

**CHAPTER 194—H.F.No. 3138**

*An act relating to state government; requiring the legislative auditor to establish a compensation plan for employees of the auditor; subject to legislative review and approval; ratifying state labor contracts; amending Minnesota Statutes 2006, sections 3.855, subdivision 3; 3.971, subdivision 2; 85A.02, subdivision 5a.*

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

Section 1. Minnesota Statutes 2006, section 3.855, subdivision 3, is amended to read:

Subd. 3. **Other salaries and compensation plans.** The commission shall also:

(1) review and approve, reject, or modify a plan for compensation and terms and conditions of employment prepared and submitted by the commissioner of employee relations under section 43A.18, subdivision 2, covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(2) review and approve, reject, or modify a plan for total compensation and terms and conditions of employment for employees in positions identified as being managerial under section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(3) review and approve, reject, or modify recommendations for salaries submitted by the governor or other appointing authority under section 15A.0815, subdivision 5, covering agency head positions listed in section 15A.0815;

(4) review and approve, reject, or modify recommendations for salaries of officials of higher education systems under section 15A.081, subdivisions 7b and 7c; ~~and~~

(5) review and approve, reject, or modify plans for compensation, terms, and conditions of employment proposed under section 43A.18, subdivisions 3a and 4; and

(6) review and approve, reject, or modify the plan for compensation, terms, and conditions of employment of classified employees in the office of the legislative auditor under section 3.971, subdivision 2.

Sec. 2. Minnesota Statutes 2006, section 3.971, subdivision 2, is amended to read:

Subd. 2. **Staff; compensation.** The legislative auditor shall establish a Financial Audits Division and a Program Evaluation Division to fulfill the duties prescribed in this section. Each division may be supervised by a deputy auditor, appointed by the legislative auditor, with the approval of the commission, for a term coterminous with the legislative auditor's term. The deputy auditors may be removed before the expiration of their terms only for cause. The legislative auditor and deputy auditors may each appoint a confidential secretary to serve at pleasure. The salaries and benefits of the legislative auditor, deputy auditors and confidential secretaries shall be determined by the compensation plan approved by the Legislative Coordinating Commission. The deputy auditors may perform

and exercise the powers, duties and responsibilities imposed by law on the legislative auditor when authorized by the legislative auditor. The deputy auditors and the confidential secretaries serve in the unclassified civil service, but all other employees of the legislative auditor are in the classified civil service. Compensation for employees of the legislative auditor in the classified service shall be governed by a plan prepared by the legislative auditor and approved by the Legislative Coordinating Commission and the legislature under section 3.855, subdivision 3. While in office, a person appointed deputy for the Financial Audit Division must hold an active license as a certified public accountant.

Sec. 3. Minnesota Statutes 2006, section 85A.02, subdivision 5a, is amended to read:

Subd. 5a. **Employees.** (a) The board shall appoint an administrator who shall serve as the executive secretary and principal administrative officer of the board and, subject to its approval, shall operate the Minnesota Zoological Garden and enforce all rules and policy decisions of the board. The administrator must be chosen solely on the basis of training, experience, and other qualifications appropriate to the field of zoo management and development. The board shall set the salary of the administrator. ~~The salary of the administrator may not exceed 130 percent of the salary of the governor; however, any amount exceeding 95 percent of the salary of the governor must consist of nonstate funds.~~ The administrator shall perform duties assigned by the board and serves in the unclassified service at the pleasure of the board. The administrator, with the participation of the board, shall appoint a development director in the unclassified service or contract with a development consultant to establish mechanisms to foster community participation in and community support for the Minnesota Zoological Garden. The board may employ other necessary professional, technical, and clerical personnel. Employees of the Zoological Garden are eligible for salary supplement in the same manner as employees of other state agencies. The commissioner of finance shall determine the amount of salary supplement based on available funds.

(b) The board may contract with individuals to perform professional services and may contract for the purchases of necessary species exhibits, supplies, services, and equipment. The board may also contract for the construction and operation of entertainment facilities on the zoo grounds that are not directly connected to ordinary functions of the Zoological Garden. The zoo board may not enter into a final agreement for construction of an entertainment facility that is not directly connected to the ordinary functions of the zoo until after final construction plans have been submitted to the chairs of the senate Finance and house Ways and Means Committees for their recommendations.

The zoo may not contract for entertainment during the period of the Minnesota State Fair that would directly compete with entertainment at the Minnesota State Fair.

Sec. 4. **LABOR AGREEMENTS AND COMPENSATION PLANS.**

Subdivision 1. **American Federation of State, County, and Municipal Employees, Council 5.** The labor agreements between the state of Minnesota and the American Federation of State, County, and Municipal Employees, Council 5, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on August 28, 2007, is ratified.

Subd. 2. **Minnesota Association of Professional Employees.** The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees,

approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on August 28, 2007, is ratified.

Subd. 3. **American Federation of State, County, and Municipal Employees, Council 5, Unit 8.** The labor agreement between the state of Minnesota and the American Federation of State, County, and Municipal Employees, Council 5, Unit 8, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on August 28, 2007, is ratified.

Subd. 4. **American Federation of State, County, and Municipal Employees, Council 5, Unit 225.** The labor agreement between the state of Minnesota and the American Federation of State, County, and Municipal Employees, Council 5, Unit 225, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 5. **State Residential Schools Education Association.** The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 6. **Minnesota Government Engineers Council.** The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 7. **Middle Management Association.** The labor agreement between the state of Minnesota and the Middle Management Association, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 8. **State Board of Investment.** The salary administration plan for the Minnesota State Board of Investment, as amended and approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 9. **Commissioner's plan.** The commissioner of employee relations' plan for unrepresented employees, as amended and approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 10. **Managerial plan.** The managerial plan, as amended and approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on December 17, 2007, is ratified.

Subd. 11. **Minnesota Law Enforcement Association.** The labor agreement between the state of Minnesota and the Minnesota Law Enforcement Association, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 12. **Inter Faculty Organization.** The labor agreement between the state of Minnesota and the Inter Faculty Organization, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 13. **MnSCU administrators.** The personnel plan for Minnesota State College and University administrators, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 14. **Office of Higher Education.** The compensation plan for unrepresented employees of the Office of Higher Education, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 15. **Minnesota State College Faculty.** The labor agreement between the state of Minnesota and the Minnesota State College Faculty, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 27, 2008, is ratified.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 and 2 are effective January 1, 2009, and sections 3 and 4 are effective the day following final enactment.

Presented to the governor April 16, 2008

Signed by the governor April 17, 2008, 8:17 a.m.