

CHAPTER 484—S.F.No. 1820

An act relating to counties; permitting a court administrator to assign certain duties to county officers; proposing coding for new law in Minnesota Statutes, chapter 485.

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

Section 1. [485.27] DUTIES; ASSIGNMENT.

The court administrator, with approval of the county board of commissioners, may transfer to the county board of commissioners duties of the court administrator relating to vital statistics under sections 144.211 to 144.227, to notaries public under section 359.061, to hospital liens under sections 514.69 and 514.70, and to marriage licenses under chapter 517. The county board of commissioners shall assign these duties to the appropriate county department. In the event of full state funding of all court administrator's offices in the state, the functions shall become county functions.

Presented to the governor April 24, 1990

Signed by the governor April 24, 1990, 9:00 p.m.

CHAPTER 485—H.F.No. 1928

An act relating to occupations and professions; providing for training for armed employees of private detectives and protective agents; prohibiting certain acts by protective agents and security guards during a labor dispute; amending Minnesota Statutes 1988, sections 326.32, by adding a subdivision; and 326.3384, by adding a subdivision; Minnesota Statutes 1989 Supplement, section 326.3384, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Section 1. Minnesota Statutes 1988, section 326.32, is amended by adding a subdivision to read:

Subd. 14. ARMED EMPLOYEE. "Armed employee" means an employee of a private detective or protective agent who at any time in the performance of the employee's duties wears, carries, possesses, or has access to a firearm.

Sec. 2. [326.3361] TRAINING.

Subdivision 1. RULES. The board shall, by rule, prescribe the requirements, duration, contents, and standards for successful completion of training programs for employees, including:

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

(1) first aid and firearms training required for armed employees, including training in the legal limitations on the justifiable use of force and deadly force as specified in sections 609.06 and 609.065;

(2) training in the use of weapons other than firearms, including bludgeons, nightsticks, batons, chemical weapons, and electronic incapacitation devices, and in the use of restraint or immobilization techniques, including the carotid neck restraint;

(3) standards for weapons and equipment issued to or carried or used by employees;

(4) preassignment or on-the-job training, or its equivalent, required before applicants may be certified; and

(5) continuing training for employees and armed employees.

Subd. 2. REQUIRED CONTENTS. The rules adopted by the board must require:

(1) 12 hours of preassignment or on-the-job training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment;

(2) standards for certification of an employee, by the board, as qualified to carry or use a firearm, a weapon other than a firearm, or an immobilizing or restraint technique; and

(3) six hours a year of continuing training for all employees, and an additional six hours a year for armed employees, which must include annual certification of the armed employee.

An employee may not carry or use a weapon while undergoing on-the-job training under this subdivision.

Subd. 3. USE OF WEAPONS; CERTIFICATION REQUIRED. The rules must provide that no employee may carry or use a weapon or immobilizing or restraint technique without being certified by the board as qualified to do so. The board shall issue an identification card to a person certified under this subdivision. A certified employee shall have the card in the employee's possession while working as an armed employee.

Subd. 4. FULL-TIME PEACE OFFICERS. A person licensed as a peace officer by the board of peace officer standards and training meets the training requirements of this section.

Sec. 3. Minnesota Statutes 1988, section 326.3384, is amended by adding a subdivision to read:

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Subd. 1b. ACTS PROHIBITED DURING LABOR DISPUTES, STRIKES, AND LOCKOUTS. (a) This subdivision applies to (1) a license holder or an employee of a license holder who is primarily performing the duties of a protective agent; or (2) a security guard who is primarily performing the duties of a security guard.

(b) A person described in paragraph (a) is prohibited from doing any of the activities described in clauses (1) to (5) during a labor dispute, strike, or lockout as defined in section 179.01, subdivisions 7, 8, and 9:

(1) inciting, encouraging, or aiding in the incitement or encouragement of any participant to do unlawful acts against the person or property of anyone;

(2) photographing a participant when neither that person nor the photographer is on the premises being protected by the persons described in paragraph (a);

(3) stopping or detaining any vehicle unless the vehicle is on premises being protected by the persons described in paragraph (a);

(4) conducting surveillance of participants, when neither the participant nor the person conducting the surveillance is on the premises being protected by the person described in paragraph (a), or of their businesses, or homes; or

(5) any other activities that are outside of the scope of the duties described in sections 326.32, subdivision 13, and 326.338, subdivision 4, and have the purpose of intimidating or provoking a participant.

Sec. 4. Minnesota Statutes 1989 Supplement, section 326.3384, subdivision 2, is amended to read:

Subd. 2. **PENALTY.** (a) A license holder person violating subdivision 1 or ~~ta~~ this section is guilty of a gross misdemeanor.

(b) The board shall suspend the license of a license holder for the periods described in paragraph (c) if the license holder or an employee of the license holder is convicted of a violation of subdivision 1b. The board shall prohibit an employee of a license holder from working for any license holder for the periods described in paragraph (c) if the employee is convicted of a violation of subdivision 1b.

(c) The periods described in paragraph (b) are as follows:

(1) 60 days for the first violation;

(2) six months for the second violation; and

(3) one year for the third violation.

Presented to the governor April 23, 1990

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

Signed by the governor April 23, 1990, 8:56 p.m.

CHAPTER 486—H.F.No. 2134

An act relating to elections; changing the vote margin for an automatic recount at the state primary or general election; amending Minnesota Statutes 1988, section 204C.35, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 204C.35, subdivision 1, is amended to read:

Subdivision 1. **AUTOMATIC RECOUNTS.** In a state primary when the difference between the votes cast for the candidates for nomination to a legislative office or to a district, county, or county municipal court judicial office is ~~400~~ 200 or less, the difference is less than ten percent of the total number of votes counted for that nomination, and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote. In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a legislative office or to a district, county, or county municipal court judicial office and the votes of any other candidate for that office is ~~400~~ 200 or less, the canvassing board shall recount the votes. A recount shall not delay any other part of the canvass. The results of the recount shall be certified by the canvassing board as soon as possible. Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board. A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

Presented to the governor April 24, 1990

Signed by the governor April 24, 1990, 9:24 p.m.

CHAPTER 487—S.F.No. 1831

An act relating to health and human services; stating policy and requiring a plan relating to rules and regulations affecting services to persons with mental retardation and related conditions; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

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