

(4) a statement that the victim and the victim's family may attend the review.

Presented to the governor March 25, 1996

Signed by the governor March 27, 1996, 11:17 a.m.

CHAPTER 381—H.F.No. 1922

VETOED

CHAPTER 382—S.F.No. 2471

An act relating to labor relations; modifying provisions regarding mandatory arbitration for charitable hospital employers and employees; amending Minnesota Statutes 1994, section 179.38.

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

Section 1. Minnesota Statutes 1994, section 179.38, is amended to read:

179.38 ARBITRATION MANDATORY.

In the event of the existence of any labor dispute which cannot be settled by negotiation between the charitable hospital employers and their employees, either such employers or employees may petition and avail themselves of the provisions of sections 179.01 to 179.17, insofar as sections are not inconsistent with the provisions of sections 179.35 to 179.39. If such dispute is not settled within ten days after submission to mediation, any unsettled issue of ~~maximum hours of work, minimum hourly wage rates concerning terms and conditions of employment,~~ and other conditions of employment concerning union security shall, upon service of written notice by either party upon the other party and the commissioner, be submitted to the determination of a board of arbitrators whose determination shall be final and binding upon the parties. For public employers, "terms and conditions of employment" has the meaning given it in section 179A.03, subdivision 19. The board of arbitrators shall be selected and proceed in the following manner, unless otherwise agreed between the parties: the employers shall appoint one arbitrator, the employees shall appoint one arbitrator, and the two arbitrators so chosen shall appoint a third arbitrator who shall act as chair and who shall receive reasonable compensation for the work; but if said arbitrators are unable to agree upon the appointment of such third arbitrator within five days after submission to arbitration, the commissioner shall submit five names to the parties and the parties shall select the third arbitrator, who shall act as chair, from the five submitted by the commissioner. The selection of the third arbitrator shall be by the process of elimination, with the parties taking turns at striking names from the list of five submitted by the commissioner, until only one name remains. If the parties are unable to agree with respect to which party shall take the first turn for the pur-

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

pose of striking a name, it shall be decided by the flip of a coin. Each party shall be responsible for compensating the arbitrator of their choice, and the parties shall share equally the compensation paid to the third arbitrator. The board of arbitrators shall serve as a temporary arbitration tribunal and shall have the powers provided for commissioners under section 179.08. The board of arbitrators shall make its determination with all due diligence and shall file a copy of its report with the commissioner.

Presented to the governor March 25, 1996

Signed by the governor March 27, 1996, 11:27 a.m.

CHAPTER 383—S.F.No. 2194

VETOED

CHAPTER 384—S.F.No. 1981

An act relating to commerce; regulating the enforcement powers of the commissioner of commerce; providing for the study and consideration of certain insurance benefits; modifying reporting and enforcement provisions for charitable solicitations; regulating the repair of certain consumer goods; modifying the definition of "nonconformity" for purposes of assistive listening device regulation; amending Minnesota Statutes 1994, sections 45.027, subdivision 5, and by adding a subdivision; 325F.56, subdivision 2; and 325F.62, subdivision 3; Minnesota Statutes 1995 Supplement, sections 309.53, subdivision 3; and 325G.203, subdivision 11.

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

Section 1. Minnesota Statutes 1994, section 45.027, subdivision 5, is amended to read:

Subd. 5. **LEGAL ACTIONS; INJUNCTIONS; CEASE AND DESIST ORDERS.** Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any law, rule, or order related to the duties and responsibilities entrusted to the commissioner, ~~the commissioner has the following powers:~~ (1) the commissioner may bring an action in the name of the state in Ramsey county district court or the district court of the an appropriate county to enjoin the acts or practices and to enforce compliance, or the commissioner may refer the matter to the attorney general or the county attorney of the appropriate county. Upon a proper showing, A permanent or temporary injunction, restraining order, or other appropriate relief must be granted; (2) based solely upon a showing that the person has engaged or is about to engage in an act or practice constituting a violation of a law, rule, cease and desist order, or other order related to the duties and responsibilities entrusted to the commissioner. The terms of this subdivision govern an action brought under this subdivision, in-

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