

ceding calendar year is of the total number of such miles flown by it within and without this state during the preceding calendar year.

[Subd. 2.] *The method prescribed by subdivision 1 shall be presumed to determine fairly and correctly the value of the flight property of an airline allocable to this state. Any airline aggrieved by the valuation of the flight property or the application to its case of the apportionment methods prescribed by section 270.074, subdivision 1, may petition the commissioner for determination of the valuation or the apportionment thereof to this state by the use of some other method. Thereupon, if the commissioner finds that the application of the methods prescribed by section 270.074, subdivision 1, will be unjust to the airline, he may allow the use of the methods so petitioned for by the airline, or may determine the valuation or apportionment thereof by other methods if satisfied that such other methods will fairly reflect such valuation or apportionment thereof.*

Sec. 3. Minnesota Statutes 1949, Section 270.074, Subdivision 2, is amended to read:

Subd. 2. [Subd. 3.] The flight property of every airline company shall be assessed at $33 \frac{1}{3}$ percent of the full and true value thereof apportioned to this state under subdivision 1 of this section.

Approved April 23, 1953.

CHAPTER 673—H. F. No. 1192

[Coded]

An act relating to persons convicted of certain crimes, providing for their commission [commitment] to the director of the division of public institutions, and for the voluntary admission of certain persons to an institution under the management of the director of the division of public institutions for diagnosis and treatment.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [246.43] **Persons convicted of certain crimes.** Subdivision 1. **Commitment, presentence examination.** If a person who is 21 years of age or older at the time of his apprehension is convicted under sections 617.01, 617.02, 617.08, or 617.13, the court may commit him to the director of the division of public institutions of the department of social security for a presentence social, physical and mental examina-

tion. The court and all public officials shall make available to the director upon his request all pertinent data in their possession in respect to the case.

Subd. 2. Conviction of sex crime. If a person who is 21 years of age or older at the time of his apprehension is convicted of any sex crime other than those specified in subdivision 1, the court may commit him to the director for such a presentence examination, if the director certifies that he has adequate facilities for making such examination and is willing to accept such commitment. The court and all public officials shall make available to the director upon his request all pertinent data in their possession in respect to the case.

Subd. 3. Conveyance. When the court commits a person to the director in accordance with subdivision 1 or 2 hereof for presentence examination, the court shall order him conveyed by the proper county authorities at the sole expense of the county, to some place of detention approved or established by the director.

Subd. 4. Report of examination. Upon completion of the examination, but not later than 60 days after the date of the commitment order, a report of the results of the examination and the recommendations of the director shall be sent to the court.

Subd. 5. Specialized treatment not recommended. If it appears from such report that the director does not recommend specialized treatment for his mental and physical aberrations, the court shall order the proper county authorities to bring him before the court at county expense and shall sentence him in the manner provided by law.

Subd. 6. Probation; outpatient treatment, commitment. If it appears from said report that the director recommends specialized treatment for his mental and physical aberrations, the court may either place him on probation with the requirement as a condition of such probation, that he receive, outpatient treatment in such manner as the court shall prescribe, or commit him to the director under this section.

Subd. 7. Appeals. (a) The right of a convict to appeal from the judgment of conviction is not affected by this section.

(b) If a person who has been convicted and committed to the director appeals from a conviction, the execution of the commitment to the director shall not be stayed by the appeal except as provided in paragraph (c).

(c) If the committing court is of the opinion that the appeal was taken in good faith and that the question raised merits review by the appellate court, or when there has been filed with the court a certificate that a judge of an appellate court is of the opinion that questions have been raised that merit review, the judge of the court in which the person was convicted, or in the case of his incapacity to act, the judge by whom the certificate was filed, may direct that such person be left at liberty under such conditions as in the judge's opinion will insure his submission to the control of the director at the proper time if it is determined on the appeal that the director is entitled to custody.

