persons signing the application for protective agent has been regularly employed as a detective or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman, or equivalent part-time occupation or special training, for a period of not less than three years; or has completed a course prescribed by the state police officers training board.

Sec. 176. Minnesota Statutes 1974, Section 326.334, Subdivision 1, is amended to read:

**326.334 FEES; LICENSING PROCEDURE.** Subdivision 1. Each such applicant for private detective license shall pay to the board a fee, ~~if an individual, of \$125 or if a partnership or corporation of \$250 as set by the board~~, which fee shall be returned to the applicant if the application for license be denied. Each applicant for protective agent shall pay to the board a fee, ~~if an individual, of \$62.50, or if a partnership or corporation of \$125 as set by the board~~, which fee shall be returned to the applicant if the application for license be denied. Upon the receipt of any such application, the board forthwith shall:

(1) Post notice in their office for at least 20 days and notify persons who specifically request notification thereof;

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(2) Transmit to the bureau of criminal apprehension the duplicate copy of the application and the fingerprints of the signers;

(3) Conduct such further investigation as they shall deem necessary to determine the competence and fitness of the applicant.

Sec. 177. Minnesota Statutes, 1975 Supplement, Section 341.01, is amended to read:

341.01 **CREATION.** There is hereby created the ~~state board of boxing commission~~ , to consist of seven members, citizens of this state, two of whom shall be public members as defined for purposes of Laws 1973, Chapter 638. 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 and sections 2 to 7 of this act.

Sec. 178. Minnesota Statutes, 1975 Supplement, Section 341.04, is amended to read:

341.04 **BOXING COMMISSIONER; POWERS; COMPENSATION; PERSONNEL.** The ~~state athletic commission-board of boxing~~ shall have power to appoint, and at its pleasure remove, a boxing commissioner and prescribe his powers and duties. The boxing commissioner shall be the ~~executive secretary of the state boxing commission-board~~ , but shall not be a member of the ~~commission-board~~ . The ~~commission-board~~ may employ such other personnel as may be necessary in the performance of its duties.

Sec. 179. Minnesota Statutes 1974, Section 341.05, as amended by Laws 1975, Chapter 236, Section 2, is amended to read:

341.05 **DUTIES.** Subdivision 1. The ~~state athletic commission-board of boxing~~ shall have charge and supervision of all boxing and sparring exhibitions held in the state and have power:

(1) To ~~make and publish-promulgate rules and regulations~~ governing the conduct of boxing and sparring exhibitions and the time and place thereof;

(2) To issue licenses to individuals or organizations desiring to promote or conduct boxing or sparring exhibitions, and to suspend or revoke ~~such-the~~ licenses at its pleasure; every application for ~~such-a~~ license shall designate the territory in which the individual or organization intends to operate, and the license granted shall entitle the licensee to conduct ~~such-the~~ exhibitions in ~~such-that~~ territory and in no other.

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The commissioner of revenue shall collect five percent of the gross receipts from admission to every boxing and sparring exhibition other than an amateur boxing and sparring exhibition held within the state, and five percent of the gross receipts from the lease or sale of radio, motion picture and television rights therein.

All complimentary tickets for a boxing and sparring exhibition other than an amateur boxing and sparring exhibition presented at any entrance gate shall likewise be assessed for the tax herein provided five percent of the value thereof. All moneys so collected shall be paid into the state treasury.

Subd. 2. The ~~state athletic commission~~ board of boxing shall issue a license to a person or organization holding, showing, or exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, exhibition, or performance on a closed circuit telecast or subscription television program viewed within the state, whether originating in this state or elsewhere, and for which a charge is made. Each such person or organization shall apply for such a license in advance of each showing and shall within 24 hours after the termination of such showing furnish the commissioner of revenue a written report, duly verified by an authorized person, showing the number of tickets sold for such showing, the amount of the gross proceeds thereof, and such other matters as the commissioner of revenue may prescribe; and shall also, within 24 hours after the termination of such showing, pay to the commissioner of revenue five percent of the gross receipts from the sale of tickets of admission or moneys received from subscription for the showing or exhibiting of said boxing or sparring match, exhibition, or performance. If the boxing or sparring match, exhibition, or performance is wholly amateur no payment is due.

