

Presented to the governor March 29, 1993

Signed by the governor March 31, 1993, 3:38 p.m.

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CHAPTER 14—H.F.No. 29

*An act relating to child care; extending the prohibition on smoking to family day care providers; updating the reference to the rule governing child care centers; amending Minnesota Statutes 1992, section 144.414, subdivision 2.*

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

Section 1. Minnesota Statutes 1992, section 144.414, subdivision 2, is amended to read:

Subd. 2. **DAY CARE PREMISES.** Smoking is prohibited in a day care center licensed under Minnesota Rules, parts ~~9545.0510 to 9545.0650~~ 9503.0005 to 9503.0175, or in a family home or in a group family day care provider home licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, during its hours of operation.

Sec. 2. **EFFECTIVE DATE.**

Under section 1, the prohibition on smoking in day care licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, is effective immediately, and the prohibition on smoking in day care licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, is effective March 1, 1994.

Presented to the governor March 30, 1993

Signed by the governor March 31, 1993, 3:34 p.m.

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CHAPTER 15—S.F.No. 300

*An act relating to local government; permitting sheriff civil service commissions to expand eligible lists in certain circumstances; amending Minnesota Statutes 1992, section 387.36.*

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

Section 1. Minnesota Statutes 1992, section 387.36, is amended to read:

**387.36 RULES, PROMULGATION.**

(a) The commission shall; ~~immediately after its appointment and from time~~

New language is indicated by underline, deletions by ~~strikeout~~.

~~to time thereafter, make, alter, amend and change~~ adopt rules to promote efficiency in the sheriff's department and to carry out the purposes of sections 387.31 to 387.45.

(b) The rules ~~shall~~ must provide among other things for:

(1) The classification of all positions and employees in the sheriff's department;

(2) Public competitive examinations to test the relative fitness of applicants;

(3) Public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the county and posting the advertisement for ten days in the county courthouse;

(4) The creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which ~~shall~~ must be ~~embraced~~ included in an eligible register;

(5) The ~~commission may by rule provide for striking~~ removal of any name from the eligible register after it has been on the register for two years ~~thereon~~;

(6) The rejection of candidates or eligibles who, after the entry of their names, ~~shall~~ fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any willful misrepresentation, deception, or fraud in connection with their application for employment;

(7) The certification of the three names standing highest on the appropriate list to fill any vacancy, or any position within the sheriff's department, to which the sheriff may choose one of the three in procedure according to law;

(8) Temporary employment without examination, with the consent in each case of the commission, in cases of emergency but no such temporary employment ~~shall~~ may continue more than 30 days nor ~~shall~~ may successive temporary employments be permitted for the same position; provided, that whenever there are no names upon the eligible register, for particular positions, temporary appointment may be made for employment to continue until the position is filled by a candidate from the eligible register under provisions of the rules, provided that persons on the eligible list at the time of induction or enlistment during state of war or emergency into the armed forces of the United States ~~shall~~ must retain their position on the eligible register;

(9) Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority, with appropriate credit given to members of the sheriff's department who are candidates in promotional examinations or examinations for a higher position;

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(10) Suspension for cause with or without pay for not longer than 60 days and for leave of absence, with or without pay; and

(11) ~~Such~~ Other rules not inconsistent with the provisions of this chapter as may, from time to time, be found necessary to secure the purposes of sections 387.31 to 387.45.

(c) When a disparity exists between the make-up of the sheriff's department and its approved affirmative action goals, the commission may certify up to two eligible candidates from each protected group for which a disparity exists. This certification is in addition to the three candidates certified under paragraph (b), clause (7). This expanded certification must not include a member of a protected group if a member of that group is one of the three candidates certified under paragraph (b), clause (7). A certification under this paragraph must be made from the list of eligible candidates who have successfully completed the examination, in order of their standing in the examination. This expanded certification applies only to positions to be filled from the public, and does not apply to promotional appointments.

(d) Copies of such the rules shall must be kept posted in a conspicuous place in the sheriff's main office.

## Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 7, 1993

Signed by the governor April 7, 1993, 3:25 p.m.

## CHAPTER 16—H.F.No. 298

*An act relating to local government; creating the office of Anoka county coroner; appointing a physician as county coroner; appointing assistant coroners; designating deputy coroners; establishing the duties of the coroner.*

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

### Section 1. ANOKA COUNTY; COUNTY CORONER.

Subdivision 1. CREATION. Upon a majority vote of the board of county commissioners of Anoka county, the office of county coroner may be created and established in the county.

Subd. 2. APPOINTMENT. The board of county commissioners of Anoka county shall appoint as county coroner a doctor of medicine licensed to practice pursuant to Minnesota Statutes, chapter 147, or similar laws in any other state. The coroner shall serve at the pleasure of the county board. The county board shall pay the coroner a fee to be determined by the board and provide for the payment of the coroner's expenses incurred in the performance of duties. The coroner must have successfully completed academic courses in pharmacology, surgery, pathology, toxicology, and physiology.

New language is indicated by underline, deletions by ~~strikeout~~.