

other than reimbursement for reasonable expenses of administering such a policy or services.

Sec. 2. **REPEALER.**

Minnesota Statutes 1980, Section 72A.321, is repealed.

Approved May 8, 1981

CHAPTER 130 — H.F.No. 395

An act relating to state government; allowing other public employees, as well as spouses of state and other public employees, to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

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

Section 1. Minnesota Statutes 1980, Section 16.756, is amended by adding a subdivision to read:

Subd. 1a. State and other public employees and their spouses who live or work outside the metropolitan area shall also be eligible for the employee transportation program established through this section; provided, however, that the driver and substitute driver of every van pool are state employees; and provided, further, that state employees constitute a majority of the members of every van pool. Available space in van pools must, whenever possible, be filled by state employees.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day following its final enactment.

Approved May 8, 1981

CHAPTER 131 — H.F.No. 413

An act relating to persons handicapped in communication; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.42; 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

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 1980, Section 546.42, is amended to read:

546.42 ~~HANDICAPPED PERSONS~~ HANDICAPPED IN COMMUNICATION; INTERPRETERS.

For the purposes of sections 546.42 to 546.44 a ~~handicapped~~ handicapped person handicapped in communication is one who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate, or when named as a party to a legal proceeding, is unable by reason of ~~such~~ the deficiency to obtain due process of law.

Sec. 2. Minnesota Statutes 1980, Section 546.44, is amended by adding a subdivision to read:

Subd. 4. DISCLOSURE. Whenever a person serves as an interpreter pursuant to sections 546.42 to 546.44, he shall not, without the consent of the person handicapped in communication, be allowed to disclose any privileged communication made by the person or any privileged information gathered from the person which was communicated or gathered during the time he was serving as the interpreter.

Sec. 3. Minnesota Statutes 1980, Section 595.02, is amended to read:
595.02 COMPETENCY OF WITNESSES.

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights:

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of such attorney be examined as to such communication or advice, without the client's consent:

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(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of such person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of such patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of such deceased person for the purpose of waiving the privilege hereinbefore created, and no oral or written waiver of the privilege hereinbefore created shall have any binding force or effect except that the same be made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses;

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity;

(8) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication of the person if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

Sec. 4. Minnesota Statutes 1980, Section 611.30, is amended to read:
611.30 **RIGHT TO INTERPRETER, STATE POLICY.**

It is hereby declared to be the policy of this state that the constitutional rights of ~~deaf persons and of other persons who, because of hearing, speaking,~~

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~~or other impairment, are unable to readily understand or communicate the English language, persons handicapped in communication cannot be fully protected unless qualified interpreters are available to assist such persons them in legal proceedings. It is the intent of sections 611.30 to 611.34 to provide a procedure for the appointment of such interpreters to avoid injustice and to assist such persons handicapped in communication in their own defense.~~

Sec. 5. Minnesota Statutes 1980, Section 611.31, is amended to read:
611.31 HANDICAPPED PERSON.

For the purposes of sections 611.30 to 611.34, "~~handicapped person handicapped in communication~~" means a person who because ~~he is deaf, or because of a hearing or speaking impairment, cannot readily understand or communicate the English language,~~ or of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, cannot understand the proceedings or any charges made against him, or is incapable of presenting or assisting in the presentation of his defense.

Sec. 6. Minnesota Statutes 1980, Section 611.33, is amended by adding a subdivision to read:

Subd. 4. Whenever a person serves as an interpreter pursuant to sections 611.30 to 611.34, he shall not, without the consent of the person handicapped in communication, be allowed to disclose any privileged communication made by the person or any privileged information gathered from the person which was communicated or gathered during the time when he was serving as an interpreter.

Approved May 8, 1981

CHAPTER 132 — H.F.No. 436

An act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

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

Section 1. Minnesota Statutes 1980, Section 53.03, Subdivision 1, is amended to read:

Subdivision 1. **APPLICATION, FEE, NOTICE.** Any corporation hereafter organized as an industrial loan and thrift company, shall, after

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