Subd. 8. **Notice of commitment.** (a) If a court commits a person to the director it shall at once notify the director of such action in writing.

(b) The director shall then arrange for his treatment in the institution best suited in his judgment to care for him. He may transfer him to or from any institution to provide for him according to his needs and to protect the public. The director may irrespective of his consent require participation by him in vocational, physical, educational and correctional training and activities; may require such modes of life and conduct as seem best adapted to fit him for return to full liberty without danger to the public; and may make use of other methods of treatment and any treatment conducive to the correction of the person and to the prevention of future violations of law by him.

(c) The director may make use of law enforcement, detention, parole, medical psychiatry, education, correctional, segregative and other facilities, institutions and agencies, public or private, within the state. The director may enter into agreements with public officials for separate care and special treatment (in existing institutions) of persons subject to the control of the director under this section. Nothing herein contained shall give the director control over existing institutions or agencies not already under his control, or give him power to make use of any private agency or institution without his consent.

(d) Placement of a person by the director in any institution or agency not operated by the director, or his discharge by such institution or agency, shall not terminate the control of the director over him. No person placed in such institution or agency may be released therefrom except to the director or after approval of such release by the director.

Subd. 9. Periodic examinations. The director shall make periodic examinations of all persons within his control under this section for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force. These examinations may be made as frequently as the director considers desirable and shall be made with respect to every person at intervals not exceeding one year. The director shall keep written records of all examinations and of conclusions predicated thereon, and of all orders concerning the disposition or treatment of every person under his control. Failure of the director to examine a person committed to him or to make periodic examination shall not entitle him to a discharge from the control of the director, but shall entitle him to petition the committing court for an order of discharge and the court shall discharge him unless it appears in accordance with subdivision 13 that there is necessity for further control.

Subd. 10. Parole of committee. Any person committed as provided in this section may be paroled if it appears to the satisfaction of the director after recommendation by a special review board, appointed by the director a majority of whose members shall not be connected with the division of public institutions that he is capable of making an acceptable adjustment in society. The chief officer of the institution wherein he is confined shall report in writing at least annually to the director concerning his condition with a recommendation as to continued confinement or parole. The director may promulgate regulations for parole, revocation of parole, and the supervision of parolees.

Subd. 11. Supervision and control of persons committed. The director shall keep every person committed to him under this section under his control and shall retain him, subject to the limitations of subdivision 12, under supervision and control, so long as in [his] judgment such control is necessary for the protection of the public. The director shall discharge any such person as soon as in his opinion there is reasonable probability that he can be given full liberty without danger to the public, but no person convicted of a felony shall, without the written approval of the committing court, be discharged prior to two years after the date of his commitment.

Subd. 12. Discharge of person committed. Every person committed to the director who has not been discharged from his control as provided in subdivision 11 unless the director has previously thereunto made an order directing that he remain subject to his control for a longer period and has applied to the committing court for a review of said order as

provided in subdivision 13 shall be discharged at the expiration of any sentence imposed, subject to the provisions of section 640.53, or at the expiration of one year, whichever is the greater. For the purposes of this subdivision, sentence shall begin at noon of the day of commitment by the court to the director.

Subd. 13. Order directing continuance of control. If the director is of the opinion that discharge of a person from his control at the time provided in subdivision 12 would be dangerous to the public for reasons set forth in subdivision 14, he shall make an order directing that he remain subject to his control beyond that period; and shall make application to the committing court for a review of that order at least 90 days before the time of discharge stated.

Subd. 14. Review of orders. (a) If the director applies to the committing court for the review of an order as provided in subdivision 13, the court shall notify the person whose liberty is involved, and, if he be not sui juris, his parent or guardian as practicable, of the application, and shall afford him opportunity to appear in court with counsel and of process to compel the attendance of witnesses and the production of evidence. He may have a doctor or psychiatrist of his own choosing, examine him in the institution to which he is confined or some suitable place designated by the director. If he is unable to provide his own counsel, the court shall appoint counsel to represent him. He shall not be entitled to a trial by jury.

