

ment is appropriated from the three-wheel off-road vehicle account to the commissioner of finance for transfer to the general fund.

Sec. 12. EFFECTIVE DATE.

This act is effective July 1, 1984.

Approved May 2, 1984

CHAPTER 648 — H.F.No. 533

An act relating to state government; providing for legislative expenses; amending Minnesota Statutes 1982, section 3.101; repealing Minnesota Statutes 1982, section 3.102.

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

Section 1. Minnesota Statutes 1982, section 3.101, is amended to read:

3.101 LIVING EXPENSES DURING SESSION.

A member of the legislature in addition to the compensation and mileage otherwise provided for by law shall be reimbursed for his living and other expenses incurred in the performance of his duties or engaging in official business during a regular session, a special session, and when the legislature is not in session in the manner and in such amount as may be prescribed by the senate committee on rules and administration as to senate members and by the house of representatives committee on rules and legislative administration as to house members.

Sec. 2. REPEALER.

Minnesota Statutes 1982, section 3.102, is repealed.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following their final enactment.

Approved May 2, 1984

CHAPTER 649 — H.F.No. 1961

An act relating to state departments and agencies; changing the composition and powers of the board of private detective and protective agent services; changing requirements for obtaining a license; amending Minnesota Statutes 1982, sections 326.33; 326.331; 326.332, subdivision 1; and 326.333; repealing Minnesota Statutes 1982, section 299C.01, subdivision 3.

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

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

Section 1. Minnesota Statutes 1982, section 326.33, is amended to read:

326.33 BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES; CREATION.

Subdivision 1. **MEMBERS; MEETINGS.** There is hereby created a board of private detective and protective agent services, consisting of ~~the attorney general or a departmental employee designated by him;~~ the superintendent of the bureau of criminal apprehension or a departmental employee designated by him; ~~and~~ a licensed protective agent, a licensed private detective, and two public members appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

The board members shall meet as they deem necessary and conduct such business ascribed to the board by the provisions of sections 326.331 to 326.339. The board shall designate one of the board members to fulfill the capacity of board chairman who will remain in the capacity of chairman for a term of one year. The board shall have the option of retaining or replacing a board member as chairman.

Subd. 2. RULEMAKING. The board may adopt rules according to chapter 14 to govern the selection, training, and licensing of private detectives and protective agents.

Subd. 3. REVIEW OF APPLICATIONS. It shall be the duty of the board to receive and review all applications for private detective and protective agent licenses and render approval or denial of the issuance of such licenses within the intent of sections 326.331 to 326.339.

(1) Upon conducting a board review of the application the board may approve the application for licensing and shall subsequently issue a license.

(2) Upon conducting a board review of the application the board may deny the application for licensing on the grounds that the applicant does not conform to the provisions of sections 326.331 to 326.339.

(3) Upon denial of a license the board chairman shall notify the applicant of the board finding and the facts and circumstances that constitute the board finding. The board chairman shall advise the applicant of the right of the applicant to a hearing pursuant to chapter 14.

~~Subd. 3.~~ 4. REVIEW OF OBJECTIONS; HEARINGS. The board shall receive objections to the continued possession of a license by a licensee on

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the ground that such licensee has not observed the provisions of sections 326.331 to 326.339, or any other law of Minnesota, or has ceased to be a qualified person.

(1) If a licensee or any employee of a licensee while acting in the capacity of a private detective or protective agent violates any provision of sections 326.331 to 326.339, such licensee may be subject to a board hearing and the suspension of the holder's license.

(2) If any licensee is convicted of a felony, such licensee shall be the subject of a board hearing and shall be subject to the revocation of the holder's license.

Subd. 4. 5. **FAILURE TO APPEAR BEFORE BOARD.** Whoever shall fail to appear before a board hearing after receiving proper and timely notice shall forfeit by default any interest in the proceedings.

Subd. ~~5.~~ 6. **COMPENSATION TO BOARD MEMBERS.** Members of the board of private detective and protective agent services shall receive, in addition to necessary traveling and lodging expenses, \$35 per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules and regulations regarding travel expense and per diem payments.

Sec. 2. Minnesota Statutes 1982, section 326.331, is amended to read:

326.331 LICENSES.

No person shall engage in the business of private detective, investigator, or protective agent for hire, fee or reward, or advertise or indicate in any letter, document or verbally that he is so engaged or available to supply such services without having first obtained a license as herein provided. Any person desiring to engage in such business ~~may for each office or agency to be maintained by such person shall apply to the commissioner of public safety board of private detective and protective agent services~~ for a license. Upon application by any person qualified under sections 326.331 to 326.339 to engage in such business, the board of private detective and protective agent services shall issue such a license for a period of two years upon the conditions herein set forth, such license to continue for said period so long as such licensee remains a qualified person and complies with the provisions of sections 326.331 to 326.339 and with the laws of Minnesota. No person shall be deemed qualified to hold such a license who has been convicted of felony by the courts of this or any other state or of the United States, or who has been convicted anywhere of acts which if done in Minnesota would be assault, theft, larceny, unlawful entry, extortion, defamation, buying or receiving stolen property, using, possessing, or carrying weapons or burglar tools or escape, or who has been convicted in any other country of acts which if done in Minnesota would be a felony or would be any of the other offenses specified above, nor shall any person who shall make any false statement in any application

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for license hereunder be deemed a qualified person to hold any such license. No other license shall be required by any other political unit or subdivision.