Whoever violates the provisions of this subdivision is guilty of a misdemeanor and may be punished therefor as provided by law. The penalty herein provided is in addition to any other penalty for violation of this subdivision as may be otherwise fixed in chapter 341.

Sec. 180. Minnesota Statutes 1974, Section 341.06, is amended to read:

**341.06 MONEYS PAID INTO STATE TREASURY.** ~~The commission shall pay into the state treasury all moneys collected by it.~~ The expenses of administering sections 341.01 to 341.15 shall be paid for from appropriations made to the ~~state boxing commission~~ board of boxing.

Sec. 181. Minnesota Statutes 1974, Section 341.07, is amended to read:

**341.07 LICENSES; RESTRICTIONS.** Unless revoked by the ~~commission~~ board, licenses granted hereunder shall authorize the individuals or organizations receiving the same to conduct boxing or sparring

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exhibitions in the community designated therein for the period of time designated therein, subject to the rules and regulations of the ~~commission-board~~ and to such restrictions as the ~~commission-board~~ may in its discretion incorporate therein. Each such license shall contain a statement that boxing or sparring exhibitions may be held on any Sunday and that no boxing or sparring match shall be of more than 15 rounds, or not to exceed three minutes each.

Sec. 182. Minnesota Statutes 1974, Section 341.08, is amended to read:

**341.08 EXHIBITIONS; CONSENT REQUIRED.** The provisions of this chapter are applicable to cities of the first class, but no license shall be issued for the conducting of any boxing or sparring exhibitions within the limits of any municipality, except ~~such~~ cities of the first class, ~~unless the governing body thereof has first consented to the holding of boxing or sparring exhibitions therein; in the event that the license is for the conducting of boxing or sparring exhibitions in any county outside the limits of a municipality, such license shall not be issued until the board of county commissioners of the county and also the governing body of the town shall have authorized the holding of boxing or sparring exhibitions in such community, and each such license shall designate the particular community in such county where such exhibitions are held. Such~~ Consent by the governing body of such municipality or by the county board or by the governing board of the town shall be evidenced by a certified copy of a resolution thereof filed with the ~~commission-board~~. ~~Such~~~~The~~ governing body may revoke ~~such~~~~the~~ consent any time, and any licenses shall expire 30 days after resolution revoking consent has been filed with the ~~commission-board~~.

Sec. 183. Minnesota Statutes, 1975 Supplement, Section 341.10, is amended to read:

**341.10 LICENSE FEES.** The ~~commission-board~~ shall have authority to collect and require the payment of ~~an annual~~ a license fee in an amount set by the board from the owners of franchises or licenses pursuant to the following schedule: \$750 for professional boxing or \$50 for amateur boxing in cities of the first class having a population in excess of 150,000; \$500 for professional boxing or \$50 for amateur boxing in cities of the first class having a population of less than 150,000; \$150 for professional boxing or \$10 for amateur boxing in all municipalities, other than cities of the first class, having a population of more than 10,000; \$10 in all other municipalities. The ~~commission-board~~ shall require the payment of ~~such annual license~~ the fee at the time of the issuance of the license or franchise to the owner. The moneys so derived shall be collected by the ~~commission-board~~ and paid to the state treasurer. The ~~commission-board~~ shall have authority to license all boxers, managers, seconds, referees and judges and may require them to pay ~~an annual~~ a license fee; ~~not to exceed the sum of \$10~~. All moneys collected by the ~~commission board~~ from such licenses shall be paid to the state treasurer.

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Sec. 184. Minnesota Statutes, 1975 Supplement, Section 341.11, is amended to read:

**341.11 RULES.** The ~~commission board~~ shall ~~make~~ promulgate rules ~~and regulations~~ to govern the holding of amateur boxing exhibitions within the state.

The ~~commission board~~ shall not promulgate any rules which, if followed by a participant, would adversely affect his amateur status in states other than Minnesota.

