

CHAPTER 46—H.F.No. 1049

An act relating to labor; regulating the administration of the occupational safety and health act; clarifying employee rights to sue; amending Minnesota Statutes 1986, sections 182.659, subdivisions 6 and 8; 182.661, by adding a subdivision; 182.666, subdivisions 1, 2, 4, 5, and 6; and 182.669, subdivision 1.

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

Section 1. Minnesota Statutes 1986, section 182.659, subdivision 6, is amended to read:

Subd. 6. Upon the refusal or anticipated refusal, based on an employer's refusal to permit entrance on a prior occasion, of an owner, operator, or agent in charge to permit entry as specified in this chapter ~~732~~, the commissioner may apply for an order in the district court in the county in which ~~entry was refused~~ a workplace is located, which compels the employer to permit the commissioner to enter and inspect the ~~place of employment~~ workplace.

Sec. 2. Minnesota Statutes 1986, section 182.659, subdivision 8, is amended to read:

Subd. 8. Neither the commissioner nor any employee of the department, including those employees of the department of health providing services to the department of labor and industry, pursuant to section 182.67, subdivision 1, is subject to subpoena for purposes of inquiry into any occupational safety and health inspection except in enforcement proceedings brought under this chapter. All written information, documentation and reports gathered or prepared by the department pursuant to an occupational safety and health inspection are public information once the departmental inspection file is closed.

Sec. 3. Minnesota Statutes 1986, section 182.661, is amended by adding a subdivision to read:

Subd. 3a. As prescribed in rules issued by the board, each notice of intent to contest the citation, proposed assessment of penalty, or period of time fixed in the citation for correction of the violation shall be prominently posted at or near each place a violation referred to in the citation occurred or served on affected employers, employees, and employee representatives. If the contesting employer, employee, or employee representation fails to post or serve the notice of intent to contest the citation, the proposed assessment of penalty, or the period of time fixed for correction of the violation within the time prescribed in rules issued by the board, the board may render a default judgment in favor of the commissioner.

Sec. 4. Minnesota Statutes 1986, section 182.666, subdivision 1, is amended to read:

Subdivision 1. Any employer who willfully or repeatedly violates the require-

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ments of section 182.653, or any standard, rule, or order promulgated under the authority of the commissioner as provided in this chapter, may be assessed a fine not to exceed \$10,000 for each violation.

Sec. 5. Minnesota Statutes 1986, section 182.666, subdivision 2, is amended to read:

Subd. 2. Any employer who has received a citation for a serious violation of its duties under section 182.653, or any standard, rule, or order promulgated under the authority of the commissioner as provided in this chapter, shall be assessed a fine not to exceed \$1,000 for each such violation.

Sec. 6. Minnesota Statutes 1986, section 182.666, subdivision 4, is amended to read:

Subd. 4. Any employer who fails to correct a violation for which a citation has been issued under section 182.66 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the commissioner board in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a fine of not more than \$1,000 for each day during which such failure or violation continues.

Sec. 7. Minnesota Statutes 1986, section 182.666, subdivision 5, is amended to read:

Subd. 5. Any employer who violates any of the posting requirements, as prescribed under this chapter, except those prescribed under section 182.661, subdivision 3a, shall be assessed a fine of up to \$1,000 for each violation.

Sec. 8. Minnesota Statutes 1986, section 182.666, subdivision 6, is amended to read:

Subd. 6. Only the commissioner shall have authority to assess all proposed fines provided in this section, giving due consideration to the appropriateness of the fine with respect to the size of the business of the employer, the gravity of the violation, the good faith of the employer, and the history of previous violations.

Sec. 9. Minnesota Statutes 1986, section 182.669, subdivision 1, is amended to read:

Subdivision 1. Any employee believed to have been discharged or otherwise discriminated against by any person because such employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as the commissioner deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee the commissioner shall

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refer the matter to the office of administrative hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. The administrative law judge may order rehiring of the employee, reinstatement of the employee's former position, fringe benefits, seniority rights, back pay, recovery of compensatory damages, and reasonable attorney fees, or other appropriate relief. ~~Nothing in this section precludes An employee from bringing an may bring a private action in the district court for relief under this section ~~or any other provision of law.~~~~

Approved April 30, 1987

CHAPTER 47—S.F.No. 73

An act relating to game and fish; authorizing nonresident high school foreign exchange students to obtain resident licenses to take deer by archery; amending Minnesota Statutes 1986, section 97A.455.

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

Section 1. Minnesota Statutes 1986, section 97A.455, is amended to read:

97A.455 NONRESIDENT STUDENTS; FISHING AND, SMALL GAME, AND DEER.

(a) A nonresident that is a full-time student at an educational institution in the state and resides in the state during the school year may obtain a resident license to take fish or small game by providing proof of student status as prescribed by the commissioner.

(b) A nonresident that is a full-time foreign exchange student at a high school in the state and resides with persons in the state may obtain a resident license to take deer by archery by providing proof of foreign exchange student status as prescribed by the commissioner.

Approved April 29, 1987

CHAPTER 48—S.F.No. 136

An act relating to transportation; school bus safety; providing for amber proceed-with-caution signal for driver-activated student control warning systems; amending Minnesota Statutes 1986, section 169.44, subdivision 1d.

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

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