

**Subd. 9. APPEAL OF PERSONNEL BOARD OF APPEALS DECISION.** The appointing authority or the employee may appeal the decision by filing a petition for writ of certiorari with the Court of Appeals within 30 days after service of the decision on the parties. The Court of Appeals must decide the appeal on the Personnel Board of Appeals' record of the matter. The Court of Appeals may reverse the Personnel Board of Appeals' decision if the court finds no evidence upon which the Personnel Board of Appeals could have reached its decision or if the Personnel Board of Appeals abused its discretion.

**Subd. 10. PROPER PARTY TO LITIGATION.** Anoka County, not the Personnel Board of Appeals, is the proper party to an appeal or any other litigation arising out of this section. The Personnel Board of Appeals cannot sue or be sued. The Anoka County attorney must represent the county in any litigation arising under this section.

**Subd. 11. COLLECTIVE BARGAINING AGREEMENTS.** Procedures for discipline and discharge of employees covered by collective bargaining agreements are governed by the agreements to the extent the agreements are inconsistent with this section. An employee cannot use both the procedure provided by this section and the grievance procedure provided in Minnesota Statutes, chapter 179A.

**Subd. 12. LOCAL APPROVAL; EFFECTIVE DATE.** This section is effective the day after the Anoka County board and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor May 14, 2004 .

Signed by the governor May 18, 2004, 4:10 p.m.

## CHAPTER 211—H.F.No. 2444

*An act relating to civil actions; regulating limitation periods of certain actions; enacting a uniform conflict of laws-limitations act; proposing coding for new law in Minnesota Statutes, chapter 541.*

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

### Section 1. [541.30] DEFINITIONS.

For the purposes of sections 541.30 to 541.35, the following terms have the meanings given them:

(1) "claim" means a right of action that may be asserted in a civil action or proceeding and includes a right of action created by statute; and

(2) "state" means a state, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, or a political subdivision of any of them.

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

**Sec. 2. [541.31] CONFLICT OF LAWS; LIMITATION PERIODS.**

Subdivision 1. GENERAL. (a) Except as provided by section 541.33 and subdivision 2, if a claim is substantively based:

(1) upon the law of one other state, the limitation period of that state applies; or

(2) upon the law of more than one state, the limitation period of one of those states chosen by the law of conflict of laws of this state applies.

(b) The limitation period of this state applies to all other claims.

Subd. 2. ACTION ARISING OUT OF STATE; RESIDENT PLAINTIFF. If a cause of action arises outside of this state and the action is barred under the applicable statute of limitations of the place where it arose, the action may be maintained in this state if the plaintiff is a resident of this state who has owned the cause of action since it accrued and the cause of action is not barred under the applicable statute of limitations of this state.

**Sec. 3. [541.32] RULES APPLICABLE TO COMPUTATION OF LIMITATION PERIOD.**

If the statute of limitations of another state applies to the assertion of a claim in this state, the other state's relevant statutes and other rules of law governing tolling and accrual apply in computing the limitation period, but its statutes and other rules of law governing conflict of laws do not apply.

**Sec. 4. [541.33] UNFAIRNESS.**

If the court determines that the limitation period of another state applicable under sections 541.31 and 541.32 is substantially different from the limitation period of this state and has not afforded a fair opportunity to sue upon, or imposes an unfair burden in defending against, the claim, the limitation period of this state applies.

**Sec. 5. [541.34] EXISTING AND FUTURE CLAIMS.**

Sections 541.30 to 541.35 apply to claims arising from incidents occurring on or after August 1, 2004.

**Sec. 6. [541.35] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

Sections 541.30 to 541.34 shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of sections 541.30 to 541.34 among the states enacting them.

**Sec. 7. [541.36] SHORT TITLE.**

Sections 541.30 to 541.35 may be cited as the Uniform Conflict of Laws-Limitations Act.

Presented to the governor May 14, 2004

Signed by the governor May 18, 2004, 3:05 p.m.

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