

**Sec. 5. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 14, 1994

Signed by the governor April 18, 1994, 3:05 p.m.

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**CHAPTER 453—H.F.No. 2772**

*An act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.*

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

**Section 1. CIVIL SERVICE PILOT PROJECT.**

Subdivision 1. DEFINITIONS. For purposes of this section:

(1) "civil service rules" means rules, procedures, and policies of the commissioner of employee relations governing the classified and unclassified service of the state, except for rules, procedures, and policies governing affirmative action and seniority;

(2) "employees" means employees in the agencies listed in subdivision 2 who are represented by exclusive representatives; and

(3) "management-level employees" means employees in the agencies listed in subdivision 2 who are covered by the managerial plan adopted by the commissioner of employee relations under Minnesota Statutes, section 43A.18, subdivision 3.

Subd. 2. PARTICIPATING AGENCIES. Notwithstanding Minnesota Statutes, sections 43A.04; 43A.07; 43A.08; 43A.09 to 43A.15; 85A.02, subdivision 5a; and 462A.04, subdivision 8, civil service rules may be waived under subdivision 4 with respect to employees in the department of human services and the department of transportation.

Subd. 3. JOINT COMMITTEES. Within 30 days of the effective date of this section, each exclusive representative of employees in each agency listed in subdivision 2 shall appoint employees from the exclusive representative's bargaining unit to serve on a joint committee to review civil service rules governing the agency. Each bargaining unit within an agency must have at least one representative on the committee, but the total number of employee members may not exceed ten. The head of each agency shall appoint an equal number of management-level employees to serve on the committee. The committee may:

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

(1) review the agency's operations to determine whether the agency could perform its functions and deliver its services more efficiently and effectively by the adoption of innovative policies or procedures;

(2) identify any civil service rule that prevents the adoption of innovative policies or procedures;

(3) determine whether innovation would be fostered if the rule were wholly or partially waived; and

(4) report its conclusions to the agency head and to the task force established by Laws 1993, chapter 301, section 1, subdivision 6, including its recommendations for the whole or partial waiver of civil service rules.

Subd. 4. WAIVER. (a) Upon receipt of the committee report required by subdivision 3, the task force established by Laws 1993, chapter 301, section 1, subdivision 6, may submit the list of recommended waivers to the commissioner of employee relations. The commissioner shall then grant the waivers requested by the task force, effective for the requesting agency, for a period ending June 30, 1998, subject to the restrictions in paragraph (b) and to revision in accordance with subdivision 5. The commissioner shall waive a rule by granting a variance under Minnesota Statutes, section 14.05, subdivision 4.

(b) The commissioner may not grant a waiver if it would result in the layoff of classified employees or unclassified employees covered by a collective bargaining agreement except as provided in a plan negotiated under Minnesota Statutes, chapter 179A, that provides options to layoff for employees who would be affected. If a proposed waiver would violate the terms of a collective bargaining agreement reached under Minnesota Statutes, chapter 179A, the waiver may not be granted without the consent of the exclusive representative that is a party to the agreement.

Subd. 5. REVIEW. The committees established under subdivision 3 shall monitor the effects of any waivers on agency operations, service delivery, and employees. By July 1, 1995, 1996, and 1997, the committee in each agency shall report to the agency head, identifying any waiver that failed to foster innovative policies or procedures or that adversely affected the agency's operations and recommending any additional waivers that, in the committee's opinion, would further foster innovation. Each agency head shall report the committee's findings to the commissioner of employee relations, and the commissioner shall reinstate any civil service rule whose waiver did not bring about a positive result and grant any additional waivers recommended by each committee. The commissioner shall report to the legislative commission on employee relations on the results of the pilot project by September 1, 1994, 1995, and 1996, and at its conclusion.

## **Sec. 2. EFFECTIVE DATE.**

Section 1 is effective July 1, 1994.

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

Presented to the governor April 14, 1994

Signed by the governor April 18, 1994, 3:06 p.m.

## CHAPTER 454—H.F.No. 2212

*An act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02, subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.*

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

Section 1. Minnesota Statutes 1992, section 18F.01, is amended to read:

### 18F.01 PURPOSE.

The purpose of sections 18F.01 to ~~18F.12~~ 18F.13 is to establish permits for the release of certain genetically engineered agriculturally related organisms to protect humans and the environment from the potential for significant adverse effects of those releases.

Sec. 2. Minnesota Statutes 1992, section 18F.02, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** As used in sections 18F.01 to ~~18F.12~~ 18F.13, the terms defined in this section have the meanings given them.

Sec. 3. Minnesota Statutes 1992, section 18F.02, is amended by adding a subdivision to read:

**Subd. 2a. AGRICULTURALLY RELATED ORGANISM.** "Agriculturally related organism" means any organism that is used in agricultural production or processing of agricultural products. It includes livestock and livestock products; dairy animals and dairy products; poultry and poultry products; domestic fur-bearing animals; animal feeds; horticultural stock; nursery stock, as defined in section 18.46, subdivision 3; fruit; vegetables; forage grain; wild rice; seeds; bees; apiary products; and products for the control or mitigation of noxious weeds. It excludes vaccines and drugs for use in humans; genetic engineering of human germ cells and human somatic cells intended for use in human gene therapy; vaccines for use in livestock, dairy animals, poultry, domestic fur-bearing animals, or private aquatic life; genetically engineered wild animals; and forestry products.

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