

interest therein, which were actually installed on the premises of any retailer prior to April 16, 1943; (5) lease or lend to the owner of the premises, or to any retailer now or hereafter occupying the premises, any furniture, fixtures, fittings, and equipment actually located on the premises on April 16, 1943. Any such brewer or wholesaler who, within ten days after April 16, 1943, owns any furniture, fixtures, fittings, or equipment in possession of any retailer on April 16, 1943, may, within 90 days after April 16, 1943, sell the same to such retailer only for cash on delivery and deliver a bill of sale to the same.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved March 23, 1982

CHAPTER 613 — H.F.No. 1760

An act relating to crimes; expanding criminal responsibility of certain recipients of stolen property; modifying penalties for receiving stolen property; expanding definition of "burglary"; providing for interception of certain wire or oral communications; amending Minnesota Statutes 1980, Sections 609.53, Subdivisions 1 and 3; and 609.58, Subdivision 2; 626A.05, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 609.53, Subdivisions 1a and 4; repealing Minnesota Statutes 1980, Section 609.53, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 609.53, Subdivision 2a.

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

Section 1. Minnesota Statutes 1980, Section 609.53, Subdivision 1, is amended to read:

Subdivision 1. **PENALTY.** Any person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing or having reason to know the same to be property was stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$150 \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both;

(2) If the value of the property received, bought or concealed is less than \$150, to ~~punishment as a misdemeanor~~ \$1,000, but more than \$300, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both;

(3) If the value of the property received, bought or concealed is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not less than \$500, or both.

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

Sec. 2. Minnesota Statutes 1981 Supplement, Section 609.53, Subdivision 1a, is amended to read:

Subd. 1a. **PENALTY.** Any precious metal dealer as defined in section 325F.731, subdivision 2, or any person employed by a precious metal dealer as defined in section 325F.731, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing ~~the same to be~~ or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property received, bought or concealed is ~~\$150~~ \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;

(2) If the value of the property received, bought or concealed is less than ~~\$150~~ \$1,000 but more than \$300, to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than \$25,000, or both;

(3) If the value of the property received, bought, or concealed is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not less than \$500, or both.

Sec. 3. Minnesota Statutes 1980, Section 609.53, Subdivision 3, is amended to read:

Subd. 3. **SUBSEQUENT OFFENSE.** Any person convicted of a second or subsequent violation under subdivision ~~2~~ 1, clause (1) or (2) within a period of one year ~~may be sentenced as provided in subdivision 1, clause (1) five years from the date of the prior conviction may be fined up to twice the amount authorized by law.~~ Any person convicted of a second or subsequent violation under subdivision 1, clause (3) within a period of two years from the date of the prior conviction may be sentenced as provided in subdivision 1, clause (2).

Sec. 4. Minnesota Statutes 1981 Supplement, Section 609.53, Subdivision 4, is amended to read:

Subd. 4. **CIVIL ACTION; TREBLE DAMAGES.** Any person who has been injured by a violation of subdivisions 1 or ~~1a, 2a, or 3a~~ 3 may bring an action for three times the amount of actual damages, sustained by the plaintiff or \$1,500, whichever is greater, the costs of suit and reasonable attorney's fees.

Sec. 5. Minnesota Statutes 1980, Section 609.58, Subdivision 2, is amended to read:

Subd. 2. **ACTS CONSTITUTING.** Whoever enters a building without the consent of the person in lawful possession, or whoever enters a building by using artifice, trick, or misrepresentation to obtain consent to enter from the person in lawful possession, with intent to commit a crime ~~therein in it~~, or whoever remains within a building without the consent of the person in lawful

authority, with intent to commit a crime ~~therein~~ in it, commits burglary and may be sentenced as follows:

(1) To imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both, if:

(a) When entering or while in the building, he possesses an explosive or tool to gain access to money or property; or

(b) The building entered is a dwelling and he possesses a dangerous weapon when entering or while in the building or he commits an assault upon a person present ~~therein~~ in it; or

(c) The portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping, the entry is with force or threat of force, the intent is to steal or commit a felony ~~therein~~ in it.

(2) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the building entered is a dwelling and another person not an accomplice is present ~~therein~~ in it.

(3) In any other case, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the intent is to steal or commit a felony or gross misdemeanor or to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the intent is to commit a misdemeanor.

Sec. 6. Minnesota Statutes 1980, Section 626A.05, Subdivision 2, is amended to read:

Subd. 2. **OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.** A warrant authorizing interception of wire or oral communications by investigative or law enforcement officers may only be issued when ~~such~~ the interception may provide evidence of the commission of gambling ~~or~~ any criminal felony offense involving murder, manslaughter, aggravated assault, aggravated robbery, kidnapping, aggravated rape, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary, forgery, aggravated forgery, ~~gambling~~, and offenses relating to controlled substances, or an attempt or conspiracy to commit any ~~such offense or said of these offenses~~, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.225, 609.245, 609.25, 609.291, 609.321 to 609.324, 609.42, 609.48, 609.485, subdivision 4, clause (1), 609.52, 609.53, 609.54, 609.58, 609.625, 609.63, 609.76, 609.825, and chapter 152.

Sec. 7. **REPEALER.**

Minnesota Statutes 1980, Section 609.53, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 609.53, Subdivision 2a, are repealed.

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

Sec. 8. EFFECTIVE DATE.

Sections 1 to 5 are effective August 1, 1982 and apply to all crimes committed on or after that date. Section 6 is effective May 1, 1982, and applies to warrants issued on or after that date. Section 7 is effective August 1, 1982.

Approved March 23, 1982

CHAPTER 614 — H.F.No. 1799

An act relating to health; allowing certain nursing homes and hospitals to share an administrator; providing for evaluation of certain changes in certificate of need review; requiring certain price information to be reported and disseminated; requiring monitoring; amending the thresholds of review; providing for additional waivers; requiring reports; amending Minnesota Statutes 1980, Sections 144A.04, Subdivision 5; 145.833, Subdivision 5; 145.835, Subdivisions 3 and 4; Minnesota Statutes 1981 Supplement, Sections 250.05, Subdivision 4; 447.45, Subdivision 1; and 474.03; proposing new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 145.832 to 145.845, as amended; and Minnesota Statutes 1981 Supplement, Sections 62D.22, Subdivision 6; 145.834; and 145.845.

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

Section 1. PURPOSE.

The legislature finds that Minnesota has had certificate of need review since 1971 and that there is a need to evaluate the requirements of this law, the effect of the law on the current health care delivery system, and the effect of repeal of the law on the cost and quality of health care in Minnesota. The legislature further finds that the public may benefit from certain changes in the health care system but that supporting documentation, data, and information are lacking. It is the intent of the legislature that the Minnesota certificate of need act not be repealed prior to full consideration of the effects of such an action on the issue of cost for health care services. Alternative cost containment measures should be in place and documentation available that those measures will benefit the public interest and encourage the benefits of a price-competitive health care system for the citizens of Minnesota. It is the intent of the legislature that voluntary efforts to disseminate certain price information be encouraged and that mandatory efforts be undertaken only if voluntary efforts do not make satisfactory progress.

Sec. 2. [144.705] COLLECTION, ANALYSIS AND DISSEMINATION OF DIAGNOSTIC AND PRICE INFORMATION.

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