Sec. 185. Minnesota Statutes 1974, Section 341.12, is amended to read:

**341.12 BONDS.** Before any license other than an amateur boxing license shall be granted to any person, club, corporation, or organization to conduct, hold or give any boxing or sparring match, or exhibition, such applicant therefor shall execute and file with the commissioner of finance a bond in the sum of \$2,500 in cities of the first class and \$1,000 in other communities, to be approved, as to form and sufficiency of the sureties thereof, by the commissioner of finance, conditioned for the payment of the five percent of the total gross receipts and license fees herein provided. Upon the filing and approval of such bond the commissioner of finance shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the commission with its application for such license; and no such license shall be issued until such certificate shall be so filed.

~~The secretary of the commission shall, before entering upon his duties, furnish a bond in the sum of not less than \$5,000, to be approved, as to form and sufficiency of the sureties thereof, by the commissioner of finance, conditioned upon the faithful performance of the duties of his office.~~

Sec. 186. Minnesota Statutes 1974, Section 341.13, is amended to read:

**341.13 PENALTIES FOR NON-LICENSED EXHIBITIONS.** Any person or persons who shall send or cause to be sent, published, or otherwise made known, any challenge to fight what is commonly known as a prize fight, or engage in any public boxing or sparring match, exhibition, or contest, with or without gloves, for any prize, reward, or compensation, or at which any admission fee is charged directly or indirectly, or go into training preparatory for such fight, exhibition, or contest, or act as a trainer, aider, abetter, backer, umpire, second surgeon, assistant, or attendant at such fight, exhibition, or contest, or in any preparation for the same, and any owner or lessee of any grounds, buildings, or structure of any kind permitting the same to be used for such fight, exhibition, or contest, shall be deemed guilty of a misdemeanor; provided, that this section shall not apply to boxing or

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sparring exhibitions held or to be held under license issued by the ~~state athletic commission-board~~ and in compliance with the rules ~~and regulations~~ issued by it.

Sec. 187. Minnesota Statutes 1974, Section 341.15, is amended to read:

**341.15 FAILURE TO REPORT TO BOARD.** When any individual or organization shall fail to make a report of receipts of any contest at the time prescribed by the ~~state athletic commission-board~~ or to pay the fee herein provided, or when such report is unsatisfactory to the commissioner of finance, he may examine, or cause to be examined, the books and records of such individual or organization, and subpoena and examine, under oath, officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts for any contest and the amount due pursuant to the provisions of this chapter, which amount he may, upon and as the result of such examination, fix and determine. In case of default in the payment of any amount so ascertained to be due, together with the expense incurred in making such examination, for a period of 20 days after notice to such delinquent individual or organization of the amount at which the same may be fixed by the commissioner of finance, such delinquent shall, ipso facto, forfeit and be thereby disqualified from receiving any new license or any renewal of license and, in addition, forfeit to the state of Minnesota the sum of \$500, which may be recovered by the attorney general, in the name of the state, in the same manner as other penalties are by law recovered.

Sec. 188. Minnesota Statutes 1974, Section 386.61, Subdivision 2, is amended to read:

Subd. 2. "~~Registered-Licensed~~ abstracter" means any official, person, firm or corporation obtaining ~~certificates of registration-licenses~~ pursuant to the terms of sections 386.61 to 386.76; and includes (1) present duly qualified and acting registers of deeds not now prohibited by law from making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not.

Sec. 189. Minnesota Statutes, 1975 Supplement, Section 386.62, is amended to read:

**386.62 LICENSE REQUIRED.** No official, person, firm, association or corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, without first obtaining a ~~certificate of registration-license~~ pursuant to the provisions of sections 386.61 to 386.76.

Sec. 190. Minnesota Statutes, 1975 Supplement, Section 386.63,

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Subdivision 1, is amended to read:

**386.63 ABSTRACTERS BOARD OF EXAMINERS.** Subdivision 1. There is hereby created ~~an abstracters-~~the board of ~~examiners-~~abstracters whose duties it shall be to administer the provisions of sections 386.61 to 386.76. The board shall consist of seven members to be appointed by the governor. Four persons so appointed shall be residents of this state and actually engaged in the business of making abstracts of title to real estate for at least five years immediately preceding the time of their appointment, but no more than one such member shall be from a county containing a city of the first class. The fifth member of the board shall be an attorney at law admitted to practice in the state of Minnesota. The remaining members shall be public members as defined ~~for purposes of Laws 1973, Chapter 638 in 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 fees; and other provisions relating to board operations shall be as provided in chapter 214 and sections 2 to 7 of this act.

