

(b) a sale in which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer and the buyer furnishes the seller with a separate dated and signed statement not furnished by the seller describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale. This exclusion shall only apply where (i) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and, (ii) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer; or

(c) a sale in which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or

(d) a sale in which the buyer has initiated the contact either by oral, telephone, or written request (other than on a form provided by the seller), and requested the seller to visit his home for the purpose of negotiating the purchase of the specific good or service requested. This exclusion shall only apply where the buyer furnishes the seller with a separate dated and signed statement in the buyer's handwriting expressly acknowledging and waiving his right to cancel the sale; or

(e) a sale of insurance, securities, or real property; or a sale by public auction; or

(f) a sale of a motor vehicle, as defined in section 168.011, subdivision 4, when the buyer's agreement or offer to purchase is made at a place other than the buyer's place of residence.

Sec. 2. This act is effective on the day following final enactment.

Approved May 21, 1979.

CHAPTER 129—H.F.No.998

An act relating to corrections; providing for vocational training of the inmates of state correctional facilities; reorganizing and harmonizing the various laws relating to the industrial activities conducted at such facilities; amending Minnesota Statutes 1978, Sections 241.26, Subdivision 7; and 241.27; repealing Minnesota Statutes 1978, Sections 243.19; 243.41; 243.42; 243.43; 243.44; 243.45; 243.46; 243.47; 243.63; 243.66; 243.67; 243.68; 243.80; 243.84; 243.85; 325.45; 325.46; and 325.47.

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

Section 1, Minnesota Statutes 1978, Section 241.26, Subdivision 7, is amended to read:

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

Subd. 7. **PAYMENT OF BOARD AND ROOM.** The commissioner shall determine the amount to be paid for board and room by such work placement inmate. When special circumstances warrant or for just and reasonable cause, the commissioner may waive the payment by the inmate of board and room charges and report such waivers to the commissioner of finance ~~and the legislative auditor.~~

Where a work placement inmate is housed in a jail or workhouse, such board and room revenue shall be paid over to such city or county official as provided for in subdivision 2, provided however, that when payment of board and room has been waived, the commissioner shall make such payments from funds appropriated for that purpose.

Sec. 2. Minnesota Statutes 1978, Section 241.27, is amended to read:

241.27 VOCATIONAL TRAINING OF INMATES; MINNESOTA CORRECTIONAL INDUSTRIES; REVOLVING ACCOUNTS. Subdivision 1. **ESTABLISHMENT OF MINNESOTA CORRECTIONAL INDUSTRIES.** For the purpose of providing ~~more~~ adequate, regular and suitable employment ~~for the~~ , vocational training , and ~~rehabilitation of to aid the~~ inmates of ~~institutions under his control~~ state correctional facilities , the commissioner of corrections is ~~hereby authorized and empowered to may~~ establish, equip, maintain and operate at ~~such institutions any~~ correctional facility under his control such ~~additional industrial and commercial~~ activities as may be deemed necessary and suitable to ~~such institutions the profitable employment, vocational training and development of proper work habits of the inmates of state correctional facilities~~ . ~~Such~~ The industrial and commercial activities authorized by this section shall be for the primary purpose of providing vocational training , meaningful employment and the teaching of proper work habits to the inmates of institutions correctional facilities under the control of the commissioner of corrections, and not as a competitive business ~~venture ventures~~ . Prior to the establishment of ~~such additional any~~ industrial activities and commercial activity , the commissioner of corrections shall may consult with representatives of business, industry, organized labor, the state department of education, the state apprenticeship council, the state department of labor and industry, the department of employment security, the department of administration, and such other persons and bodies as he may feel are qualified to determine the quantity and nature of the goods, wares and , merchandise and services to be made or provided , and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and vocational training of such the inmates, and with the best interests of the state, business, industry and labor.

The commissioner of corrections shall, at all times in the conduct of any industrial or commercial activity authorized by this section, utilize inmate labor to the greatest extent feasible, provided, however, that the commissioner may employ all administrative, supervisory and other skilled craftsmen for necessary to the proper instruction of such the inmates and the profitable and efficient operation of the industrial and commercial activities authorized by this section. .

Additionally, the commissioner of corrections may authorize the director of any correctional facility under his control to accept work projects from outside sources for processing, fabrication or repair, provided that preference shall be given to the

Changes or additions indicated by underline deletions by strikeout

performance of such work projects for state departments and agencies.

Subd. 2. **REVOLVING FUND; USE OF FUND.** To accomplish the foregoing purposes the commissioner of corrections may, with the approval of the governor and the legislative advisory commission, withdraw from the state prison revolving fund or that revolving fund at the state reformatory for men established by section 243.85(f), such sums as may be necessary to establish the additional industrial activities authorized by subdivision 1. The sums so withdrawn shall not exceed, in any one year, a total of \$150,000.

