

Section 1. Minnesota Statutes 1986, section 169.44, subdivision 1d, is amended to read:

Subd. 1d. **OPTIONAL SYSTEM.** In addition to equipment required under subdivision 1a and notwithstanding the provisions of section 169.64, a school bus may be equipped with a driver-activated student control warning system which includes a high-intensity red flashing signal, an audible warning signal and a ~~green all-clear~~ an amber proceed-with-caution signal, and may activate such a system whenever the use of the stop signal arm and flashing red signals is required under subdivision 2.

Approved April 29, 1987

CHAPTER 49—S.F.No. 440

An act relating to statutes; removing certain substantive gender references in Minnesota Statutes; amending Minnesota Statutes 1986, sections 13.83, subdivision 2; 88.11, subdivision 1; 176.111, subdivisions 15 and 21; 218.021, subdivision 2; 252.07; 315.44; 315.48; 353.01, subdivision 2b; 358.14; 387.15; 387.16; 540.05; 548.06; 593.01, subdivision 1; 631.412; 641.06; 641.14; and 642.08; repealing Minnesota Statutes 1986, sections 176.011, subdivision 13; 315.49; 382.17; and 593.02.

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

Section 1. Minnesota Statutes 1986, section 13.83, subdivision 2, is amended to read:

Subd. 2. **PUBLIC DATA.** Unless specifically classified otherwise by state statute or federal law, the following data created or collected by a medical examiner or coroner on a deceased individual is public: name of the deceased; date of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion; age, if known, or approximate age; identifying marks, scars and amputations; a description of the decedent's clothing; marital status; location of death including name of hospital where applicable; name of spouse; whether or not the decedent ever served in the armed forces of the United States; social security number; occupation; business; father's name (also birth name, if different); mother's ~~maiden~~ name (also birth name, if different); birthplace; birthplace of parents; cause of death; causes of cause of death; whether an autopsy was performed and if so, whether it was conclusive; date and place of injury, if applicable, including work place; how injury occurred; whether death was caused by accident, suicide, homicide, or was of undetermined cause; certification of attendance by physician; physician's name and address; certification by coroner or medical examiner; name and signature of coroner or medical examiner; type of disposition of body; burial place name and location, if applicable; date of burial, cremation or removal; funeral home name and address; and name of local register or funeral director.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1986, section 88.11, subdivision 1, is amended to read:

Subdivision 1. At any time forest officers, with the approval of the commissioner, may employ suitable persons to prevent and extinguish any fires. Each forest officer so employed shall be supplied with the necessary equipment. The commissioner, or any forest officer, may summon any ~~male~~ person of the age of 18 years and upward to assist in stopping any fire burning in the district under the care of such state employee and may incur any other necessary and reasonable expense for this purpose, but shall promptly report the matter to the next superior officer or other state employee over the forest officer.

Sec. 3. Minnesota Statutes 1986, section 176.111, subdivision 15, is amended to read:

Subd. 15. **REMOTE DEPENDENTS.** If the deceased employee leaves no surviving spouse or child or ~~husband or~~ parent entitled to any payment under this chapter, but leaves a grandparent, grandchild, brother, sister, mother-in-law, or father-in-law wholly dependent on the employee for support, there shall be paid to such dependent, if but one, 30 percent of the weekly wage at the time of injury of the deceased, or if more than one, 35 percent of the weekly wage at the time of the injury of the deceased, divided among them share and share alike.

Sec. 4. Minnesota Statutes 1986, section 176.111, subdivision 21, is amended to read:

Subd. 21. **DEATH, BENEFITS; COORDINATION WITH GOVERNMENTAL SURVIVOR BENEFITS.** The following provision shall apply to any dependent entitled to receive weekly compensation benefits under this section as the result of the death of an employee, and who is also receiving or entitled to receive benefits under any government survivor program:

The combined total of weekly government survivor benefits and workers' compensation death benefits provided under this section shall not exceed 100 percent of the weekly wage being earned by the deceased employee at the time of the injury causing death; provided, however, that no state workers' compensation death benefit shall be paid for any week in which the survivor benefits paid under the federal program, by themselves, exceed 100 percent of such weekly wage provided, however, the workers' compensation benefits payable to a dependent surviving spouse shall not be reduced on account of any governmental survivor benefits payable to decedent's children if the support of the children is not the responsibility of the dependent surviving spouse.

