

CHAPTER 156 — S.F.No. 82

An act relating to real property; requiring that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.

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

Section 1. Minnesota Statutes 1984, section 389.09, is amended to read:

389.09 APPROVAL OF PLATS AND SURVEYS AND CONDOMINIUM FLOOR PLANS IN CERTAIN COUNTIES.

Subdivision 1. PLATS AND SURVEYS IN CERTAIN COUNTIES.

In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.

Subd. 2. CONDOMINIUM FLOOR PLANS. A county board may, by ordinance adopted in accordance with section 375.51, require that each condominium floor plan submitted for recordation after July 31, 1985, be approved by the county surveyor or other licensed surveyor hired for this purpose by the county, for compliance with section 515A.2-110, before recording. The process of approving the floor plans must be conducted in an expeditious manner so as not to unduly delay the recording of the floor plans. The proprietor of the condominium floor plan may be charged a reasonable fee for the service in accordance with a schedule established by resolution passed by the governing body of the county.

Approved May 20, 1985

CHAPTER 157 — S.F.No. 118

An act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; providing penalties; amending Minnesota Statutes 1984, sections 179A.04, subdivision 3; 179A.05, subdivision 4; 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1984, section 179A.04, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** The director shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The director may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules regulating the forms of petitions, notices, and orders; and the conduct of hearings and elections;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the director's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the director or in conjunction with fair share fee challenges.

Sec. 2. Minnesota Statutes 1984, section 179A.05, subdivision 4, is amended to read:

Subd. 4. **OTHER POWERS.** In addition to the other powers and duties given it by law, the board has the following powers and duties:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) to hear and decide appeals from determinations of the director relating to "supervisory employee," "confidential employee," "essential employee," or "professional employee";

(b) to hear and decide appeals from determinations of the director relating to the appropriateness of a unit;

(c) to hear and decide on the record, determinations of the director relating to a fair share fee challenge;

(d) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the board.

Sec. 3. Minnesota Statutes 1984, section 179A.14, subdivision 1, is amended to read:

Subdivision 1. **INITIATION OF NEGOTIATION.** (a) When employees or their representatives desire to meet and negotiate an initial agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director. The employer has ten days from receipt of the notice to object or refuse to recognize the employees' representative or the employees as an appropriate unit. If the employer does not object within ten days, the employer must recognize the employee representative for purposes of reaching agreement on terms and conditions of employment for the represented employees. If the employer does object, the employer or employees' representative may petition the director to take jurisdiction of the matter and the director shall investigate the petition.

(b) When a party to a contract desires to meet and negotiate an agreement subsequent to the initial agreement, the party shall give written notice to the other party and to the director at least 60 days before the termination date of the existing contract. If a party fails to give the required 60-day notice, the party is subject to a fine of \$10 per day for each day the notice is late. The fine for late notice may be waived at the discretion of the director if the director finds that the failure to give timely notice did not prejudice the director or the other party in the fulfillment of their responsibilities and duties. The fine for late notice shall be the only penalty for late notice under this paragraph.

Sec. 4. Minnesota Statutes 1984, section 179A.15, is amended to read:

179A.15 MEDIATION.

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the director for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be delivered to the director in person or sent by certified mail. The petition shall state briefly the nature of the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

disagreement of the parties. Upon receipt of a petition and upon concluding that mediation would be useful, the director shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

If the director may, at the request of a party to a labor dispute, assist in settling determines that mediation would be useful in resolving a dispute, the director may mediate the dispute even if no petition neither party has been filed a petition for mediation. In these cases, the director shall proceed as if a petition had been filed.

The director shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the director for conferences and shall continue in conference until excused by the director. ~~However, for other than essential employees, mediation conferences following: (1) the expiration date of a collective bargaining agreement, or (2) in the case of teachers, mediation over a period of 60 days after the expiration date of a collective bargaining agreement shall continue only for durations agreeable to both parties.~~

Sec. 5. Minnesota Statutes 1984, section 179A.16, subdivision 7, is amended to read:

Subd. 7. **DECISION BY THE PANEL.** The panel's order shall be issued by a majority vote of its members. The order shall resolve the issues in dispute between the parties as submitted by the board. For principals and assistant principals, the panel shall be restricted to selecting between the final offers of the parties on each impasse item. ~~For other employees, if the parties agree in writing, the panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety.~~ In considering a dispute and issuing its order, the panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The panel's decision and order shall be final and binding on all parties.

