

guide. No such project may be undertaken unless the council determines that it is consistent with the policy plan and development program. This approval shall be in addition to the requirements of any other statute, ordinance or regulation.

Sec. 11. Minnesota Statutes 1971, Section 473A.16, is amended to read:

473A.16 ACT EXCLUSIVE. The exercise by the commission of the powers provided in sections 473A.01 to 473A.18 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 473A.01 to 473A.18, ~~and further except that in the event a public body or agency shall be created to exercise the powers of the commission as provided in sections 473A.01 to 473A.18; such powers shall be exercised by such other public body or agency and article I of this act .~~

Sec. 12. Minnesota Statutes 1971, Section 473A.18, is amended to read:

473A.18 CITATION. Sections 473A.01 to 473A.18 may be cited as the Twin Cities area metropolitan transit commission act of 1967-metropolitan transit commission act of 1974 .

Sec. 13. **REPEALER.** Minnesota Statutes 1971, Sections 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 473A.05, Subdivisions 1, 2, 3, 4, 5 and 6; 473A.06, Subdivision 1; and 473A.065 are repealed.

ARTICLE IV

Section 1. **CITATION.** This act shall be known and may be cited as the Metropolitan Reorganization Act of 1974.

Sec. 2. **EFFECTIVE DATE.** Except for article I, sections 10, 11 and 12 which are effective on the day following final enactment, this act is effective January 1, 1975.

Approved April 11, 1974.

CHAPTER 423—H.F.No.1191 [Coded in Part]

An act relating to employment agencies; the licensing and regulation thereof; prescribing penalties; amending Minnesota Statutes 1971, Sections 184.21, Subdivision 2, and by adding subdivisions; 184.22; 184.26, Subdivision 1; 184.29; 184.30, Subdivision 1; 184.32; 184.35; 184.37; 184.38, Subdivisions 1, 2, 3, and 13; 184.41; and Minnesota Statutes, 1973 Supplement, Section 184.33, Subdivision 1; repealing

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Minnesota Statutes 1971, Sections 184.31 and 184.39.

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

Section 1. Minnesota Statutes 1971, Section 184.21, Subdivision 2, is amended to read:

Subd. 2. **EMPLOYMENT AGENCIES; REGULATION.** The term "employment agency" means any person, firm, corporation, partnership, or association in this state engaged for hire or compensation in the business of furnishing persons seeking employment or changing employment with information or other service enabling or tending to enable such persons to procure employment, by or with employers, other than such employment agency; or furnishing any other person, firm, corporation, partnership, or association who may be seeking to employ or may be in the market for help of any kind, with information enabling or tending to enable such other person, firm, corporation, partnership, or association to procure such help. Any party performing the services of an employment agency as herein defined, is not an employment agency if the performance of these services is peripheral to the primary business of that party, and if no part of any fees or compensation is paid by the person seeking employment unless that party has an employee, officer, department or division whose primary responsibility is providing employment services to clients. The term "employment agency" does not mean a—include any theatrical, booking, modeling, babysitting agency, educational or labor organization. The term "employment agent" shall be synonymous with the term "employment agency".

Sec. 2. Minnesota Statutes 1971, Section 184.21, is amended by adding subdivisions to read:

Subd. 10. **CHARACTER.** "Character" includes components of an applicant's ability to be an agent; such as, his moral character, education, business integrity, fiscal integrity, training and knowledge of the employment business, capability of staff, and the extent of his participation in operating the agency.

Subd. 11. **PREMISES.** "Premises" means the location and size of the place of business, the neighborhood, public access, lease, purchase of premises, or other physical arrangements.

Sec. 3. Minnesota Statutes 1971, Section 184.22, is amended to read:

184.22 **LICENSES REQUIRED.** No person shall engage in the business of or act as an employment agent or counselor unless he first obtains a license from the department. Each separate location for the business of an employment agency or for employment counseling shall have a separate, agency license and a licensed manager who shall

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have immediate control of only one location.