Sec. 191. Minnesota Statutes 1974, Section 386.63, Subdivision 2, is amended to read:

Subd. 2. The board shall choose annually one of its members as chairman ~~and one as secretary-treasurer, both of whom-~~who shall have power to administer oaths. The board shall adopt an official seal. A majority of the board shall constitute a quorum. ~~The secretary-treasurer shall give such bond as the board shall determine.~~

Sec. 192. Minnesota Statutes 1974, Section 386.63, Subdivision 3, is amended to read:

Subd. 3. The board shall establish an office in the City of St. Paul and make ~~such rules and regulations~~ as shall be necessary to carry out the purpose of sections 386.61 to 386.76 except it shall have no power to fix fees for duties performed by abstracters ; ~~and it may retain administrative or legal counsel, if deemed necessary; and it may appoint an assistant to the secretary-treasurer, exempt from civil service; who need not be a member of said board .~~

Sec. 193. Minnesota Statutes 1974, Section 386.64, is amended to read:

**386.64 MINNESOTA ABSTRACTERS BOARD OF EXAMINERS REVOLVING FUND.** ~~All receipts derived from the administration of sections 386.61 to 386.76 shall be deposited in the general fund together with any unexpended balance of any special fund of the board as of July 1, 1973.~~ The expenses of administering sections 386.61 to 386.76 shall be paid from appropriations made to the Minnesota ab-

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stracters board of examiners.

Sec. 194. Minnesota Statutes 1974, Section 386.65, Subdivision 1, is amended to read:

**386.65 EXAMINATION OF APPLICANTS FOR LICENSE.** Subdivision 1. Applications for a ~~certificate of registration~~license shall be made to the board and shall be upon a form to be prepared by the board and contain such information as may be required by it. Upon receiving such application, the board shall fix a time and place for the examination of such applicant. Notice of such examination shall be given to the applicant by registered mail, who shall thereon present himself for examination pursuant to such notice. The examination shall be conducted by the board under such rules ~~and regulations~~ as the board may prescribe, and such rules shall prescribe that the applicant must show he is qualified by experience, education or training to qualify as being capable of performing the duties of an abstracter whose work will be for the use and protection of the public. If application is made by a firm or corporation, one of the members or managing officials thereof shall take such examination. If the applicant successfully passes the examination and complies with all the provisions of sections 386.61 to 386.76, the board shall cause its ~~secretary-treasurer-executive secretary~~ to issue a ~~certificate of registration~~license to the applicant.

Sec. 195. Minnesota Statutes, 1975 Supplement, Section 386.66, is amended to read:

**386.66 BOND OR ABSTRACTER'S LIABILITY INSURANCE POLICY.** Before a ~~certificate of registration~~license shall be issued, the applicant shall file with the board a bond or abstracter's liability insurance policy to be approved by the ~~president-chairman~~ or ~~secretary-treasurer-executive secretary~~, running to the state of Minnesota in the penal sum of at least \$20,000 conditioned for the payment ~~of-by~~ such abstracter of any damages that may be sustained by or accrue to any person by reason of or on account of any error, deficiency or mistake arising wrongfully or negligently in any abstract, or continuation thereof, or in any certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, made by and issued by such abstracter, provided however, that the aggregate liability of the surety to all persons under such bond shall in no event exceed the amount of such bond. In any county having more than 200,000 inhabitants the bond or insurance policy required herein shall be in the penal sum of at least \$50,000. Applicants having cash or securities or deposit with the state of Minnesota in an amount equal to the said bond or insurance policy shall be exempt from furnishing the bond or an insurance policy herein required but shall be liable to the same extent as if a bond or insurance policy has been given and filed. The bond or insurance policy required hereunder shall be written by some surety or other company authorized to do business in this state issuing bonds or abstracter's liability insurance

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policies and shall be issued for a period of one or more years, and renewed for one or more years at the date of expiration as principal continues in business. The aggregate liability of such surety on such bond or insurance policy for all damages shall, in no event, exceed the sum of said bond or insurance policy.

