

Subd. 5. Notwithstanding any other provision of this article, money available under this article to support the office of full productivity and opportunity is available to the full productivity and opportunity coordinator August 1, 1985.

Subd. 2. EFFECTIVE DATE. Subdivision 1 is effective the day following final enactment.

Approved June 28, 1985

CHAPTER 17 — H.F.No. 5

An act relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; 222.025, subdivision 1; and 299D.03, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1984, section 15A.081, subdivision 7.

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

Section 1. [15.441] COMMUNICATIONS SERVICES.

Subdivision 1. STATE AGENCIES; BILINGUAL EMPLOYEES. Every state agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions, or enough interpreters to assist those in these positions, to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people.

The commissioner of administration shall determine the application of this section to each state agency, in consultation with the council on affairs of Spanish-speaking people, groups representing other non-English-speaking people, and the head of the agency. In determining what constitutes a substantial number of non-English-speaking people, the commissioner shall consider:

- (1) the number of people served by the agency;
- (2) the number of non-English-speaking people served by the agency;

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(3) the frequency with which non-English-speaking people are served by the agency; and

(4) the extent to which information or services rendered by the agency affect legal rights, privileges, or duties.

Subd. 2. TRANSLATIONS OF MATERIALS EXPLAINING AGENCY SERVICES. Every state agency that serves a substantial number of non-English-speaking people and that provides materials in English explaining services is encouraged to provide equivalent materials in any non-English language spoken by a substantial number of the people served by the agency. An agency should give highest priority to providing in a non-English language materials that notify people of legal rights, duties, or privileges they are entitled to, and the steps they must take to obtain or maintain those rights, duties, or privileges. When notice of the availability of material explaining services available is given, orally or in writing, it should be given in English and the non-English language into which any material has been translated.

Subd. 3. TRANSLATED MATERIALS FOR LOCAL OFFICES. A state agency is encouraged to provide its local offices with written materials in the appropriate foreign language when:

(1) the local office or facility serves a substantial number of non-English-speaking people;

(2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order a person to provide information or to give a person information; and

(3) the information asked for or given could affect the person's rights, duties, or privileges with regard to the agency's services or benefits.

Subd. 4. LIMITATIONS. (a) A state agency may not dismiss an employee or increase its complement to carry out the purposes of this section. A state agency need only implement this section by filling employee public contact positions made vacant by retirement or normal attrition.

(b) This section shall be implemented to the extent permissible under federal law, civil service laws governing state agencies, and collective bargaining agreements.

Sec. 2. Minnesota Statutes 1984, section 15.62, subdivision 2, is amended to read:

Subd. 2. A public employee who qualifies as a member of ~~the~~ a United States Olympic team for athletic competition on the world championship, Pan American, or Olympic team in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competi-

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tion. In no event shall the paid leave under this section exceed the period of the official Olympic training camp and Olympic competition combined or 90 calendar days in an Olympic a year, whichever is less.

Sec. 3. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	Salary Range Effective July 1, 1983
Commissioner of education; Commissioner of finance; Commissioner of transportation; Commissioner of human services; Chancellor, community college system; Chancellor, state university system; Director, vocational technical education Executive director, state board of investment;	\$57,500-\$70,000
Commissioner of administration; Commissioner of agriculture; Commissioner of commerce; Commissioner of corrections; Commissioner of economic security; Commissioner of employee relations; Commissioner of energy and economic development; Commissioner of health; Commissioner of labor and industry; Commissioner of natural resources; Commissioner of revenue; Commissioner of public safety; Chairperson, waste management board Chief administrative law judge; office of administrative hearings; Director, pollution control agency; Director, state planning agency; Executive director, higher education coordinating board; Executive director, housing finance agency; Executive director, teacher's retirement association; Executive director, state retirement system;	\$50,000-\$60,000

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<u>Chairman, metropolitan council</u>	
<u>Chairman, regional transit board</u>	
Commissioner of human rights;	\$40,000-\$52,500
Director, department of public service;	
Commissioner of veterans' affairs;	
Director, bureau of mediation services;	
Commissioner, public utilities commission;	
Member, transportation regulation board;	
Director, zoological gardens.	

Sec. 4. Minnesota Statutes 1984, section 15A.081, is amended by adding a subdivision to read:

Subd. 7a. The governor shall set the salary rate within the range listed below for the part-time positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	<u>Salary Range</u> <u>Effective</u> <u>July 1, 1985</u>
<u>Chairman, metropolitan airports</u> <u>commission</u>	<u>\$15,000-\$25,000</u>
<u>Chairman, metropolitan waste control</u> <u>commission</u>	

Sec. 5. Minnesota Statutes 1984, section 16A.123, subdivision 3, is amended to read:

Subd. 3. **EXCLUSIONS.** The following kinds of employees need not be counted in an agency's approved complement:

- (1) part-time employees;
- (2) seasonal or intermittent employees as defined by the commissioner of employee relations;
- (3) summer student employees;
- (4) service employees;
- (5) preservice trainees in an affirmative action program approved by the commissioner of employee relations;
- (6) CETA employees;
- (7) repair or construction project employees; and
- (8) employees who have an active workers' compensation claim as defined by the commissioner of labor and industry.

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The commissioner must conclude there is a need and available money before an agency hires an employee of a kind listed in this subdivision.

Sec. 6. Minnesota Statutes 1984, section 16B.65, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATION.** The department of employee relations, with the approval of the commissioner, shall either:

(1) prepare and conduct oral, written, and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official, or

(2) accept documentation of successful completion of programs of training developed by public agencies, as proof of qualification pursuant to subdivision 2.