If the applicant for a license is a corporation or partnership, one member of that corporation or partnership must meet the qualifications for a license as provided in sections 326.331 to 326.339. This member must be engaged in the operation and supervision of the business.

If the applicant's home office is outside Minnesota, and he establishes a Minnesota office, he shall provide a manager for the Minnesota branch office who meets the qualifications for a license as provided in sections 326.331 to 326.339. The branch manager must be actively engaged in the operation and supervision of the branch office.

Sec. 3. Minnesota Statutes 1982, section 326.332, subdivision 1, is amended to read:

Subdivision 1. The application for such license shall be in duplicate and shall state:

(1) The full name, age, sex, residence for the past five years, present and previous occupations and employers, of all persons signing the application;

(2) That each person signing the application has attained the age of majority;

(3) That the person, firm, or corporation applying for the license is a resident of the state of Minnesota, or that the applicant holds an equivalent license in another state, which state shall be set forth;

(4) The municipality, stating the street and number or such apt description as will reasonably indicate the location in said municipality, where the licensed office of the applicant is to be located;

~~(5)~~ (4) Such further facts as may be required by the commissioner of public safety board to show the good character, competency and integrity of each person signing the application;

~~(6)~~ (5) If applicant is a corporation, the name of the corporation, the date and place of its incorporation, the location of its principal place of business or registered office, in its state of incorporation;

(7) (6) That the applicant has been a bona fide resident of the state of Minnesota for a period of six months immediately preceding the filing of the application or is presently a license holder in another state;

(8) That the license holder, one member of a partnership or one corporate member of a corporation shall be an active participant in said licensee's business, and that the branch manager or director of a licensee's Minnesota based office

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shall have the same qualifications as a license holder and shall comply with all provisions of sections 326.331 to 326.339.

Sec. 4. Minnesota Statutes 1982, section 326.333, is amended to read:

326.333 INFORMATION AND MATERIAL ACCOMPANYING APPLICATION.

Each such application shall be accompanied by:

(1) A surety bond executed by a company authorized to do business in the state of Minnesota wherein the applicant shall be principal, with sureties to be approved by the commissioner of public safety attorney general, to the state of Minnesota, in the penal sum of \$5,000, upon the condition that applicant and each of applicant's employees shall faithfully observe all the laws of Minnesota and of the United States, including sections 326.331 to 326.339, and shall pay all damages suffered by any person by reason of the violation of any such law by applicant or by the commission of any wilful and malicious wrong by any such applicant in the course of the conduct of such business. Action upon such bond may be brought by any person so aggrieved not later than within two years of the act complained of;

(2) For each person signing the application the verified certificates of at least five citizens not related to the signer who have known the signer for more than five years, certifying that the signer is of good moral character;

(3) Two photographs and a full set of fingerprints for each person signing the application;

(4) A duly acknowledged certificate evidencing the fact that at least one of the persons signing the application for private detective has been regularly employed as a detective by a licensed detective agency or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade of sergeant or higher who has demonstrated experience and training in investigative techniques, or equivalent occupation has been employed in an occupation which upon review the board finds equivalent in scope, responsibility, and training to one of the other occupations listed, for a period of not less than three years;

(5) An acknowledged certificate evidencing the fact that at least one of the persons signing the application for protective agent has been regularly employed as a detective or has been a member of the United States government investigative or protective service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman who has demonstrated experience and training in protective and security techniques, or equivalent part time occupation or special training has been employed in an occupation which upon review the board finds equivalent in scope, responsibility, and training to one of the other

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occupations listed, for a period of not less than three years; or has completed a course prescribed by the state police officers training board.

Sec. 5. INSTRUCTION TO REVISOR.

The revisor shall substitute "license holder" for "licensee" where it appears in Minnesota Statutes, sections 326.32 to 326.339.

Sec. 6. REPEALER.

Minnesota Statutes 1982, section 299C.01, subdivision 3, is repealed.

Approved May 2, 1984

CHAPTER 650 H.F.No. 1903

An act relating to local government; permitting the payment of certain legal fees by cities and counties; clarifying powers of municipalities with respect to sale of air rights; permitting refunding of certain bonds; amending Minnesota Statutes 1982, sections 472A.03 and 472A.06; proposing new law coded in Minnesota Statutes, chapter 465.

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

Section 1. [465.76] LEGAL COUNSEL; REIMBURSEMENT.

If reimbursement is requested by the officer or employee, the governing body of a home rule charter or statutory city or county may, after consultation with its legal counsel, reimburse a city or county officer or employee for any costs and reasonable attorney's fees incurred by the person to defend charges of a criminal nature brought against the person that arose out of the reasonable and lawful performance of duties for the city or county, provided if less than a quorum of the governing body is disinterested, that such reimbursement shall be approved by a judge of the district court.

Sec. 2. Minnesota Statutes 1982, section 472A.03, is amended to read:

472A.03 AUTHORITY GRANTED.

A municipality may after consultation with its planning agency or planning department and after public hearings, notice of which shall have been published in the official newspaper of the municipality, or if the municipality has no official newspaper, in a newspaper of general distribution within the municipality, designate development districts within the boundaries of the municipality. The municipality shall also provide for relocation pursuant to section 472A.12 and consult with the advisory board created by section 472A.11 before making this designation. Within these districts the municipality may adopt a development program consistent with which the municipality may acquire, construct,

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