

Subd. 2. WRONGFUL BIRTH ACTION PROHIBITED. No person shall maintain a cause of action or receive an award of damages on the claim that but for the negligent conduct of another, a child would have been aborted.

Subd. 3. FAILURE OR REFUSAL TO PREVENT A LIVE BIRTH. Nothing in this section shall be construed to preclude a cause of action for intentional or negligent malpractice or any other action arising in tort based on the failure of a contraceptive method or sterilization procedure or on a claim that, but for the negligent conduct of another, tests or treatment would have been provided or would have been provided properly which would have made possible the prevention, cure, or amelioration of any disease, defect, deficiency, or handicap; provided, however, that abortion shall not have been deemed to prevent, cure, or ameliorate any disease, defect, deficiency, or handicap. The failure or refusal of any person to perform or have an abortion shall not be a defense in any action, nor shall that failure or refusal be considered in awarding damages or in imposing a penalty in any action.

Approved March 22, 1982

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#### CHAPTER 522 — S.F.No. 1481

*An act relating to state government; providing a one time early retirement insurance benefit option for certain state employees; providing that certain other early retirement incentives may be negotiated; amending Minnesota Statutes 1981 Supplement, Section 43A.24, Subdivision 2.*

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

Section 1. Minnesota Statutes 1981 Supplement, Section 43A.24, Subdivision 2, is amended to read:

Subd. 2. **OTHER ELIGIBLE PERSONS.** The following persons are eligible for state paid life insurance and hospital, medical and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6 or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements.

(a) A member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner, provided that the waiver shall not prohibit the member from enrolling himself or his dependents for optional

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coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position he previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical and dental benefits to which his position is entitled;

(b) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) A judge of the supreme court or an officer or employee of the court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court; a district administrator; and an employee of the office of the district administrator of the fifth or the eighth judicial districts;

(d) A salaried employee of the public employees retirement association;

(e) A full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board; and

(g) An employee of the regents of the University of Minnesota; and

(h) Notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982 who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of the effective date of this section; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982 who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982 and is covered by the Minnesota state retirement system correctional employee retirement plan or the highway patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of the effective date of this section. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which he was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18 for employees in positions equivalent to that from which he retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with rele-

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vant health insurance benefits provided through the federally sponsored medicare program. The commissioner and the regents of the University of Minnesota shall provide employees who are eligible to retire and receive the benefits provided by this clause with notice of this option no later than 30 days after the effective date of this section.

**Sec. 2. TEMPORARY.**

The state and exclusive representatives of state employees and the University of Minnesota and exclusive representatives of University of Minnesota employees shall negotiate on the topic of supplemental agreements to the contracts covering the 1981 to 1983 biennium to provide for early retirement incentives in addition to those listed in section 1. The state and University of Minnesota shall only agree to these incentives if it anticipates that the incentives would result in a cost saving to the state during the 1981 to 1983 biennium. Any supplemental agreements providing for these incentives shall be submitted to the legislative commission on employee relations and the full legislature for approval in the same manner and with the same effect as provided in section 179.74, subdivision 5.

**Sec. 3. EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Approved March 22, 1982

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**CHAPTER 523 — H.F.No. 1872**

*An act relating to the financing of government in this state; providing for the collection of taxes; providing for distribution of campaign funds after reapportionment; providing a formula for determining limitations on interest rates on municipal bonds; changing a public sale requirement; providing for withholding of income tax refunds from child support debtors; making technical corrections and administrative changes to the income tax and property tax refund; requiring registration of rental housing in the city of Minneapolis and denying certain income tax deductions for owners who fail to comply; extending the effective date of residential energy credits; requiring notification to school districts of certain property tax assessment challenge proceedings; authorizing school districts to participate at certain hearings; allowing disclosure of private data to permit vendor processing of income and sales tax returns; altering the date warrants are issued to the sheriff for collection of certain mobile home property taxes; requiring county auditors to combine certain legal descriptions for property tax purposes; providing for sales of unstamped cigarettes to members of Indian tribes; providing for the rounding off of market value amounts; permitting leases and installment purchases of equipment by local governments and providing for their tax and fiscal treatment; adopting certain federal provisions for purposes of the research and experimental expenditures credit; clarifying the neighbor-*

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