

representatives prior to consideration of the appointment by the house of representatives.

Subd. 7. **REPORT.** Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report containing the following information:

(a) Vacancies occurring in the preceding year;

(b) The number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;

(c) Breakdowns by county, legislative district and, if known, the sex, political party preference or lack thereof, race and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and

(d) The number of vacancies filled from applications submitted by (1) the appointing authorities for the positions filled, (2) nominating persons and self-nominees who submitted applications at the behest of or upon the suggestion of appointing authorities, and (3) all others.

Sec. 2. [15.0597] [Subd. 8.] **TRANSFER OF ADMINISTRATIVE FUNCTIONS.** If the commissioner of administration with the approval of the governor determines that the administration of the open appointment process provided for in this act more properly belongs in another agency of the state, he may, on or after July 1, 1981, transfer this function to that agency by reorganization order.

Sec. 3. **APPROPRIATION.** There is appropriated from the general fund to the secretary of state for the period ending June 30, 1979, the sum of \$5,000 for the administration of this act.

Sec. 4. **EFFECTIVE DATE.** This act is effective the day after final enactment in respect to all vacancies occurring after July 1, 1978.

Approved March 28, 1978.

---

#### CHAPTER 593-H.F.No.316

*An act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.*

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

Section 1. Minnesota Statutes 1976, Section 573.02, Subdivision 1, is amended to read:

Changes or additions indicated by underline deletions by ~~strikeout~~

573.02 **ACTION FOR DEATH BY WRONGFUL ACT.** Subdivision 1. When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had he lived, for an injury caused by ~~such the~~ wrongful act or omission. ~~The action~~ An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanatorium, or an employee of a physician, surgeon, dentist, hospital or sanatorium shall be commenced within the time set forth in section 541.07, subdivision 1. Any other action under this section may be commenced within three years after the act or omission date of death provided that the action must be commenced within six years after the act or omission. The recovery in ~~such the~~ action is ~~such an~~ the amount as the jury deems fair and just in reference to the pecuniary loss resulting from ~~such the~~ death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid.

If an action for ~~such the~~ injury was commenced by the decedent and not finally determined during his life, it may be continued by the trustee for recovery of ~~such~~ damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing ~~such the~~ continuance and directing pleadings to be made and issues framed as in actions begun under this section.

Sec. 2. This act is effective for deaths occurring on or after the effective date of the act.

Approved March 28, 1978.

---

**CHAPTER 594-H.F.No.449**

[Coded in Part]

*An act relating to game and fish; licensing and regulating the taking, sale and possession of minnows; permitting the use of tip-ups; amending Minnesota Statutes 1976, Sections 97.40, Subdivision 12; 97.45, Subdivision 15; 98.46, Subdivision 5, and by adding a subdivision; 98.52, Subdivisions 2 and 3; 101.41, by adding a subdivision; and 101.42, Subdivisions 11 and 20.*

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

Section 1. Minnesota Statutes 1976, Section 97.40, Subdivision 12, is amended to read:

Subd. 12. "Minnows" includes all members of the minnow family (Cyprinidae), except carp and goldfish; mudminnows; all members of the sucker family (Catostomidae)

Changes or additions indicated by underline deletions by ~~strikeout~~