

Presented to the governor March 31, 2000

Signed by the governor April 4, 2000, 3:30 p.m.

CHAPTER 323—S.F.No. 2894

An act relating to occupational safety and health; classifying certain communications regarding discrimination complaints as privileged; amending Minnesota Statutes 1998, section 182.669, subdivision 1.

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

Section 1. Minnesota Statutes 1998, 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 ~~sueh~~ the employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after sueh the alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of sueh the complaint, the commissioner shall cause sueh an 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 refer the matter to the office of administrative hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. Communications between discrimination complainants and attorneys representing the commissioner are privileged as would be communications between an attorney and a client. For purposes of this section, the commissioner shall file with the administrative law judge and serve upon the respondent, by registered or certified mail, a complaint and written notice of hearing. The respondent shall file with the administrative law judge and serve upon the commissioner, by registered or certified mail, an answer within 20 days after service of the complaint. In all cases where the administrative law judge finds that an employee has been discharged or otherwise discriminated against by any person because the employee has exercised any right authorized under sections 182.65 to 182.674, the administrative law judge may order payment to the employee of back pay and compensatory damages. The administrative law judge may also order rehiring of the employee; reinstatement of the employee's former position, fringe benefits, and seniority rights; and other appropriate relief. In addition, the administrative law judge may order payment to the commissioner or to the employee of costs, disbursements, witness fees, and attorney fees. Interest shall accrue on, and be added to, the unpaid balance of an administrative law judge's order from the date the order is signed by the administrative law judge until it is paid, at the annual rate provided in section 549.09, subdivision 1, paragraph (c). An employee may bring a private action in the district court for relief under this section.

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

Presented to the governor March 31, 2000

Signed by the governor April 4, 2000, 3:32 p.m.

CHAPTER 324—S.F.No. 3283

An act relating to natural resources; providing for civil enforcement of metal traction device sticker requirements for snowmobiles; amending Minnesota Statutes 1999 Supplement, sections 84.8712, subdivisions 2, 3, 4, and 6; and 84.8713, subdivision 1.

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

Section 1. Minnesota Statutes 1999 Supplement, section 84.8712, subdivision 2, is amended to read:

Subd. 2. **CIVIL CITATION; AUTHORITY TO ISSUE.** Conservation officers and other licensed peace officers may issue civil citations to a person who operates a snowmobile in violation of this section or section 84.8713. The citation must impose a penalty of no more than \$50 for the first offense, no more than \$300 for the second offense, and no more than \$600 for third and subsequent offenses.

Sec. 2. Minnesota Statutes 1999 Supplement, section 84.8712, subdivision 3, is amended to read:

Subd. 3. **APPEALS.** Civil citations for offenses under this section or section 84.8713 may be appealed under the procedures in section 116.072, subdivision 6, if the recipient of the citation requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. For the purposes of the enforcement of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Sec. 3. Minnesota Statutes 1999 Supplement, section 84.8712, subdivision 4, is amended to read:

Subd. 4. **ENFORCEMENT.** Civil citations for offenses under this section or section 84.8713 may be enforced under section 116.072, subdivision 9. If a person fails to pay a penalty owed under this section, the person may not operate a snowmobile until the penalty is paid. Penalty amounts must be remitted within 30 days of issuance of the penalty citation.

Sec. 4. Minnesota Statutes 1999 Supplement, section 84.8712, subdivision 6, is amended to read:

Subd. 6. **SELECTION OF REMEDY.** A person operating a snowmobile in violation of this section or section 84.8713 is guilty of a petty misdemeanor punishable by a fine of no more than \$50 for the first offense, no more than \$300 for the second offense, and no more than \$600 for the third and subsequent offenses. A peace officer

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