Sec. 196. Minnesota Statutes 1974, Section 386.67, is amended to read:

**386.67 REGISTERED ABTRACTER, SEAL.** A registered licensed abstracter furnishing abstracts of title to real property under the provisions hereof shall provide a seal, which seal shall show by impression the name of such registered licensed abstracter, and shall file with the ~~secretary-treasurer of said executive~~ secretary of the board an impression of such seal and the signatures of persons authorized to sign certificates on abstracts and continuations of abstracts and certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, issued by such ~~registered licensed~~ abstracter.

Sec. 197. Minnesota Statutes, 1975 Supplement, Section 386.68, is amended to read:

**386.68 FEES.** For the services specified in sections 386.61 to 386.76 fees shall be ~~charged applicants for registration hereunder, as follows: (1) for original certificate of registration pursuant to section 386.65, subdivision 2 and subdivision 3, payable with the application, \$50; (2) on annual renewals of certificate payable with any application for renewal, \$25; and (3) on an examination, payable at the time of application for examination, \$25 set by the board.~~

Sec. 198. Minnesota Statutes 1974, Section 386.69, is amended to read:

**386.69 LICENSES; CONTENTS, TERM.** ~~The certificates~~ Licenses issued by said board under the provisions hereof shall recite that such bond or insurance policy has been duly filed and approved, and ~~such certificates the license~~ shall authorize the official, person, firm or corporation named in it to engage in and carry on the business of an abstracter of real estate titles in the county in which said official, person, firm or corporation is authorized to make abstracts. ~~The certificate license shall be issued for the term of one year, and expires on July 1 of each year, and shall be renewable annually, as of such date, in each succeeding year. a period as determined by the board, and shall thereafter be renewed upon conditions prescribed by the board.~~

Sec. 199. Minnesota Statutes, 1975 Supplement, Section 386.70, Subdivision 1, is amended to read:

**386.70 DENIAL, SUSPENSION AND REVOCATION OF LICENSES; INVALIDATING BONDS.** Subdivision 1. The board may by

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order deny, suspend or revoke any ~~certificate-license~~, may censure an abstracter holding a ~~certificate-license~~ or may hold and declare a bond or insurance policy insufficient and invalid if it finds (1) that the order is in the public interest, and (2) that the applicant or abstracter holding the ~~certificate-license~~ or, if the holder of the certificate is a firm or corporation, any officer, director, partner, employee or agent thereof:

(a) Has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) Has engaged in a fraudulent, deceptive or dishonest practice;

(c) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the real estate business;

(d) Has failed to reasonably supervise his employees or agents so as to cause injury or harm to the public;

(e) Has been convicted of a felony;

(f) Has been habitually careless or inattentive to business;

(g) Has failed to employ competent abstracters; or

(h) Has violated or failed to comply with any provision of sections 386.61 to 386.76 or any rule or order hereunder.

Sec. 200. Minnesota Statutes, 1975 Supplement, Section 386.71, is amended to read:

**386.71 LICENSED ABSTRACTERS, ACCESS TO PUBLIC RECORDS.** Except as provided in Laws 1974, Chapter 435, Section 3.11 (c), ~~registered-licensed~~ abstracters shall have access during ordinary office hours to the public records in the office of the register of deeds in the county in which such abstracter is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a ~~registered-licensed~~ abstracter, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the performance of his official duties.

Sec. 201. Minnesota Statutes 1974, Section 386.72, is amended to read:

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**386.72 ABSTRACTER'S CERTIFICATE AS PRIMA FACIE EVIDENCE.** Any abstract of title, continuation thereof or certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, certified to be true and correct by any ~~registered~~ licensed abstracter under the signature and seal of such abstracter, shall be received by the courts of this state as prima facie evidence of the existence or nonexistence of records, the content and filing indicated on such abstract, continuation thereof or certificate hereinbefore described.

