

CHAPTER 355—S.F.No. 1074

An act relating to public employees; providing that public safety dispatchers are essential employees; amending Minnesota Statutes 1996, section 179A.03, subdivision 7.

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

Section 1. Minnesota Statutes 1996, section 179A.03, subdivision 7, is amended to read:

Subd. 7. **ESSENTIAL EMPLOYEE.** "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.855, 911 system and police and fire department public safety dispatchers, guards at correctional facilities, confidential employees, supervisory employees, assistant county attorneys, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires.

Presented to the governor April 2, 1998

Signed by the governor April 3, 1998, 11:45 a.m.

CHAPTER 356—H.F.No. 2673

An act relating to public employment; increasing compensation for state employees on leave to serve as certified disaster service volunteers of the American Red Cross; amending Minnesota Statutes 1996, section 43A.185, subdivision 1.

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

Section 1. Minnesota Statutes 1996, section 43A.185, subdivision 1, is amended to read:

Subdivision 1. **LEAVE AUTHORIZED.** A state employee who is a certified disaster service volunteer of the American Red Cross may be granted leave from work with 50 100 percent of pay, not to exceed 15 working days in each year, to participate in specialized disaster relief services for the American Red Cross. The employee must be released from work for this function upon the request of the American Red Cross for the services of that employee, and upon the approval of that employee's appointing authority. The appointing authority shall compensate the employee granted leave under this section at 50 100 percent of the employee's regular rate of pay for those regular hours during which the employee is absent from work. This leave, if granted by the appointing authority, may not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation, or cause a loss of seniority.

New language is indicated by underline, deletions by ~~strikeout~~.

Presented to the governor April 2, 1998

Became law without the governor's signature April 6, 1998

CHAPTER 357—S.F.No. 1480

An act relating to evidence; fixing the conditions for the disclosure of certain information subject to the Minnesota Free Flow of Information Act; amending Minnesota Statutes 1996, sections 595.023; and 595.024, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 595.023, is amended to read:

595.023 DISCLOSURE PROHIBITED.

Except as provided in section 595.024, no person who is or has been directly engaged in the gathering, procuring, compiling, editing, or publishing of information for the purpose of transmission, dissemination or publication to the public shall be required by any court, grand jury, agency, department or branch of the state, or any of its political subdivisions or other public body, or by either house of the legislature or any committee, officer, member, or employee thereof, to disclose in any proceeding the person or means from or through which information was obtained, or to disclose any unpublished information procured by the person in the course of work or any of the person's notes, memoranda, recording tapes, film or other reportorial data ~~which whether or not it would tend to identify the person or means through which the information was obtained.~~

Sec. 2. Minnesota Statutes 1996, section 595.024, subdivision 2, is amended to read:

Subd. 2. **DISCLOSURE ALLOWED; CONDITIONS.** The application shall be granted only if the court determines after hearing the parties that the person making application, by clear and convincing evidence, has met all three of the following conditions:

(1) that there is probable cause to believe that the ~~source has~~ specific information sought (i) is clearly relevant to a specific violation of the law other than a misdemeanor gross misdemeanor or felony, or (ii) is clearly relevant to a misdemeanor so long as the information would not tend to identify the source of the information or the means through which it was obtained,

(2) that the information cannot be obtained by any alternative means or ~~remedy~~ remedies less destructive of first amendment rights, and

(3) that there is a compelling and overriding interest requiring the disclosure of the information where the disclosure is necessary to prevent injustice.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 2, 1998

Became law without the governor's signature April 6, 1998

New language is indicated by underline, deletions by ~~strikeout~~.