The panel shall render its order within ten days from the date that all arbitration proceedings have concluded. However, the panel must issue its order by the last date the employer is required by statute, charter, ordinance, or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for the period stated in the order, except that orders determining contracts for teacher units shall be effective to the end of the contract period determined by section 179A.20.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The panel shall send its decision and orders to the board, the director, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the board and the director.

The parties may at any time prior to or after issuance of an order of the arbitration panel, agree upon terms and conditions of employment regardless of the terms and conditions of employment determined by the order. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

Sec. 6. Minnesota Statutes 1984, section 179A.17, subdivision 1, is amended to read:

179A.17 NEW EXCLUSIVE REPRESENTATIVES.

Subdivision 1. **FOR TEACHERS.** If a new or different exclusive representative of teachers employed by a local school district is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, section 179A.18, subdivision 2, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation sessions over a period of no less than 60 days as specified in section 179A.18, subdivision 2, clause (1)(b).

Sec. 7. Minnesota Statutes 1984, section 179A.18, subdivision 2, is amended to read:

Subd. 2. **SCHOOL DISTRICT REQUIREMENTS.** Except as otherwise provided by section 179A.17, subdivision 1, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and

(b) the exclusive representative and the employer have participated in mediation over a period of at least 60 days, 30 days of which have occurred after the expiration date of the collective bargaining agreement, provided that the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

mediation period established by section 179A.17, subdivision 1, shall govern negotiations pursuant to that section. For the purposes of this subclause the mediation period commences on the day following receipt by the director of a request for mediation that a mediator designated by the director first attends a conference with the parties to negotiate the issues not agreed upon; and

(c) neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or

(2) 45 days after impasse under section 179A.16, subdivision 1, neither party has requested interest arbitration; or

~~(3)~~ the employer violates section 179A.13, subdivision 2, clause (9).

Sec. 8. Minnesota Statutes 1984, section 179A.18, subdivision 3, is amended to read:

Subd. 3. **NOTICE.** In addition to the other requirements of this section, no employee may strike unless written notification of intent to strike is served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike. For all employees other than teachers, if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification. For teachers, no strike may commence more than 25 days after service of notification of intent to strike unless, before the end of the 25-day period, the exclusive representative and the employer agree that the period during which a strike may commence shall be extended for an additional period not to exceed five days. Teachers are limited to one notice of intent to strike for each contract negotiation period, provided, however, that a strike notice may be renewed for an additional ten days, the first five of which shall be a notice period during which no strike may occur, if the following conditions have been satisfied:

(1) an original notice was provided pursuant to this section; and

(2) a tentative agreement to resolve the dispute was reached during the original strike notice period; and

(3) such tentative agreement was rejected by either party during or after the original strike notice period.

The first day of the renewed strike notice period shall commence on the day following the expiration of the previous strike notice period or the day following the rejection of the tentative agreement, whichever is later. Notification of intent to strike under subdivisions 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement has expired, or if there is no agreement, on or after the date impasse under section 179A.17 has occurred. Notification of intent to strike under subdivision 2, clause (2), may not be served before the 45th day following an impasse under section 179A.16, subdivision 1.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 9. **EFFECTIVE DATE.**

Sections 3 to 8 are effective the day following final enactment. However, the 60-day notice requirement imposed in section 3 does not apply in 1985 if sections 3 to 8 become effective after April 25, 1985. In this event, the notice required by section 3 must be given within 30 days of the effective date of sections 3 to 8.

Approved May 20, 1985

CHAPTER 158 — S.F.No. 228

An act relating to game and fish; exempting hunters on licensed private shooting preserves in the northern portion of the state from the requirement of a pheasant stamp; amending Minnesota Statutes 1984, section 97.4843, subdivision 2.

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

Section 1. Minnesota Statutes 1984, section 97.4843, subdivision 2, is amended to read:

Subd. 2. **STAMP REQUIRED.** (a) Except for residents under the age of 18 years or over the age of 65 years as provided in paragraph (b), no person who is otherwise required to possess a Minnesota small game license shall hunt or take pheasants within this state without first purchasing a stamp and having the stamp in possession while hunting or taking pheasants. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons interested in the improvement of pheasant habitat.

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed private shooting preserves in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties.

Approved May 20, 1985

Changes or additions are indicated by underline, deletions by ~~strikeout~~.