For the purposes of this subdivision "dependent" means dependent surviving spouse together with all dependent children and any other dependents. For the purposes of this subdivision, mother's ~~or father's~~ insurance benefits received pursuant to United States Code, title 42, section 402(g), are benefits under a government survivor program.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 5. Minnesota Statutes 1986, section 218.021, subdivision 2, is amended to read:

Subd. 2. Nothing herein shall prohibit carriage, storage or handling of property free or at reduced rates for the United States, the state, or any governmental subdivision thereof, ministers of religion, ~~sisters of charity persons who have taken a vow of poverty as members of a religious order~~, missionaries, students of educational institutions or inmates of charitable institutions, or for charitable purposes, or for exhibition at fairs or at expositions, nor prohibit the interchange of freight transportation and message service between railroad, motor bus and telegraph companies.

Sec. 6. Minnesota Statutes 1986, section 252.07, is amended to read:

252.07 SHERIFF, EXPENSES.

In any county where the sheriff receives a salary in full compensation for official services performed for the county, the sheriff shall receive no additional compensation for services performed under the provisions of sections 252.06 to 252.08, but shall be reimbursed by the county wherein such person with mental retardation was committed for the necessary expenses incurred by the sheriff in taking charge of and transporting such person to a state hospital and the subsistence of the sheriff and such person while enroute.

In any county where the sheriff does not receive a salary the sheriff shall be paid \$5 a day for the time necessarily employed in performance of the service, together with expenses incurred in taking charge of and transporting such person to such state hospital and the subsistence of the sheriff and such person while enroute.

When the person with mental retardation is a ~~female not the same sex as the sheriff~~, the sheriff shall appoint some suitable ~~woman person of the same sex as the person with mental retardation~~ to act instead. ~~Such woman~~ The appointee shall exercise all the powers vested in the sheriff and shall be paid \$5 per day for the time necessarily employed in the performance of such service, together with expenses incurred ~~by her~~ in taking charge of and transporting such person to such state hospital and the subsistence of ~~herself and such person both~~ while enroute.

Sec. 7. Minnesota Statutes 1986, section 315.44, is amended to read:

315.44 ~~YOUNG MEN'S CHRISTIAN ASSOCIATION~~ YMCA, YWCA; FORMATION, CERTIFICATE.

Three or more persons may form a corporation known as a Young Men's Christian Association; or a Young Women's Christian Association by adopting, signing, and acknowledging a certificate of incorporation containing:

- (1) the names and places of residence of the incorporators;

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- (2) the name of the corporation, the location of its principal place of business, and the period of its duration;
- (3) the objects of its organization expressly stated;
- (4) the number of its directors, not less than five, who shall manage its affairs, how and when elected, and the time and place of annual meetings; and
- (5) the terms of admission to active membership.

The certificate must be in duplicate, and one filed with the secretary of state and the other with the county recorder of the county of its principal place of business.

Sec. 8. Minnesota Statutes 1986, section 315.48, is amended to read:

315.48 REINCORPORATION.

A religious society now conducting its affairs as a Young Men's Christian Association or a Young Women's Christian Association may reincorporate under sections 315.44 to 315.47. The new certificate of incorporation must be executed by all the directors of the association. Upon reincorporation the property of the society passes to and vests in the corporation so formed.