Sec. 202. Minnesota Statutes 1974, Section 386.73, is amended to read:

**386.73 REGISTERS OF DEEDS, MAY EMPLOY LICENSED ABSTRACTERS.** Nothing herein shall prohibit any register of deeds who does not hold a certificate of authority pursuant to the provisions hereof from employing a ~~registered~~ licensed abstracter and issuing abstracts pursuant to sections 386.61 to 386.76.

Sec. 203. Minnesota Statutes 1974, Section 214.01, Subdivision 1, is amended to read:

**214.01 DEFINITIONS.** Subdivision 1. The words defined in this section for purposes of ~~sections 214.01, and 214.04 to 214.06~~ this chapter have the meanings given them unless the context clearly requires otherwise.

Sec. 204. Minnesota Statutes, 1975 Supplement, Section 214.01, Subdivision 2, is amended to read:

Subd. 2. "Health related licensing board" means the board of examiners of nursing home administration established pursuant to section 144.952, the board of medical examiners created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, ~~the board of licensed practical nursing created pursuant to section 148.29,~~ the board of optometry established pursuant to section 148.52, the board of ~~examiners of psychologists~~ psychology established pursuant to section 148.90, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatry ~~examiners and registration~~ established pursuant to section 153.02, and the ~~veterinary examining~~ veterinary medicine board, established pursuant to section 156.01.

Sec. 205. Minnesota Statutes, 1975 Supplement, Section 214.09, Subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** Members of the boards shall be compensated at the rate of \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as received by state employees. Members who are full-time state em-

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ployees or employees of the political subdivisions of the state shall not receive the \$35 per day ; ~~but they shall suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board-if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision. A board member who is an employee of the state or political subdivision shall suffer no loss in compensation or benefits as a result of their service on the board .~~ Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. A state employee who serves on a board as a representative of a specific state department or agency shall not receive the \$35 per day.

Sec. 206. To the extent possible in order to be consistent with section 9, the present members of the allied health manpower credentialing committee shall be the initial members of the human services occupations advisory council. The present secretary-treasurers of the board of barber examiners and the board of cosmetology shall become the executive secretary of their respective boards. The executive secretaries shall not be members of the boards they serve. The governor shall appoint replacement members to fill the unexpired term of any vacancy on a board caused by this section.

Sec. 207. **TEMPORARY PROVISIONS.** Subdivision 1. A classified or unclassified employee of a health related or non-health related licensing board on the effective date of this act whose position as a result of this act is transferred to a department shall become a classified employee of the appropriate department without loss of compensation, seniority or benefits and without major change in his general job description or duties unless he consents to a change. An employee of a board whose primary responsibility is the investigation of complaints against persons licensed by the board shall become an employee of the office of attorney general in the unclassified service without loss of compensation, seniority or benefits and without major change in his general job description or duties unless he consents to a change. The commissioner of finance shall transfer to the appropriate department or board funds appropriated in respect to powers, duties, personnel or services which are transferred by this act.

Subd. 2. No later than January 3, 1977, the commissioner of administration shall prepare and submit to the appropriate standing committees of the legislature a report recommending an economical and effective method for the providing of staff and administrative services to the licensing boards. The boards and the commissioners of health, commerce, labor and industry, education, and personnel shall assist the commissioner, and the commissioner shall solicit and evaluate the suggestions of the boards and their staffs. The report shall recommend staffing and structural changes within the relevant departments designed to improve the performance of regulatory activities of the departments and to insure the delivery of services and assistance to the

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boards within the jurisdiction of each department. The report shall comment upon the effectiveness of the staffing pilot program provided in subdivision 3 and shall recommend whether the program should be expanded or discontinued.

Subd. 3. Notwithstanding the provisions of section 2, subdivision 3, for those boards which agree to participate in the program, the commissioner of health and the chairman of the commerce commission shall each appoint, with the approval of the affected licensing boards, one unclassified employee of their respective departments who shall each serve as the executive secretary for two or more of the participating boards which are serviced by the respective departments. This staffing pilot program shall terminate July 1, 1978, unless extended by the legislature.

Sec. 208. REVISOR'S INSTRUCTIONS. In the next and subsequent editions of Minnesota Statutes the revisor of statutes shall substitute the terms "licensed teacher," "licensure" or similar appropriate terminology respecting licensure of teachers, for the terms "certified teacher," "certification" in respect to teachers, and similar terminology relating to teacher certification.

