

section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304.

Sec. 2. Minnesota Statutes 1978, Section 177.24, Subdivision 1, is amended to read:

177.24 **PAYMENT OF MINIMUM WAGES.** Subdivision 1. Except as may otherwise be provided in sections 177.21 to 177.35, or by ~~regulation~~ rule issued pursuant thereto, every employer shall pay to each of his employees ~~employee~~ who is 18 years of age or older wages at a rate of not less than ~~\$2.30~~ \$2.90 an hour beginning January 1, 1980, \$3.10 an hour beginning January 1, 1981, and \$3.35 an hour beginning January 1, 1982, and shall pay to each of his employees ~~employee~~ who is under the age of 18 wages at a rate of not less than ~~\$2.07~~ \$2.61 an hour beginning January 1, 1980, \$2.79 an hour beginning January 1, 1981, and \$3.02 an hour beginning January 1, 1982.

Approved May 30, 1979.

CHAPTER 282—H.F.No.866

An act relating to peace officers; regulating part-time officers; appropriating money; amending Minnesota Statutes 1978, Sections 626.84 and 626.841; and Chapter 626, by adding sections.

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

Section 1. Minnesota Statutes 1978, Section 626.84, is amended to read:

626.84 **DEFINITIONS.** For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

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(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time officer" means an individual whose services are utilized by law enforcement agencies no more than an average of 14 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Sec. 2. Minnesota Statutes 1978, Section 626.841, is amended to read:

626.841 **BOARD; MEMBERS.** The board of peace officer standards and training shall be composed of the following 11 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) The superintendent of the Minnesota bureau of criminal apprehension or his designee;

(d) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;

(e) Two members to be appointed by the governor from among the general public.

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A chairman shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 3. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8461] PART-TIME OFFICERS; POLICY. The legislature finds and declares that it is necessary to establish minimum training requirements for part-time officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further finds that part-time officers are most effectively utilized as a supplement to regular, fully trained and licensed, peace officers and does not encourage the use of part-time officers when needs for service would otherwise justify the use of full-time officers.

Sec. 4. **[626.8467] CURRENT PART-TIME OFFICERS.** Subdivision 1. ELIGIBILITY. No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before the effective date of this act if that individual has within six months of the effective date of this act failed to provide proof to the board that he has met board selection requirements in effect on January 1, 1979 relating to minimum medical qualifications, past criminal record, and psychological screening; provided that the board shall grant a reasonable extension of time to satisfy the requirements of this subdivision to any law enforcement agency that shows satisfaction of selection standards within six months would impose financial hardship.

Subd. 2. FIRST AID, FIREARMS. No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before the effective date of this act if, within 12 months of the effective date of this act, that individual has failed to provide proof to the board that he has successfully completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force.

Subd. 3. PART-TIME LICENSE. No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before the effective date of this act, if, within 24 months of the effective date of this act, that individual has not successfully passed a board part-time officer licensing examination.

Sec. 5. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8462] COMPETENCY REQUIREMENTS. Part-time officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 54 hours:

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- (a) Law of arrest, including probable cause;
- (b) Law of search and seizure;
- (c) Confessions and interrogations, oral and written;
- (d) Law and rules of evidence;
- (e) Minnesota criminal code;
- (f) Juvenile law;
- (g) General principles of criminal investigations;
- (h) Crime scene search and investigation;
- (i) Preservation and collection of crime scene evidence;
- (j) Traffic enforcement, including accident investigation.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

Sec. 6. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8463] PART-TIME OFFICER REPLACEMENTS. Any individual appointed or employed as a part-time officer to a position which was filled by a part-time officer in the year 1978 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

(a) Within six months of his appointment he has satisfied the selection standards of the board then in effect;

(b) Within 12 months of his appointment he has successfully met the training requirements of section 4, subdivision 2;

(c) Within 24 months of his appointment he has successfully passed a board part-time officer licensing examination.