(b) If, after a hearing, the court finds that discharge from the control of the director of the person to whom the order applies would be dangerous to the public because of the person's mental or physical deficiency, disorder or abnormality the court shall confirm the order. If the court finds that discharge from the control of the director would not be dangerous to the public for the causes stated, the court shall order that he be discharged from the control of the director at the time stated in the original commitment.

Subd. 15. Orders, confirmed. (a) When an order of the director is confirmed as provided in subdivision 14, the control of the director over the person shall continue, but unless he is previously discharged, the director shall within 5 years after the date of such confirmation make a new order and a new application for review thereof in accordance with this section. Such orders and applications may be repeated as often as in the opinion of the director it may be necessary for the protection of the public.

(b) Every person shall be discharged from the control of the director at the termination of the period stated in paragraph (a) of this subdivision unless the director has previously acted therein as required, and shall be discharged if the court fails to confirm the order as provided in subdivision 14.

Subd. 16. Orders affirmed by court. (a) If under the provisions of this section the court affirms an order of the director, the person whose liberty is involved may appeal to the proper appellate court for reversal or modification of the order. The appeal shall be taken in the manner provided by law for appeals to said court from the judgment of an inferior court.

(b) At the hearing of an appeal the appellate court may base its judgment upon the record, or it may upon its own motion or at the request of either the appellant or the director refer the matter back for the taking of additional evidence.

(c) The appellate court may confirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged.

(d) Pending appeal the appellant shall remain under the control of the director.

Subd. 17. Application for voluntary admission to institution. Any person believing himself to be afflicted by a physical or mental condition which may result in sexual action dangerous to the public may apply upon forms prescribed by the director for voluntary admission to some institution which provides diagnosis for such persons. If the application is approved and he is admitted by the director he shall be given a complete physical and mental examination. If it appears upon the examination that he is afflicted by a physical or mental condition that may prove dangerous to the public, such facts shall be certified to him and to the director. If he desires treatment, he may apply for admission to an institution designated by the director and upon approval of his application, he may be received in the designated institution and shall there receive the treatment indicated by his condition. If he is able to defray all or a part of the cost of his care and treatment, he shall be required to do that. If he desires to leave the institution he must give 5 days' written notice to the superintendent of the institution of his intention to leave. The director may provide outpatient treatment for him at his expense.

Subd. 18. Inconsistent provisions. All statutes conflicting with this section are superseded to the extent of the conflict and the provisions of this section shall prevail over conflicting provisions heretofore enacted.

Subd. 19. **Separable provisions.** It is the intent of the legislature that the provisions of this act are separable and if any provision shall be held unconstitutional, such decision shall not affect the remainder of this act.

Approved April 23, 1953.

CHAPTER 674—H. F. No. 1197

[Coded]

An act relating to public health and providing for the inspection of cup vending machines and similar dispensing devices.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [144.075] **Cup vending machines, inspection.** The state board of health shall provide for the inspection of cup vending machines, and similar dispensing devices where food or beverages are dispensed for sale to the public. The purpose of such inspection shall be protection of the public health, and the elimination of hazards to health resulting from dispensing devices that are operated in an unsanitary manner or designed so that the public health may be injured. Such inspection shall be made at such times and under circumstances as the board of health may determine.

Approved April 23, 1953.

CHAPTER 675—H. F. No. 1258

An act relating to municipal activities; amending Minnesota Statutes 1949, Section 459.14.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 459.14, is amended to read:

459.14 **Automobile parking facilities.** Subdivision 1. **Acquisition of property.** Any city of the second, third, or fourth class, however organized, and any village or borough may acquire by gift, lease, purchase or condemnation proceedings any real property within or without the corporate limits, or any interest therein, deemed by its governing body to be needed for improving the municipality's regulation and control of traffic on its streets, alleys and public grounds by providing,