

~~the commencement of the action; Three years under commitment pursuant to the provisions of Minnesota Statutes, Chapter 253A for mental illness or previous commitment statutes, provided that: (a) Commitment itself be sufficient with or without institutionalization; (b) the three years need not be continuous; (c) in granting a divorce upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct, upon the nearest blood relative and guardian of such insane person and the superintendent of the institution in which he is confined the guardian of the person and the guardian of the estate of such mentally ill person, if such guardian or guardians have been appointed and have qualified, and if such mentally ill person be confined, upon the superintendent of the institution in which such mentally ill person is confined; (d) such relative or guardian and superintendent of the institution shall be entitled to appear and be heard upon any and all issues; (e) the status rights of the parties as to the support and maintenance of the insane mentally ill person shall not be altered in any way by the granting of the divorce; (f) the person be under commitment for mental illness at the time of the commencement of the action; and (g) a guardian ad litem shall be appointed for such mentally ill person;~~

(8) Continuous separation under decree of limited divorce for more than five years next preceding the commencement of the action, and continuous separation under an order or decree of separate maintenance for a period of two years immediately preceding the commencement of the action.

(9) A decree of divorce may be adjudged to either husband or wife notwithstanding that both have conducted themselves in such manner as to constitute grounds for divorce.

Approved May 27, 1969.

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CHAPTER 765—H. F. No. 417

[Coded]

*An act relating to occupational safety; creating occupational safety and health advisory board; providing for powers and duties of the board and the commissioner of the department of labor and industry; and providing penalties.*

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

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Section 1. **[182.50] Occupational safety; policy and purpose.** Occupational accidents produce social and economic loss, impair productivity and retard the advancement of standards of living. Both humane and economic considerations recommend the establishment and implementation of effective injury control measures. A unified continuing professional effort is required. A dynamic program of safety inspection, education, and training is necessary for the control of occupational accidents.

Sec. 2. **[182.51] Definitions.** Subdivision 1. As used in this act, the terms defined in this section shall have the following meanings.

Subd. 2. "Employer" means a person, corporation, partnership, trust, society, club association or other organization, including municipalities and the state, which employs one or more persons.

Subd. 3. "Employee" means a person permitted to work by an employer in employment.

Subd. 4. "Board" means the occupational safety and health advisory board.

Subd. 5. "Place of employment" means the plant or premises in or about which an employee is permitted to work.

Subd. 6. "Department" means the department of labor and industry.

Subd. 7. "Commissioner" means the director of the department or his duly designated representative.

Subd. 8. "Employment" includes all services for pay under a contract for hire except service in agricultural or domestic employment.

Sec. 3. **[182.52] Conditions of work.** Each employer shall establish and maintain conditions of work which are reasonably safe and healthful for employees. Each employer's methods, processes, devices, and safeguards, including methods of sanitation and hygiene, shall be such as are reasonably necessary to protect the life, health, and safety of his employees. No person shall render ineffective any protective devices or safeguards installed or provided in compliance with the provisions of this act for protection of health or safety.

Sec. 4. **[182.53] Occupational safety and health advisory board.** Subdivision 1. **Members.** An occupational safety and

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health advisory board consisting of 11 members is created within the department of labor and industry. The board members shall be chosen as follows: Five shall represent management, at least one of whom shall be appointed from the construction industry, one from the manufacturing industry, and one from the utilities industry; five shall represent labor, at least one of whom shall be appointed from the construction industry, one from the manufacturing industry, and one from the utilities industry; and one shall represent the general public. The commissioner shall be an *ex officio* member and shall serve as secretary of the board. The board shall elect, from its members by a concurring vote of not less than six members, other officers as necessary to carry out the duties thereof.

**Subd. 2. Term.** The governor, with the advice and consent of the senate, shall appoint the members of the board for terms of four years, or until their successors are appointed and qualified, except that of the members first appointed, three shall be appointed for four years, three for three years, three for two years, and two for one year. Vacancies shall be filled by appointment for the unexpired term by the governor in the same manner as the original appointments.

**Subd. 3. Compensation.** A majority of the board members constitutes a quorum. Members of the board, other than the secretary, shall receive \$35 for each day or part thereof, not to exceed 25 days in any calendar year, necessarily spent in the discharge of their duties. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees. The board shall meet not less than four times in any calendar year, at the call of its chairman, or upon the request of any six members.

**Sec. 5. [182.54] Standards.** The board shall propose standards, and may propose by reference nationally recognized standards, for the prevention of accidents in all places of employment and for the protection of the life, health, and safety of employees.

In the development of any proposed standard, the board may appoint and consult with an *ad hoc* committee which shall be representative of the major interests to be affected by the proposed standard and the members of which shall be experienced in the field to which the proposed standard would apply.

**Sec. 6. [182.55] Rulemaking power.** Subdivision 1. The commissioner may after the receipt from the board of proposed standards accept, adopt, and issue them by rule with any modifications or amendments he finds appropriate. He may refer them back to the board with his recommendations for further consideration and revision. He may also issue additional standards by rule.