Sec. 9. Minnesota Statutes 1986, section 353.01, subdivision 2b, is amended to read:

Subd. 2b. **EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of "public employee":

- (a) Persons employed for professional services where such service is incidental to regular professional duties.
- (b) Election officers.
- (c) Independent contractors and their employees.
- (d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.
- (e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.
- (f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$325 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

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(g) Part-time employees who receive monthly compensation not exceeding \$325, and part-time employees and elected officials whose annual compensation is stipulated in advance to be not more than \$3,900 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed \$325 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) ~~Chaplains and nuns who have taken a vow of poverty as members of a religious order~~ Persons who are excluded from coverage under the federal old age, survivors, disability and health insurance program for the performance of service as specified in United States Code, Title 42, section 410(a) (8) (A), as amended through January 1, 1987.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms pre-

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scribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Training and Employment Act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of \$325 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) A person holding a part time adult supplementary vocational technical school license who renders part time teaching service in a vocational technical school if (1) the service is incidental to the person's regular nonteaching occupation; and (2) the applicable vocational technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year.

(t) A person exempt from licensure pursuant to section 125.031.

Sec. 10. Minnesota Statutes 1986, section 358.14, is amended to read:

358.14 MARRIED PERSONS.

No separate examination of a ~~married woman~~ each spouse shall be required, but if husband and wife join in and acknowledge the execution of any instrument, they shall be described in the certificate of acknowledgment as husband and wife; and, if they acknowledge it before different officers, or before the same officer at different times, each shall be described in the certificate as the spouse of the other.

Sec. 11. Minnesota Statutes 1986, section 387.15, is amended to read:

387.15 WOMEN MAY BE APPOINTED DEPUTY SHERIFFS TEMPORARY JURY BAILIFFS.

If the sex of any juror is different from the sex of all available jury bailiffs, the presiding judge of any district court at any time before the return of a verdict by a petit jury ~~composed of both men and women,~~ serving upon a case pending therein, by order issued to the sheriff and entered upon the minutes of the court, may direct the sheriff to appoint a female person of the juror's sex who is a legal voter of the county as special deputy sheriff or bailiff to serve until the discharge of such jury from further service upon the pending case. The appointment shall forthwith be made and entered upon the minutes of the court

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and before entering upon the performance of her duties, the person so appointed shall take and subscribe the oath by law required of deputy sheriffs and file the same with the court administrator.

Sec. 12. Minnesota Statutes 1986, section 387.16, is amended to read:

387.16 CHARGE OF PETIT JURIES.

Upon taking the oath by law required by officers in charge of petit juries the person so appointed may be directed by the court to have charge of such jury conjointly with the ~~male~~ a deputy sheriff or bailiff of the other sex performing such duty. ~~Female~~ Special deputy sheriffs and bailiffs so appointed shall in all things perform the duties and be subject to the penalties by law prescribed for other officers having charge of petit juries.

Sec. 13. Minnesota Statutes 1986, section 540.05, is amended to read:

540.05 MARRIED ~~WOMAN~~ PERSON MAY SUE OR BE SUED ALONE.

In cases where the ~~husband~~ spouse, except for the marriage relation, would not be a necessary party, a married ~~woman~~ person may sue and be sued as if unmarried and without joining ~~her husband~~ the spouse. If a ~~woman~~ person marries and at the same time takes a new name while a party to a pending action, ~~she~~ the person shall thereafter be designated by ~~her~~ married the new name.

Sec. 14. Minnesota Statutes 1986, section 548.06, is amended to read:

548.06 DAMAGES FOR LIBEL.

In an action for damages for the publication of a libel in a newspaper, the plaintiff shall recover no more than special damages, unless a retraction be demanded and refused as hereinafter provided. The plaintiff shall serve upon the publisher at the principal place of publication, a notice, specifying the statements claimed to be libelous, and requesting that the same be withdrawn. If a retraction thereof be not published on the same page and in the same type and the statement headed in 18 point type or larger "RETRACTION," as were the statements complained of, in a regular issue thereof published within one week after such service, the plaintiff may allege such notice, demand, and failure to retract in the complaint and recover both special and general damages, if the cause of action be maintained. If such retraction be so published, the plaintiff may still recover general damages, unless the defendant shall show that the libelous publication was made in good faith and under a mistake as to the facts. If the plaintiff was a candidate for office at the time of the libelous publication, no retraction shall be available unless published on the same page and in the same type and the statement headed in 18-point type or larger "RETRACTION," as were the statements complained of, in a regular issue thereof published within one week after such service and in a conspicuous place on the editorial page, nor if the libel was published within one week next before the election. This section shall not apply to any libel imputing unchastity ~~to~~ a woman.

