

pealed.

Sec. 8. This act takes effect upon final enactment.

Approved March 31, 1976.

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## CHAPTER 102—H.F.No.2244

[Coded in Part]

*An act relating to public employment labor relations; providing for determination of the fair share fee; providing for appeal of that determination; amending Minnesota Statutes 1974, Sections 179.63, by adding a subdivision; 179.65, Subdivision 2; 179.71, Subdivision 2; and 179.72, Subdivision 3.*

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

Section 1. Minnesota Statutes 1974, Section 179.63, is amended by adding a subdivision to read:

Subd. 19. LABOR RELATIONS; PUBLIC EMPLOYMENT; FAIR SHARE FEES. “Fair share fee challenge” means any proceeding or action instituted by a public employee, a group of public employees, or any other person, to determine their rights and obligations with respect to the circumstances or the amount of a fair share fee assessment authorized by section 179.65, subdivision 2.

Sec. 2. Minnesota Statutes 1974, Section 179.65, Subdivision 2, is amended to read:

Subd. 2. Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. Public employees in an appropriate unit shall have the right by secret ballot to designate an exclusive representative for the purpose of negotiating grievance procedures and the terms and conditions of employment for such employees with the employer of such unit. Except for employees included in section 179.63, subdivision 10, clause (c), who shall be exempt from contributing until January 1, 1975 only, all public employees who are not members of the exclusive representative may be required by said representative to contribute a fair share fee for services rendered by the exclusive representative; and the employer upon notification by the exclusive representative of such employees shall be obligated to check off said fee from the earnings of the employee and transmit the same to the exclusive representative. In no instance shall the required contribution exceed a pro rata share of the specific expenses incurred for services rendered by the representative in relationship to negotiations and administration of grievance procedures—in an amount equal to the regular membership dues of the exclusive representative, less the cost of benefits financed

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through the dues and available only to members of the exclusive representative, but in no event shall the fee exceed 85 percent of the regular membership dues . The exclusive representative shall provide advance written notice of the amount of the fair share fee assessment to the director, the employer and to a list furnished by the employer of all employees within the unit. A challenge by an employee or by a person aggrieved by the assessment shall be filed in writing with the director, the public employer, and the exclusive representative within 30 days after receipt of the written notice. All challenges shall specify those portions of the assessment challenged and the reasons therefor but the burden of proof relating to the amount of the fair share fee shall be on the exclusive representative. The employer shall deduct the fee from the earnings of the employee and transmit the fee to the exclusive representative 30 days after the written notice was provided, or, in the event a challenge is filed, the deductions for a fair share fee shall be held in escrow by the employer pending a decision by the director pursuant to section 3 of this act.

Sec. 3. Minnesota Statutes 1974, Section 179.71, Subdivision 2, is amended to read:

Subd. 2. The director shall accept and investigate all petitions for:

- (a) certification or decertification as the exclusive representative of an appropriate unit;
- (b) mediation services;
- (c) any election or other voting procedures provided for in sections 179.61 to 179.77;
- (d) certification to the board of arbitration ;
- (e) to hear and decide all issues in a fair share fee challenge .

Sec. 4. Minnesota Statutes 1974, Section 179.72, Subdivision 3, is amended to read:

Subd. 3. In addition to the other powers and duties given it by law, the board has the following powers and duties:

- (a) to hear and decide issues relating to the meaning of the terms "supervisory employee", "confidential employee", "essential employee" or "professional employee", as defined by section 179.63;
- (b) to hear and decide appeals from determinations of the director relating to the appropriateness of a unit under section 179.67;
- (c) to approve or disapprove the rules and regulations promulgated by the director under section 179.71, subdivision 5, clause (g) ;

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(d) to hear and decide on the record from determinations of the director relating to a fair share fee challenge decided under section 3 of this act .

Sec. 5. **EFFECTIVE DATE.** This act is effective the day following final enactment and sections 3 and 4 shall apply retroactively to any proceeding presently pending challenging the circumstances and amount of a fair share fee.

Approved March 31, 1976.

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## CHAPTER 103—H.F.No.2326

*An act relating to highway traffic regulations; driving restrictions on certain juveniles; repealing Minnesota Statutes 1974, Section 169.131.*

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

Section 1. **HIGHWAY TRAFFIC REGULATIONS; JUVENILES; LATE NIGHT DRIVING; REPEAL.** Minnesota Statutes 1974, Section 169.131, is repealed.

Sec. 2. This act is effective June 1, 1976.

Approved March 31, 1976.

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## CHAPTER 104—H.F.No.2463

[Coded in Part]

*An act relating to highway traffic regulations; defining terms; authorizing flashing lights on certain vehicles; authorizing certain vehicles to be equipped with a flashing amber lamp and to display the lighted lamp under certain conditions; amending Minnesota Statutes 1974, Sections 169.01, by adding a subdivision; and 169.64, Subdivision 3, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1974, Section 169.01, is amended by adding a subdivision to read:

Subd. 60. TRAFFIC REGULATIONS; FLASHING LIGHTS; SERVICE VEHICLE. “Service vehicle” means a motor vehicle owned and operated by a person, firm or corporation engaged in a business which includes the repairing or servicing of vehicles. The term also includes snow removal and road maintenance equipment not operated by or un-

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