Sec. 4. Minnesota Statutes 1971, Section 184.26, Subdivision 1, is amended to read:

184.26 APPLICATION; LICENSING. Subdivision 1. Every applicant for an employment agent's license or a renewal thereof shall file with the department a written application stating the name and address of the applicant, ~~the type of license desired,~~ the street and number of the building in which the business of the employment agent is to be conducted, the name of the person who is to have the general management of the office, the name under which the business of the office is to be carried on, whether or not the applicant is pecuniarily interested in any other business of a like nature and, if so, where. Such application shall also state whether the applicant is the only person pecuniarily interested in the business to be carried on under the license, and shall be signed by the applicant and sworn to before a notary public and shall identify anyone holding over 20 percent interest in the agency or receiving any percentage of the profits. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. The application shall also state whether or not the applicant is, at the time of making application, or has at any previous time been engaged in or interested in, or employed by anyone engaged in the business of an employment agent, either in this state or any other, and, if so, when and where. Every applicant for a license to engage in the business of an employment agent shall, at the time of making application for said license, file with the department a schedule of the fees or charges to be collected by such employment agency for any services rendered, together with all rules and regulations that may in any way affect the fees charged or to be charged for any service. Such fees and such rules or regulations may thereafter be changed by filing an amended or supplemental schedule showing such charges, with the department. Such schedule of fees and charges shall contain all information concerning financing the payment of the same including the rate of interest charged as well as any other service or carrying charges or costs. It shall be unlawful for any employment agency to charge, demand, collect, or receive a greater compensation for any service performed by him than is specified in such schedule filed with the department.

Sec. 5. Minnesota Statutes 1971, Section 184.29, is amended to read:

184.29 FEES. Before a license shall be granted to an applicant such applicant shall pay the following fee:

An employment agent shall pay an annual license fee of ~~\$150-~~
\$200 for each license.

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Applicants for a counselor's license shall pay a license fee of ~~\$5-~~\$10 and a renewal fee of ~~\$3-~~\$5.

Applicants for an employment agency manager's license shall pay a license fee of ~~\$5-~~\$10 and a renewal fee of ~~\$3-~~\$5.

Sec. 6. Minnesota Statutes 1971, Section 184.30, Subdivision 1, is amended to read:

184.30 BONDS. Subdivision 1. Every application for an employment agency's license shall be accompanied by a bond in the penal sum of \$10,000 for each location, ~~whether class 1, class 2, or both, and \$2,000 if for a class 3 or class 4 license or both,~~ with one or more sureties or a duly authorized surety company to be approved by the department and filed in the office of the secretary of state, conditioned that the employment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as such employment agency will conform to and not violate any of the terms or requirements of sections 184.21 to 184.40 or violate the covenants of any contract made by such employment agent in the conduct of said business. Action on this bond may be brought by and prosecuted in the name of any person damaged by any breach or any condition thereof and successive actions may be maintained thereon.

Sec. 7. Minnesota Statutes 1971, Section 184.32, is amended to read:

184.32 DURATION OF LICENSE. Every license, unless previously revoked, shall remain in force until January immediately following the date of its issue, and every employment agent and counselor shall, upon the filing of a new application and upon payment of the amount of the license fee required and the filing of a new bond, and complying in all respects with the lawful requirements, have issued to it a license for the ensuing year, unless the department shall refuse to do so for any of the reasons stated in this chapter. Applications for the renewal of an agency license shall be in the office of the department of labor and industry no later than 30 days prior to the expiration of the license and must be accompanied by the remittance prescribed by law, a bond filing fee, and a surety bond in the amount of \$10,000.

Sec. 8. Minnesota Statutes, 1973 Supplement, Section 184.33, Subdivision 1, is amended to read:

184.33 ISSUANCE OR REFUSAL TO ISSUE; REVOCATION OR SUSPENSION. Subdivision 1. The department shall issue a license as an employment agent, employment agency manager or counselor to any person who qualifies for such license under the terms of sections 184.21 to 184.40. The department may refuse to issue an employment agency license whenever, after due investigation, the department finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an

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employment agent is found upon investigation to be unfit for such use. No agency license shall be issued to any person, firm, corporation or association that has, within the past three years, been convicted in any court of fraud or felony. No license shall be issued to any attorney whose license to practice law has been suspended or revoked, for a period of three years after the date of such suspension or revocation. The department may refuse to issue a license to any person or may suspend or revoke the license of any employment agent, employment agency manager or counselor when it finds that any of the following conditions exist:

(a) That the employment agent or counselor has violated any condition of the bond required by sections 184.21 to 184.40;

(b) That the person, employment agent or counselor has personally engaged in a fraudulent, deceptive, or dishonest practice;

(c) That the person, employment agent or counselor has violated any provisions of sections 184.21 to 184.40;

(d) That the person, employment agent or counselor has been legally adjudicated incompetent and has not been restored to capacity.

