
CHAPTER 305—S.F.No.3467
[Not Coded]

An act relating to independent school district No. 381; providing for a seventh school board member.

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

Section 1. INDEPENDENT SCHOOL DISTRICT NO. 381; SEVENTH SCHOOL BOARD MEMBER. Notwithstanding the provision of Minnesota Statutes, Section 123.33, or any other general or special law to the contrary, the school board of independent school district No. 381, shall be composed of seven board members. The additional and seventh board member shall represent and be elected from the St. Louis county area annexed to the district. The provisions of Minnesota Statutes, Chapter 123 and any other law, with the exception of the provisions of this act, shall apply to the seventh board member. The seventh board member shall be elected at the next election of directors for a three year term. The school board may decide to hold a special election for a seventh board member to serve on the board until the next election of directors.

Sec. 2. EFFECTIVE DATE. This act is effective upon its approval by the governing body of independent school district No. 381 and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 27, 1974.

CHAPTER 306—H.F.No.102
[Coded in Part]

An act relating to the legislature; providing for the continuation in or return of members to their employment after legislative sessions; providing for restoration to their position of employment and all other rights incident to employment; providing for enforcement; amending Minnesota Statutes 1971, Section 3.087; and Chapter 3, by adding sections; repealing Minnesota Statutes 1971, Sections 3.085; and 3.086.

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

Section 1. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.082] LEGISLATURE; MEMBERS' RIGHTS TO CONTINUANCE IN, OR RESTORATION TO, PRIVATE EMPLOYMENT AFTER ADJOURNMENT OF SESSION. Any member of the legislature of the

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state of Minnesota who held a position, other than a temporary position, in the employ of any private employer in Minnesota at the commencement of his service in any legislative session, who makes application for reemployment not later than 30 days after the last legislative day in each calendar year, shall be continued in or restored to such position, or to a position of like seniority, status and pay.

Sec. 2. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.083] RETENTION OF SENIORITY, FRINGE BENEFITS AND TENURE. Any member of the legislature who is continued in or restored to a position in accordance with the provisions of section 1 shall be so continued or restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to its established rules and practices, and shall not be discharged from such position for a period of three years after his continuation or restoration except in the reverse order of his seniority with the employer within the field of the legislator's training and experience without good cause after such continuation or restoration.

Sec. 3. Minnesota Statutes 1971, Section 3.087, is amended to read:

3.087 RIGHT OF ACTION IN DISTRICT COURT. In case any private employer fails or refuses to comply with the provisions of sections ~~3.085-1~~ and ~~3.086-2~~ of this act, the district court of the State of Minnesota for the district in which such private employer maintains a place of business, shall have the power, upon the filing of a memorandum, petition or other appropriate pleading by the member of the legislature entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such member of the legislature for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

Sec. 4. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.088] LEAVE OF ABSENCE. Subdivision 1. LEAVE OF ABSENCE WITHOUT PAY. Subject to the conditions herein prescribed, any officer or employee of any political subdivision, municipal corporation, or school district of the state or institution of learning maintained by the state who engages in service as a state legislator during a session shall be entitled to leave of absence from his public office or employment without pay during any part or all of the service, with right of reinstatement as hereinafter provided.

Subd. 2. REINSTATEMENT. Except as otherwise hereinafter provided, upon the completion of the last legislative day in each calendar

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year the officer or employee shall be reinstated in the public position which he held at the time of entry into the legislature, or a public position of like seniority, status, and pay if it is available at the same salary which he would have received if he had not taken the leave, upon the following conditions: (1) that the position has not been abolished or that the term thereof, if limited, has not expired; (2) that he makes written application for reinstatement to the appointing authority within 30 days after the last legislative day in a calendar year. Upon reinstatement the officer or employee shall have the same rights with respect to accrued and future seniority status, efficiency rating, vacation, insurance benefits, sick leave, and other benefits as if he had been actually employed during the time of the leave. Provided, however, that no public employer shall be required to compensate a reinstated employee or officer for any time spent by that employee or officer away from his or her work for the employer and on the business of the state legislature at any time during the period between the first and last legislative day in each calendar year. No officer or employee reinstated shall be removed or discharged within one year thereafter except for cause, after notice and hearing; but this shall not operate to extend a term of service limited by law.

Subd. 3. OFFICERS AND EMPLOYEES TO PRESERVE PENSION AND RETIREMENT RIGHTS. Any public officer or employee receiving leave of absence under this section or who is elected as a state constitutional officer and having rights in any state, municipal, or other public pension, retirement, or relief system shall retain all the rights accrued up to the time of taking leave. The time spent by the employee as a member of the legislature or who is elected as a state constitutional officer shall be calculated in the same manner as if he had spent that time in the service of his public employer for the purpose of determining vesting of his rights in the employer's pension, retirement or relief system. Under no circumstances shall two governmental units pay the employee's share of pension contributions for that period on which he is on leave of absence to serve in the legislature.

Subd. 4. VACANCIES TO BE FILLED TEMPORARILY. When a public officer or employee is absent with leave under the provisions of section 4 and it is necessary in the public interest to provide for the performance of the duties of his position during the absence, the authority having power to fill a vacancy in the position may appoint a substitute, to be known as acting incumbent, who shall qualify as required for the regular incumbent, receive the same compensation as fixed by law, or otherwise the compensation as fixed by proper authority, and have all the powers and perform all the duties of the position until the return of the regular incumbent. This section shall not preclude the making of any other provision for the discharge of the duties of the position which may be otherwise authorized by law.

Subd. 5. SUPPLEMENTARY. The rights and privileges granted by this section shall not apply when the legislative office is constitutionally or legally incompatible with the public office or employment or

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when the legislator chooses to take leave provided by other law.

Subd. 6. Notwithstanding the provisions of any other law or ordinance or the provisions of any state, municipal, or other public retirement or relief association regulation or by-law, a person who has served as a member of the legislature and has qualified for a legislative retirement pension or allowance shall not be disqualified from receiving that retirement pension or allowance by reason of the fact that he is entitled to receive a public pension or retirement benefit as a result of employment by another public employer, and the person shall receive both the legislative retirement pension or allowance and any state, municipal or other public pension or retirement benefit for which he has qualified.

Sec. 5. Minnesota Statutes 1971, Sections 3.085 and 3.086 are repealed.

Sec. 6. This act is effective the day following its final enactment.

Approved March 28, 1974.

CHAPTER 307—H.F.No.2675
[Coded in Part]

An act relating to energy; establishing the Minnesota energy agency; providing for a central repository for state energy data; providing for the declaration of an energy emergency; requiring an emergency allocation plan; promulgation of specific energy conservation regulations; biennial energy reports; energy and energy conservation studies and research; certificate of need for construction of large energy facilities; prescribing penalties; appropriating money; amending Minnesota Statutes, 1973 Supplement, Section 116C.03, Subdivision 2.

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

Section 1. [116H.01] MINNESOTA ENERGY AGENCY; FINDINGS AND PURPOSE. The legislature finds and declares that the present rapid growth in demand for energy is in part due to unnecessary energy use; that a continuation of this trend will result in serious depletion of finite quantities of fuels, land and water resources, and threats to the state's environmental quality; that the state must insure consideration of urban expansion, transit systems; economic development, energy conservation and environmental protection in planning for large energy facilities; that there is a need to carry out energy conservation measures; and that energy planning, protection of environmental values, development of Minnesota energy sources, and conservation of energy require expanded authority and technical capability and a unified, coordinated response within state government.

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