

NEED; WAIVER. A proposal meeting the requirements of section 145.72, subdivision 3, clause (1) may be granted a waiver from the requirements of section 145.73 by the state board of health if the board determines that (a) the proposed capital expenditure is less than three percent of the annual operating budget of the facility applying for a waiver, and the expenditure is required solely to meet mandatory federal or state life, safety or other codes; or (b) the proposal involves projects not related to direct patient care services, such as parking lots, sprinkler systems, heating or air conditioning equipment, fire doors, food service equipment, building maintenance, or other projects of a like nature.

The request for a waiver shall be submitted by the applicant to the state board of health at the same time the applicant submits a notice of intent to the area wide comprehensive health planning agency pursuant to section 145.76, subdivision 1. The area wide comprehensive health planning agency shall submit its recommendation on the issue of the waiver to the state board of health, but the recommendation shall not be binding on the state board of health. The state board of health shall notify the applicant and the area wide comprehensive health planning agency of its decision to grant or deny the waiver within 60 days of receipt of the request.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 145.811, is amended to read:

145.811 **APPEALS.** The decision of the state board of health made pursuant to section 145.79, clauses (a) and (b), or section 1 of this act shall be the final administrative decision. Notwithstanding that the proceeding before the state board of health is not a contested case, any person aggrieved by the decision of the state board of health denying a certificate of need or denying a waiver pursuant to section 1 of this act shall be entitled to judicial review in the manner provided for in sections 15.0424 to 15.0426.

Sec. 3. This act shall be effective the day following final enactment.

Approved April 3, 1976.

CHAPTER 153—S.F.No.1973

An act relating to courts; time limitations on actions when party is outside the state; amending Minnesota Statutes 1974, Section 541.13.

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

Section 1. Minnesota Statutes 1974, Section 541.13, is amended to

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read:

541.13 COURTS; LIMITATION OF ACTIONS; PERSONS OUTSIDE STATE; ABSENCE FROM STATE. ~~If, When a cause of action accrues against a person ; he who is out of the state and while out of the state is not subject to process under the laws of this state or after diligent search he cannot be found for the purpose of personal service when personal service is required~~ , an action may be commenced within the times herein limited after his return to the state; and if, after a cause of action accrues, he departs from and resides out of the state and while out of the state is not subject to process under the laws of this state or after diligent search he cannot be found for the purpose of personal service when personal service is required , the time of his absence is not part of the time limited for the commencement of the action.

Approved April 3, 1976.

CHAPTER 154—S.F.No.1976

An act relating to workmen's compensation; providing for determination of liability and the amount of employer reimbursement in cases of third party liability; amending Minnesota Statutes 1974, Section 176.061, Subdivisions 3 and 6; repealing Minnesota Statutes 1974, Section 176.061, Subdivision 10.

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

Section 1. Minnesota Statutes 1974, Section 176.061, Subdivision 3, is amended to read:

Subd. 3. WORKMEN'S COMPENSATION; THIRD PARTY LIABILITY; ELECTION TO RECEIVE COMPENSATION FROM EMPLOYER; SUBROGATION. If the employee or his dependents elect to receive compensation from the employer, such employer is subrogated to the right of the employee or his dependents to recover damages against the other party. The employer may bring legal proceedings against such party and recover the aggregate amount of compensation payable by him to the employee or his dependents, together with the costs, disbursements, and reasonable attorney's fees of the action.

If an action as provided in chapter 176 prosecuted by the employee, the employer, or both jointly against the third person, results in judgment against the third person, or settlement by the third person, the employer shall have no liability to reimburse or hold the third person harmless on the judgment or settlement in absence of a written agreement to do so executed prior to the injury.

Sec. 2. Minnesota Statutes 1974, Section 176.061, Subdivision 6, is

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