Sec. 9. Minnesota Statutes 1971, Section 184.35, is amended to read:

184.35 APPEAL TO DISTRICT COURT. If the department refuses to grant a license, or suspends or revokes a license that has been granted, the applicant shall have the right of appeal ~~with a trial de novo~~ to the district court of the county of the applicant's residence; and in the event the applicant is a nonresident of the state, then to the district court for Ramsey county. Such court shall advance such causes on their calendars for early disposition; and in counties having continuous sessions of court, the same shall be heard within 20 days after such appeal shall have been perfected. Such appeal shall be perfected by the service of a written notice of appeal upon the commissioner within 60 days after notice to the applicant of the department's action.

Sec. 10. Minnesota Statutes 1971, Section 184.37, is amended to read:

184.37 CONTRACTS WITH APPLICANTS FOR EMPLOYMENT. Every employment agent ~~licensed under a class 3 license~~ shall contract, in writing, with every applicant for employment for services to be rendered to the applicant by the employment agent, which contract shall contain the date, the name and address of the employment agency, the name of the employment agent, the service charge to be made to the applicant, and the time and method of payments, and, on either the face or back of the contract, shall appear the definition of "accept," "method of payment," "temporary position," and "charge for

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permanent position which proves to be temporary.”

Sec. 11. Minnesota Statutes 1971, Section 184.38, Subdivision 1, is amended to read:

184.38 RULES GOVERNING AGENCIES. *Subdivision 1. In addition to the foregoing rules governing specific classifications, the rules prescribed in this section shall govern each and every employment agent.*

Sec. 12. Minnesota Statutes 1971, Section 184.38, Subdivision 2, is amended to read:

Subd. 2. ~~Every~~ The agency license ; of whatever classification, shall be hung in a conspicuous place in the ~~main~~ office of the employment agency.

Sec. 13. Minnesota Statutes 1971, Section 184.38, Subdivision 3, is amended to read:

Subd. 3. No fee shall be solicited or accepted as an application of registration fee by any employment agent for the purpose of being registered as an applicant for employment, nor shall any other moneys be solicited or accepted for any reason prior to the acceptance of a position.

Sec. 14. Minnesota Statutes 1971, Section 184.38, Subdivision 13, is amended to read:

Subd. 13. When a permanent position becomes a temporary position as defined in subdivision 12 the employment agent shall ~~forthwith~~, within five calendar days, refund to the employee any amount paid by said employee in excess of a temporary position employment charge.

Sec. 15. Minnesota Statutes 1971, Section 184.41, is amended to read:

184.41 VIOLATIONS. Any person who shall engage in the business of or act as an employment agent or counselor without first procuring a license as required by section 184.22, and any employment agent, manager or counselor who shall violate the provisions of this chapter, shall be guilty of a misdemeanor.

In addition to the penalties for commission of a misdemeanor, the department may proceed by an action for an injunction against any person who shall engage in the business of or act as an employment agent or counselor without first procuring the license required under section 184.22 and against any employment agent, manager or counselor who shall violate the provisions of this chapter. If an agency, a manager or a counselor is found guilty of a misdemeanor in any action relevant to the operation of an agency, the department may suspend or

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revoke the license of the agency, manager or counselor.

Sec. 16. Minnesota Statutes 1971, Sections 184.31 and 184.39, are repealed.

Approved April 10, 1974.

CHAPTER 424—H.F.No.1192
[Coded]

An act relating to utilities; private and publicly owned companies; providing for regulations as to customer deposits.

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

Section 1. [325.637] UTILITIES; CUSTOMER DEPOSITS; REGULATIONS. Any customer deposit required before commencement of service by a privately or publicly owned water, gas, telephone, cable television, electric light, heat, or power company shall be subject to the following:

(a) Upon termination of service with all bills paid, the deposit shall be returned to the customer within 45 days, less any deductions made in accordance with paragraph (c).

(b) Interest shall be paid on deposits in excess of \$20 at the rate of six percent per year. The company may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

(c) At the time the deposit is made the company shall furnish the customer with a written receipt specifying the conditions, if any, the deposit will be diminished upon return.

(d) Advance payments or pre-payments shall not be construed as being a deposit.

Approved April 10, 1974.

CHAPTER 425—H.F.No.1382
[Coded in Part]

An act relating to insurance; deposits by domestic insurance companies; defining the kind of securities which domestic insurance companies must keep on deposit for the protection of policyholders; requiring all securities to be deposited in a state or national bank in Minnesota; amending Minnesota Statutes 1971, Sections

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