Sec. 209. REPEALER. Minnesota Statutes 1974, Sections 125.09, Subdivisions 2 and 3; 144.956; 144.958; 144.96; 144.965; 145.861; 145.862; 145.863; 145.864; 145.865, Subdivision 3; 148.06, Subdivision 2; 148.08, Subdivision 1; 148.291, Subdivision 2; 148.55; 148.58; 148.94; 148.97, Subdivision 2; 148.99, Subdivision 1; 150A.04, Subdivisions 1, 2, 3 and 4; 150A.07; 150A.08, Subdivision 2; 150A.09, Subdivision 2; 151.09; 153.10; 153.11; 154.065, Subdivision 6; 156.01, Subdivision 4; 326.08, Subdivision 3; 326.11, Subdivision 3; 326.16; 326.334, Subdivision 3; 386.63, Subdivision 6; 386.65, Subdivision 2; and Minnesota Statutes, 1975 Supplement, Sections 145.865, Subdivision 1; 145.866; 148.211, Subdivision 3; 148.231, Subdivision 3; 148.261, Subdivision 2; 148.291, Subdivision 4; 148.297, Subdivision 2; 148.55; 326.10, Subdivision 4; 326.11, Subdivisions 2 and 4; 386.695; 386.696; and 386.70, Subdivisions 3, 4, 5 and 6 are repealed.

Sec. 210. EFFECTIVE DATE. Section 5, Subdivisions 1 and 2, of this act shall be effective July 1, 1977. The remainder of this act shall be effective July 1, 1976. All provisions relating to fees, license renewal or continuing education requirements which were enforced or promulgated pursuant to sections of Minnesota Statutes which are amended or repealed by this act shall nonetheless remain in effect until repealed, amended or otherwise superseded by rule consistent with the provisions of this act. All rules promulgated by the board of health pursuant to sections 145.861 to 145.866 shall remain in force and effect, to the extent not inconsistent with this act, until repealed, amended or otherwise superseded pursuant to section 8. Notwithstanding the preceding sections, a licensing board may continue to use until July 1, 1977, procedures for the review and investigation of complaints and the holding of disciplinary hearings which were in effect on June 30, 1976, to the

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extent the procedures are consistent with chapter 15. A certificate or registration granted to a person by a licensing board shall remain in force until its scheduled expiration unless revoked or suspended. After the expiration the person, if he qualifies, shall be issued a license pursuant to this act.

Approved April 9, 1976.

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**CHAPTER 223—S.F.No.1998**

[Coded in Part]

*An act relating to elections; requiring the county auditor to make available certain voter registration lists; amending Minnesota Statutes 1974, Section 201.091, Subdivisions 2 and 3, and by adding a subdivision; 201.081, Subdivision 2; repealing Minnesota Statutes 1974, Section 201.081, Subdivision 3.*

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

Section 1. Minnesota Statutes 1974, Section 201.091, Subdivision 2, is amended to read:

Subd. 2. **ELECTIONS; VOTER REGISTRATION LISTS.** On the ~~80th~~ 60th day before ~~an each primary and on the 25th day before each general~~ election, the county auditor shall ~~deliver to the council of each municipality and the board of supervisors of each town within the county current copies of the precinct lists for that municipality have available current registered voter lists by precinct for the county. An up to date corrected list shall be available from the county auditor 15 days before each primary election. The corrected list may be either in the form of a complete corrected list or as a separate list of additions and deletions to the list which was available 60 days before each primary election .~~

Sec. 2. Minnesota Statutes 1974, Section 201.091, is amended by adding a subdivision to read:

Subd. 2a. If the responsibility for maintaining the duplicate registration file has been delegated by the county auditor in accordance with section 201.081, subdivision 2, the official maintaining the duplicate registration file shall deliver the original voter registration cards to the county auditor within 30 days after the primary election and within 60 days after a general election. Within 60 days after he receives the original voter registration cards after a general election the county auditor shall send back the corrected list of registered voters to the official maintaining the duplicate registration file.

Sec. 3. Minnesota Statutes 1974, Section 201.091, Subdivision 3, is amended to read:

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