

CHAPTER 80—S.F.No.1388

An act relating to Hennepin County; establishing an unclassified civil service position of chief civil deputy sheriff; amending Laws 1965, Chapter 855, Section 7, Subdivision 2, as amended.

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

Section 1. Laws 1965, Chapter 855, Section 7, Subdivision 2, as amended by Laws 1967, Chapter 646, Section 3, is amended to read:

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified service shall comprise:

(a) officers chosen by election or appointment to fill an elective office.

(b) members of boards and commissions appointed by the county board.

(c) medical residents, interns, and students in training.

(d) non-salaried attending medical staff.

(e) special deputies serving without pay.

(f) seasonal positions.

(g) department heads appointed by the county board.

(h) chief deputy or principal assistant and secretary for each elected official.

(i) director of court services, examiner of titles and deputy examiners, administrative director of the district court, administrative assistant to the clerk of district court, chief criminal deputy sheriff, chief civil deputy sheriff, court reporters, referees, clerk of municipal court and chief municipal court probation officer.

(j) other temporary judicial appointments performing a special function.

Sec. 2. This act is effective upon approval by the governing body of Hennepin County and compliance with Minnesota Statutes, Section 645.021.

Approved May 10, 1979.

CHAPTER 81—H.F.No.966

An act relating to workers' compensation: providing employer's action for recovery of

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insurance premiums against certain third parties; amending Minnesota Statutes 1978, Section 176.061, Subdivisions 5 and 6.

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

Section 1, Minnesota Statutes 1978, Section 176.061, Subdivision 5, is amended to read:

Subd. 5. **CUMULATIVE REMEDIES.** Where an injury or death for which compensation is payable is caused under circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or his dependents in accordance with clause (a), or by his employer in accordance with clause (b), against the other party to recover damages, notwithstanding the payment by the employer or his liability to pay compensation.

(a) If the an action against such the other party is brought by the injured employee or his dependents and a judgment is obtained and paid or settlement is made with the other party, the employer may deduct from the compensation payable by him the amount actually received by the employee or dependents in accordance with subdivision 6. If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer, upon application the court may grant the employer the right to intervene in any such action for the prosecution thereof. If the injured employee or his dependents agree to receive compensation from the employer or institute proceedings to recover the same or accept from the employer any payment on account of such the compensation, the employer is subrogated to the rights of the employee or his dependents. This employer may maintain an action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the dependents or in the name of the employer against such other party for the recovery of damages. If the action is not diligently prosecuted by the employer or the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or his dependents the right to intervene in the action for the prosecution thereof. The proceeds of such action or settlement thereof shall be paid in accordance with subdivision 6.

(b) If an employer, being then insured, sustains damages due to a change in workers' compensation insurance premiums, whether by a failure to achieve a decrease or by a retroactive or prospective increase, as a result of the injury or death of his employee which was caused under circumstances which created a legal liability for damages on the part of a party other than the employer, the employer, notwithstanding other remedies provided, may maintain an action against the other party for recovery of such premiums. This cause of action may be brought either by joining in an action described in clause (a) or by a separate action. Damages recovered under clause (b) shall be for the benefit of the employer and the provisions of subdivision 6 shall not be applicable to such damages.

(c) Such The third party is not liable to any person other than the employee or his

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dependents or his employer for any damages resulting from the injury or death.

Sec. 2. Minnesota Statutes 1978, Section 176.061, Subdivision 6, is amended to read:

Subd. 6. **COSTS, ATTORNEY FEES, EXPENSES.** The proceeds of all actions for damages or settlement thereof under this section, except for damages received under subdivision 5, clause (b) received by the injured employee or his dependents or by the employer as provided by subdivision 5, shall be divided as follows:

(a) After deducting the reasonable cost of collection, including but not limited to attorneys fees and burial expense in excess of the statutory liability, then

(b) One-third of the remainder shall in any event be paid to the injured employee or his dependents, without being subject to any right of subrogation.

(c) Out of the balance remaining, the employer shall be reimbursed in an amount equal to all compensation paid under this chapter to the employee or his dependents by the employer less the product of the costs deducted under clause (a) divided by the total proceeds received by the employee or his dependents from the other party multiplied by all compensation paid by the employer to the employee or his dependents.

(d) Any balance remaining shall be paid to the employee or his dependents, and shall be a credit to employer for any compensation which employer is obligated to pay, but has not paid, and for any compensation that such employer shall be obligated to make in the future.

There shall be no reimbursement or credit to employer for interest or penalties.

Sec. 3. This act shall be effective for actions commenced after December 31, 1978.

Approved May 14, 1979.

CHAPTER 82—S.F.No.236

An act relating to the state auditor; providing for the examination of municipal records pursuant to petition; requiring signatures of 20 percent of the number of voters in the last presidential election for a petition to examine municipal records; establishing certain other requirements for petitions for examination of towns and school districts; requiring that the city, town and school district as well as county auditor be notified when the petition is certified; amending Minnesota Statutes 1978, Section 6.54.

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

Section 1. Minnesota Statutes 1978, Section 6.54, is amended to read:

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