

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section ~~85.041~~ 1 of this act 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;

(13) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota school for the deaf or the Minnesota braille and sight-saving school, and whose services have been accepted or contracted for by the state board of education, as authorized by law, shall be an employee 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 at the time of such injury or death for similar services in institutions 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. 3. Minnesota Statutes 1978, Section 85.041, is repealed.

Approved March 28, 1980

CHAPTER 385—S.F.No. 1403

An act relating to workers' compensation; providing that certain farmers shall not be considered employees; amending Minnesota Statutes 1978, Section 176.011, Subdivision 11a, and by adding a subdivision.

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

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

Section 1. Minnesota Statutes 1978, Section 176.011, is amended by adding a subdivision to read:

Subd. 9a. EMPLOYEE. For purposes of this chapter "employee" does not include farmers or members of their family who exchange work with other farmers in the same community.

Sec. 2. Minnesota Statutes 1978, Section 176.011, Subdivision 11a, is amended to read:

Subd. 11a. **FAMILY FARM.** "Family farm" means any farm operation which pays or is obligated to pay less than \$4,000 in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year. For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 4 2 , or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter ; provided that a commercial baler or commercial thresherman shall be considered an independent contractor.

Approved March 28, 1980

CHAPTER 386—S.F.No. 1471

An act relating to local government; regulating elections in the city of Duluth and Independent School District 709; setting the filing dates in local primary elections back four weeks to allow the city additional time to prepare.

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

Section 1. Notwithstanding Minnesota Statutes, Section 205.13 or any other general or special law or charter provision to the contrary, any eligible person desiring to have his name placed on the ballot for any office to be voted for at the Duluth municipal primary election or the primary election for Independent School District 709 shall file his affidavit of candidacy with the Duluth city clerk not more than 70 days nor less than 56 days before the primary election.

Sec. 2. This act is effective upon approval by the Duluth city council and the governing body of Independent School District 709 and compliance with Minnesota Statutes, Section 645.021.

Approved March 28, 1980

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