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Subd. 2. Rules, modifications, amendments, and repeals thereof which may be issued by the commissioner under this section to carry out the provision of this act and to effectively exercise the other duties imposed on him by law shall be adopted in accordance with Minnesota Statutes, Chapter 15 and shall have the force and effect of law.

Sec. 7. **[182.56] Variations.** If there are practical difficulties or unnecessary hardship in carrying out the provisions of this act or a rule of the commissioner thereunder, the commissioner may permit variation from the requirement if the spirit of the provision, or rule, will be observed and the safety and health of the employee will remain protected. Any person affected by a provision of this act or a rule thereunder, or his agent, may request the commissioner to permit a variation, stating the grounds for his request. Any authorization by the commissioner of a variation shall be in writing and shall describe the conditions under which the variation shall be permitted. A properly indexed record of all variations shall be kept in the office of the department and open to public inspection.

Sec. 8. **[182.57] Right of entry and investigation.** The commissioner or his authorized representative shall have the power and authority to enter and inspect places, during normal working hours, question employees, and investigate facts, conditions, practices, or matters as he deems appropriate to determine the cause of any accident that has occurred, or whether any person has violated any provisions of this act, or any rule issued thereunder. The commissioner may further investigate all matters which may aid in the enforcement of this act.

Sec. 9. **[182.58] Enforcement.** The commissioner shall have the power to administer and enforce the provisions of this act. If the commissioner or his authorized representative finds that any machinery, equipment, device, or operation in any place of employment is in a dangerous condition, he may attach a notice to the machinery, equipment, device, or operation or post a notice in the area warning all persons of the danger. If the equipment or the occupancy of the area involved constitutes an immediate hazard, the notice shall prohibit further work in or occupancy of the area until the dangerous condition is corrected and the notice is removed by the commissioner or his authorized representative. In other situations the notice shall state a reasonable time within which the condition complained of may be corrected.

Sec. 10. **[182.59] Objections; hearing.** If any employer objects to the posting of a notice as provided in section 9 on

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the ground that the machinery, equipment, device, operation, or area is not in a dangerous condition, or on the ground that there is no violation of law or of rules or regulations promulgated under this act, he may apply for a variation under section 7 and may file written objection thereto by certified mail with the commissioner within seven calendar days after the posting of such notice. Upon receipt of said objection, the commissioner shall set the contested case for hearing no less than five nor more than 14 calendar days from the date of receipt of said objection. The commissioner shall serve written notice upon the objector, stating the time and place of the hearing, at least five days prior to the hearing. Thereupon the proceedings shall be in accordance with Minnesota Statutes 1967, Chapter 15.

**Sec. 11. [182.60] Power as to witnesses.** The commissioner, in the performance of any duty or the execution of any power prescribed by this act, shall have the power to administer oaths, certify as to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of papers, books, documents, records, and testimony. In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, the district court shall, upon application of the commissioner, compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify therein.

**Sec. 12. [182.61] Penalties and injunctions.** Subdivision 1. If an employer fails to comply with an order issued by the commissioner under this act, the commissioner shall refer the matter to the county attorney of the county in which the violation exists who shall promptly institute proceedings in the district court for an injunction to enforce the order of the commissioner. Proceedings in connection with an application for an injunction shall be conducted *de novo*. If for any reason the prosecuting attorney fails to act on a case referred to him under this subdivision, the commissioner shall refer the case to the attorney general for his review.

Subd. 2. Any person failing to comply with any provisions of this act, or with any rule or order issued thereunder, or interfering with, impeding, or obstructing in any manner the commissioner or his authorized representatives or the board members in the performance of their official duties under this act, shall be guilty of a gross misdemeanor upon conviction thereof and shall be subject to a fine of not

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less than \$100 nor more than \$1,000, or to imprisonment for not less than 90 days nor more than one year, or both, for each offense.

Sec. 13. [182.62] **Jurisdiction.** This act is not intended to apply to employment or places of employment under the exclusive jurisdiction of the federal government. In the exercise of their respective powers and duties under this act, the commissioner and the board shall give due consideration to those places of employment that have effective federal regulations and adequate federal inspections and avoid unnecessary duplications.

Approved May 27, 1969.

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CHAPTER 766—H. F. No. 516

[Coded]

*An act relating to the licensing and regulation of collection agencies; providing penalties for violations; creating an advisory board; repealing Minnesota Statutes 1967, Sections 332.01 to 332.03.*

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

Section 1. [332.31] **Collection agencies; definitions.**  
Subdivision 1. The terms in this section for the purposes of sections 1 to 19 shall have the meanings given them.

Subd. 2. **Person.** "Person" means and includes individuals, partnerships, associations or corporations.

Subd. 3. **Collection agency.** "Collection agency" means and includes any person engaged in the business of collection for others any account, bill or other indebtedness except as hereinafter provided. It includes persons who furnish collection systems carrying a name which simulates the name of a collection agency and who supply forms or form letters to be used by the creditor, even though such forms direct the debtor to make payments directly to the creditor rather than to such fictitious agency.

Subd. 4. **Department.** "Department" means the department of labor and industry of the state of Minnesota.

Subd. 5. **Board.** "Board" means the collection agency advisory board.

Sec. 2. [332.32] **Exclusions.** The term "collection

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