

Every small employer must pay each employee at a rate of at least \$4.00 an hour beginning January 1, 1991.

(c) A large employer must pay each employee at a rate of at least the minimum wage set by this section or federal law without the reduction for training wage or full-time student status allowed under federal law.

Sec. 3. Minnesota Statutes 1988, section 177.24, is amended by adding a subdivision to read:

Subd. 1a. PRESERVATION OF COVERAGE. Any employer that was a federal covered employer on March 31, 1990 and that, because of the 1989 amendments to the federal fair labor standards act of 1938, as amended, (United States Code, title 29, chapter 201 et seq.) ceases to be a federal covered employer on April 1, 1990 shall pay its employees not less than the minimum wage in effect for such employees on March 31, 1990. This subdivision applies only until January 1, 1991.

Sec. 4. Minnesota Statutes 1988, section 177.24, subdivision 2, is amended to read:

Subd. 2. **GRATUITIES NOT APPLIED.** No employer may directly or indirectly credit, apply, or utilize gratuities towards payment of the minimum wages, wage set by this section or federal law except as provided under section 177.28.

Sec. 5. **EFFECTIVE DATE.**

Section 2, paragraphs (a) and (b) are effective January 1, 1991. Sections 1, 2, paragraph (c), 3 and 4 are effective the day following final enactment.

Presented to the governor April 5, 1990

Signed by the governor April 9, 1990, 10:21 a.m.

CHAPTER 419—S.F.No. 2355

An act relating to statutes of limitations; establishing a three-year time limit to bring an action for penalty or forfeiture for violation of certain environmental statutes; amending Minnesota Statutes 1989 Supplement, section 541.07; proposing coding for new law in Minnesota Statutes, chapter 575.

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

Section 1. Minnesota Statutes 1989 Supplement, section 541.07, is amended to read:

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541.07 TWO OR THREE YEAR LIMITATIONS.

Except where the uniform commercial code, this section, section 148A.06, or section 541.073 otherwise prescribes, the following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, other health care professionals as defined in section 145.61, and veterinarians as defined in chapter 156, hospitals, sanitariums, for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counterclaim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist, or other health care professional or veterinarian, hospital or sanitarium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture, except as provided in section 541.074 and section 2;

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding under the preemption or homestead laws, the limitations shall not begin to run until a patent has been issued for the land so damaged;

(4) Against a master for breach of an indenture of apprenticeship; the limitation runs from the expiration of the term of service;

(5) For the recovery of wages or overtime or damages, fees or penalties accruing under any federal or state law respecting the payment of wages or overtime or damages, fees or penalties except, that if the employer fails to submit payroll records by a specified date upon request of the department of labor and industry or if the nonpayment is willful and not the result of mistake or inadvertence, the limitation is three years. (The term "wages" means all remuneration for services or employment, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, where the relationship of master and servant exists and the term "damages" means single, double, or treble damages, accorded by any statutory cause of action whatsoever and whether or not the relationship of master and servant exists);

(6) For damages caused by the establishment of a street or highway grade or a change in the originally established grade;

(7) For sales or use taxes imposed by the laws of any other state;

(8) Against the person who applies the pesticide for injury or damage to

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property resulting from the application, but not the manufacture or sale, of a pesticide.

Sec. 2. [541.075] REMEDIES IN ENVIRONMENTAL ACTIONS.

A proceeding to impose a penalty or forfeiture under chapter 115, 116, or 299K must be commenced within three years of the date the violation was discovered or reasonably should have been discovered.

Presented to the governor April 5, 1990

Signed by the governor April 6, 1990, 6:50 p.m.

CHAPTER 420—S.F.No. 2541

An act relating to real property; providing for filing and recording of maps or plats for proposed rights-of-way by local governing bodies; proposing coding for new law in Minnesota Statutes, chapter 505.

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

Section 1. [505.1793] PROPOSED RIGHT-OF-WAY ACQUISITIONS BY LOCAL AUTHORITIES; FILING FOR RECORD.

Subdivision 1. FILING AND RECORDING. To facilitate the acquisition of right-of-way required for public transportation and public utility and drainage easements, the governing body of a statutory or home rule charter city or town may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the governing body determines necessary. The map or plat must show by outline all tracts and parcels of land affected by the proposed acquisition. The map or plat must be subscribed by the mayor or chair of the governing body and prepared and certified by a registered land surveyor. The certified map or plat is entitled to record without compliance with chapter 505.

Subd. 2. CHANGES IN MAPS OR PLATS. Amendments, alterations, rescissions, or vacations of orders, resolutions, maps, or plats so filed are entitled to record in the same manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, rescission, or vacation to direct the attention of anyone examining the record to the proper map or plat.

Subd. 3. ERRORS; CORRECTING CERTIFICATE. If an error on a map or plat incorrectly defines the intended acquisition, but does not affect rights of

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