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Sec. 15. Minnesota Statutes 1986, section 593.01, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law or rule of court to the contrary, a petit jury is a body of six ~~men or women, or both,~~ persons impaneled and sworn in any court to try and determine, by a true and unanimous verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court.

Sec. 16. Minnesota Statutes 1986, section 631.412, is amended to read:

631.412 ~~REQUIRING A WOMAN CUSTODIAL~~ SAME SEX ESCORT FOR ~~WOMEN INMATES WHO ARE BEING TRANSFERRED.~~

When a sheriff or other correctional officer has custody of a ~~woman person~~ woman person charged with or convicted of a crime and transfers that ~~woman person~~ woman person more than 25 miles, that sheriff or other correctional officer shall provide the transferee with a ~~woman~~ woman custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion exists, a suitable ~~woman person~~ woman person to carry out this section. The expenses of the ~~woman's person's~~ woman's person's employment must be paid out of county funds not otherwise appropriated.

Sec. 17. Minnesota Statutes 1986, section 641.06, is amended to read:

641.06 APPOINTMENT OF EMPLOYEES; COMPENSATION.

The sheriff of every a county maintaining a jail, if a male, shall appoint a competent woman as jail guard women's jailer, who, under the sheriff's direction, shall have exclusive charge of all female prisoners. Jail guards and The sheriff, if a female, shall appoint a competent man as men's jailer, who, under the sheriff's direction, shall have exclusive charge of all male prisoners. Jailers shall hold office during the pleasure of the sheriff and may be removed at any time by the sheriff.

Sec. 18. Minnesota Statutes 1986, section 641.14, is amended to read:

641.14 JAILS, HOW KEPT.

The sheriff of each county shall have charge of the jail, and be responsible for its condition. ~~No Male and~~ female prisoner prisoners shall be kept in ~~the same room with a male prisoner~~ separate rooms. No minor under 18 years shall be kept in the same room with adult prisoners. No insane prisoner shall be kept in the same room with any other prisoner. No person awaiting trial shall be kept in a room with a person convicted of a crime. No person awaiting trial shall be kept in a room with another person awaiting trial unless consistent with the person's safety, health and welfare. So far as construction of the jail will permit, and so far as consistent with prisoners' security, safety, health and welfare, strict separation of prisoners shall be maintained.

Sec. 19. Minnesota Statutes 1986, section 642.08, is amended to read:

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642.08 MATRON JAILER FOR OPPOSITE SEX; COMPENSATION, DUTIES.

The chief executive officer of every city having a lockup shall appoint some competent ~~woman~~ person of good character and of the sex other than that of the chief of police or marshal as ~~matron~~ a jailer, who shall have exclusive charge of all ~~females~~ persons of the jailer's sex committed thereto, and see that they are kept in a room separate from ~~male~~ prisoners of the other sex. ~~She~~ The jailer shall receive such compensation as the governing body shall determine, not less than \$5 for each day or fraction thereof during which a ~~female~~ prisoner of the jailer's sex is confined therein.

Sec. 20. REPEALER.

Minnesota Statutes 1986, sections 176.011, subdivision 13; 315.49; 382.17; and 593.02, are repealed.

Approved April 28, 1987

CHAPTER 50—S.F.No. 725

An act relating to local government; removing limitations on tax adjustments related to annexations; amending Minnesota Statutes 1986, section 414.035.

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

Section 1. Minnesota Statutes 1986, section 414.035, is amended to read:

414.035 DIFFERENTIAL TAXATION.

Whenever a board order, under sections 414.031, 414.0325 or 414.033, annexes part or all of a township to a municipality, the board may provide that the mill levy of the annexing municipality on the area annexed shall be increased in substantially equal proportions over not ~~less than two~~ nor more than six years to equality with the mill levy on the property already within the municipality. The appropriate period, if any, shall be based on the time reasonably required to effectively provide full municipal services to the annexed area.

Approved April 30, 1987

Changes or additions are indicated by underline, deletions by ~~strikeout~~.