

iron ore concentrate produced in calendar years 1975 and 1976.

Approved April 5, 1978.

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CHAPTER 757-H.F.No.1819

*An act relating to workers' compensation; providing for the coverage of certain farm and business owners and employees upon election; amending Minnesota Statutes, 1977 Supplement, Sections 176.011, Subdivision 9; and 176.012.*

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

Section 1. Minnesota Statutes, 1977 Supplement, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. **EMPLOYEE.** "Employee" means any person who performs services for another for hire; and includes the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, policeman, fireman, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(6) an executive officer of a corporation except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), nor shall it include an executive officer of a closely held corporation who is referred to in section 176.012;

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid

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at the time of such injury or death for similar services in institutions where such services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be employees. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services where such services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of such injury or death for similar services where such services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees.

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees.

In the event it is difficult to determine the daily wage as herein provided, then the trier of fact may determine the wage upon which the compensation is payable.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 176.012, is amended to read:

**176.012 OWNERS MAY BE COVERED.** ~~If a workers' compensation policy is procured~~ For the purposes of this chapter, an owner or owners of a business or farm, executive officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), or an executive officer of a closely held corporation which employed less than the equivalent of 11 full time employees in the previous calendar year if that executive officer is also an owner of at least 25 percent of the stock of that corporation, and the

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spouse, parent, and child, regardless of age, of the farm owner or farm owners or executive officer and working therefor, or partners of a partnership owning a business or farm, whether or not employing any other person to perform a service for hire, shall be included within the meaning of the term employee unless such if the owner, owners, partners or, family farm corporation or executive officer of a closely held corporation elect in writing not to come bring themselves, an executive officer, or a spouse, parent, or child under the provisions of this chapter, and the policy so states the election provide the insurance required thereunder. Nothing in this section shall be construed to limit the responsibilities of such the owners, partners or, family farm corporations or closely held corporations to provide coverage for their employees, if any, required under this chapter.

Sec. 3. This act is effective the day after final enactment.

Approved April 5, 1978.

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CHAPTER 758-H.F.No.1823

*An act relating to public health; requiring certain immunizations for students; amending Minnesota Statutes 1976, Section 123.70.*

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

Section 1. Minnesota Statutes 1976, Section 123.70, is amended to read:

**123.70 HEALTH STANDARDS; NEWLY ENROLLED STUDENTS.** Subdivision 1. Prior to his initial enrollment in any school in this state every child shall submit to the principal or other person having general control and supervision of the school, one of the following statements:

(1) A statement signed by from a physician or a public clinic which provides immunizations stating that he the child has received immunization against red measles and, German measles or rubella by such means as is approved by the state board of health and that such immunization is currently effective, diphtheria, tetanus, pertussis, polio and mumps; or

(2) A statement from a physician or a public clinic which provides immunizations stating that the child has received immunizations against red measles, German measles or rubella, mumps and that the child has commenced a schedule of immunizations for diphtheria, tetanus, pertussis and polio;

(3) A statement signed by a physician stating that the physical condition of the child is such that immunization would seriously endanger his the life or health of the child ; or

(4) A notarized statement signed by his the child's parent or guardian stating that he the child has not been immunized as prescribed in clause (1) or (2) because he of

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