When any additional industrial activity is established at an institution under the control of the commissioner, which had not previously contained an industrial activity, all the proceeds and income from the sale of products produced or processed by such industrial activity shall be deposited in an industrial revolving account at such institution, which industrial revolving accounts are hereby authorized to be established, and shall be used to defray the costs of the operation and conduct of such activities. The proceeds and income from any new industrial activities established at the state prison or the state reformatory for men shall be deposited in the existing revolving accounts at such institutions.

When necessary to meet current demands of any industrial activity established under subdivision 1, the commissioner of corrections, with the approval of the governor and the legislative advisory commission, may transfer funds from one industrial revolving account to another among the several institutions under his control in which industrial activities are conducted, provided that such transfer shall not exceed \$50,000 from one industrial revolving account in any one year. There is established in the department of corrections under the control of the commissioner of corrections the Minnesota correctional industries revolving fund to which shall be transferred the revolving funds established by sections 243.41, 243.85, clause (f), and any other industrial revolving funds heretofore established at any state correctional facility under the control of the commissioner of corrections. The revolving fund established shall be used for the conduct of the industrial and commercial activities now or hereafter established at any state correctional facility, including but not limited to the purchase of equipment, raw materials, the payment of salaries, wages and other expenses necessary and incident thereto. Additionally, the expenses of inmate vocational training and the inmate release fund may be financed from the correctional industries revolving fund in an amount to be determined by the commissioner. The proceeds and income from all industrial and commercial activities conducted at state correctional facilities shall be deposited in the correctional industries revolving fund subject to disbursement as hereinabove provided.

Subd. 3. **DISBURSEMENT FROM FUND.** The correctional industries revolving fund shall be deposited in the state treasury and paid out only on proper vouchers as may be authorized and approved by the commissioner of corrections, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by the commissioner. The commissioner of corrections is authorized to keep and maintain at any correctional facility under his control a contingent fund, as provided in section 241.13; but the contingent fund shall at all times be covered and protected by a proper and sufficient bond to be duly approved as by law now provided.

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

Subd. 4. REVOLVING FUND; BORROWING. The commissioner of corrections is authorized, when in his judgment it becomes necessary in order to meet current demands on the correctional industries revolving fund, to borrow sums of money as may be necessary. The sums so borrowed shall not exceed, in any one year, 50 percent of the total of the net worth of correctional industries.

When the commissioner of corrections shall certify to the commissioner of finance and the state treasurer that, in his judgment, it is necessary to borrow a specified sum of money in order to meet the current demands on the correctional industries revolving fund, the state treasurer and the commissioner of finance may, in their discretion, transfer and credit to the correctional industries revolving fund, from any moneys in the state treasury not required for immediate disbursement, the whole or such part of the amount so certified as they deem advisable, which sum so transferred shall be repaid by the commissioner from the revolving fund to the fund from which transferred, at such time as shall be specified by the state treasurer and the commissioner of finance, together with interest thereon at such rate as shall be specified by the commissioner of finance and the state treasurer, not exceeding four percent per annum. When any transfer shall so have been made to the correctional industries revolving fund, the state treasurer and the commissioner of finance shall notify the commissioner of corrections of the amount so transferred to the credit of the correctional industries revolving fund, the date when the same is to be repaid, and the rate of interest so to be paid.

Subd. 5. Grants received from the federal government for any vocational training program or for administration under the jurisdiction of the commissioner of corrections shall, in the first instance, be credited to a federal grant fund and shall be transferred therefrom to the credit of the commissioner of corrections in the appropriate account upon certification of the commissioner of corrections that the amounts so requested to be transferred have been earned or are required for the purposes and program intended. Moneys received by the federal grant fund need not be budgeted as such provided transfers from the fund are budgeted for allotment purposes in the appropriate appropriation.

Sec. 3. TRANSFER OF FUNDS. The commissioner of finance and the state treasurer are directed to transfer all moneys in the revolving funds of the state prison, the state reformatory and any other revolving fund at any other state correctional facility of the department of corrections to the Minnesota correctional industries revolving fund established by this act, and to notify the commissioner of corrections of the amounts transferred and the date of the transfer.

Sec. 4. REPEALER. Minnesota Statutes 1978, Sections 243.19; 243.41; 243.42; 243.43; 243.44; 243.45; 243.46; 243.47; 243.63; 243.66; 243.67; 243.68; 243.80; 243.84; 243.85; 325.45; 325.46; and 325.47 are repealed.

Approved May 21, 1979.

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