A law enforcement agency may designate personnel as part-time officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers in the year 1978. Provided that the number of personnel so designated shall not exceed a number equal to ten percent of the positions filled by part-time officers during the year 1978, rounded to the next highest whole number.

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Sec. 7. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8464] NEW PART-TIME POSITIONS. Except as otherwise provided in section 6, any individual appointed or employed as a part-time officer to a position which was not filled by a part-time officer in the year 1978 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

Sec. 8. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8465] SUPERVISION OF PART-TIME OFFICERS. Subdivision 1. No law enforcement agency shall utilize the services of a part-time officer unless the part-time officer exercises his powers and duties under the supervision, directly or indirectly of a licensed peace officer designated by the chief law enforcement officer. Supervision also may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.

Subd. 2. PART-TIME LICENSE, RESTRICTION. Any individual licensed by the board as a part-time officer shall be eligible for appointment or employment anywhere in the state as a part-time officer but not as a peace officer unless he meets board training and licensing requirements then in effect for peace officers.

Subd. 3. EMERGENCY APPOINTMENT. Upon application of a law enforcement agency the board shall exempt from the provisions of this act the number of individuals necessary to secure and maintain the public safety in the case of an emergency arising from a natural disaster, civil disorder, fire, explosion, or similar catastrophic event; provided that no exemption shall be valid for a period exceeding 30 days. In the event the emergency requires an exemption immediately, the director or in case of his absence, the chief law enforcement officer of the municipality or township, or the sheriff of the county in which the emergency has arisen, shall grant an exemption which shall be valid only until the board has met and approved or rejected the application, but in no event shall an exemption granted by the director, the chief law enforcement officer of the municipality or township, or a county sheriff, be valid for a period exceeding seven days.

Sec. 9. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8466] RESERVE OFFICERS. Notwithstanding any provision of this chapter or rule of the board to the contrary, no reserve officer shall be subject to mandatory training, licensing, or continuing education requirements except as may be established by the agency utilizing the services of the reserve officer.

Sec. 10. **APPROPRIATION.** There is appropriated to the Minnesota board of peace officer standards and training the sum of \$10,000 from the general fund to implement and administer the provisions of this act during the biennium ending June 30, 1981.

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Sec. 11. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved May 30, 1979.

CHAPTER 283—H.F.No.913

An act relating to small businesses; increasing state procurement from small businesses; amending Minnesota Statutes 1978, Section 16.083, Subdivisions 1 and 4.

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

Section 1. Minnesota Statutes 1978, Section 16.083, Subdivision 1, is amended to read:

16.083 PROCUREMENT FROM SMALL BUSINESSES. Subdivision 1. **SMALL BUSINESS SET-ASIDES.** The commissioner of administration shall for each fiscal year designate and set aside for awarding to small businesses approximately ~~ten~~ 20 percent of the value of anticipated total state procurement of goods and services including construction. The commissioner shall divide the procurements so designated into contract award units of economically feasible production runs in order to facilitate offers or bids from small businesses. In making his annual designation of set-aside procurements the commissioner shall attempt to vary the included procurements so that a variety of goods and services produced by different small businesses shall be set aside each year. The failure of the commissioner to set aside particular procurements shall not be deemed to prohibit or discourage small businesses from seeking the procurement award through the normal solicitation and bidding processes.

Sec. 2. Minnesota Statutes 1978, Section 16.083, Subdivision 4, is amended to read:

Subd. 4. **PREFERENCE TO SMALL BUSINESSES.** At least ~~ten~~ 15 percent of the value of the procurements designated for set-aside awards shall be awarded, if possible, to businesses owned and operated by socially or economically disadvantaged persons. In the event small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least ~~ten~~ 15 percent of the set-aside awards, ~~then~~ the commissioner shall award the balance of the set-aside contracts to other small businesses.

Sec. 3. **REPORT.** The commissioner of administration shall submit to the governor and the legislature on or before January 15, 1980, a report on implementation of this act.

Sec. 4. Sections 1 and 2 of this act are effective October 1, 1979. Section 3 of this act is effective July 1, 1979.

Approved May 30, 1979.

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