Upon a determination of qualification under either clause (1) or (2) of this section the commissioner shall issue a certificate to the building official stating that ~~he~~ the official is certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The department of employee relations and the commissioner or his designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2, no person may act as a building official for a municipality unless the department of employee relations and the commissioner determine that ~~he~~ the official is qualified. The department of employee relations may, with the approval of the commissioner, prepare and conduct educational programs designed to train and assist building officials in carrying out their responsibilities. ~~The commissioner shall reimburse the department of employee relations for costs of any services performed by them pursuant to this section.~~

Sec. 7. Minnesota Statutes 1984, section 43A.17, subdivision 8, is amended to read:

Subd. 8. **ACCUMULATED VACATION LEAVE.** The commissioner of employee relations shall not agree to a collective bargaining agreement or recommend a compensation plan pursuant to section 43A.18, subdivisions 1, 2, 3, and 4, nor shall an arbitrator issue an award under sections 179A.01 to 179A.25, if the compensation plan, agreement, or award permits an employee to convert accumulated vacation leave into cash or deferred compensation before separation from state service.

This section does not prohibit the commissioner from negotiating a collective bargaining agreement or recommending approval of a compensation plan which permits an employee to receive payment for accumulated vacation leave upon beginning an unpaid leave of absence approved for more than one year in duration if the leave of absence is not for the purpose of accepting an unclassified position in state civil service.

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Sec. 8. Minnesota Statutes 1984, section 43A.21, subdivision 5, is amended to read:

Subd. 5. **CAREER EXECUTIVE SERVICE.** The commissioner shall develop and administer a process to select the membership of the career executive service.

(a) The commissioner, in consultation with the agency head, shall designate persons in the classified civil service as eligible for inclusion in the career executive service. By January 1, 1985, at least 20 percent of the persons designated for inclusion in the career executive service must be women. By January 1, 1987, at least 40 percent of the persons designated for inclusion in the career executive service must be women the number of women designated for inclusion in the career executive service shall be proportional to the number of women eligible for membership. The positions designated as eligible for inclusion in the career executive service shall include those that carry basic responsibilities for high level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major unit.

(b) The commissioner shall prepare a plan for training, development, and mobility of career executive service members consistent with applicable provisions of collective bargaining agreements. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14. The career executive service plan shall not contain additional compensation for members.

(c) No rights or tenure attach to a career executive service assignment. An incumbent in the career executive service may be removed from the service by the appointing authority commissioner in consultation with the agency head, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, or political affiliation.

(d) An employee in career executive service on July 1, 1983, who is receiving compensation at a level beyond the maximum of the assigned salary range shall continue to receive that rate of pay until the rate is within the assigned salary range.

(e) The commissioner is authorized to assess agencies a fee for each employee of the agency who belongs to the career executive service in order to cover the cost of providing training and development services to members. The fee shall be established and reviewed pursuant to section 16A.128.

Sec. 9. Minnesota Statutes 1984, section 43A.38, subdivision 5, is amended to read:

Subd. 5. **CONFLICTS OF INTEREST.** The following actions by an employee in the executive branch shall be deemed a conflict of interest and

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subject to procedures regarding resolution of the conflicts, section 43A.39 or disciplinary action as appropriate:

(a) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

(b) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties; ~~or~~

(c) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf; or

(d) the solicitation of a financial agreement for the employee or entity other than the state when the state is currently engaged in the provision of the services which are the subject of the agreement or where the state has expressed an intention to engage in competition for the provision of the services; unless the affected state agency waives this clause.

Sec. 10. Minnesota Statutes 1984, section 62D.22, subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43A and ~~shall may~~ be allowed to participate as a carrier for state employees subject to any collective bargaining agreement entered into pursuant to chapter ~~179~~ 179A and reasonable restrictions applied to all carriers. ~~The commissioner of employee relations may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 200 employees in the preceding benefit year pursuant to section 43A.23.~~

Sec. 11. Minnesota Statutes 1984, section 222.025, subdivision 1, is amended to read:

Subdivision 1. Any railroad company desiring a right-of-way over any state owned land, except tax forfeited land, may make application therefor to the state agency charged by law with jurisdiction over such land. The application shall be in such form as the state agency to which application must be made prescribes. If such agency, with the approval of the ~~executive council commissioner~~ commissioner of administration of the state of Minnesota, determines that it is in the public interest that the right of way be granted, the governor shall execute and deliver to such railroad company an instrument in writing conveying an easement for right of way purposes over the land designated by such agency, with the approval of said ~~executive council commissioner~~ commissioner of administration. Said easement shall continue so long as the land which is subject thereto shall be occupied

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by the railroad company for railroad purposes. Every such easement shall reserve to the state all minerals and mineral rights of whatever nature, with the right to enter upon said land to explore for such minerals at any time, and the right to enter upon said land to mine and remove the same upon six months' written notice from the state to the railroad company, provided, however, that the state agency shall negotiate for a new location for said railroad right of way, if needed by the railroad, over state land and when a new location has been procured, the railroad company shall promptly move to the new location. If such written notice is given, the railroad company shall, without any cost or obligation to the state, remove its railway and other structures from the land for which the easement was given; and all property, of whatever nature, not removed by said railroad company within said six month period shall become, upon the expiration of said period, the absolute property of the state. Upon the expiration of said period, all right, title and interest of the railroad company in and to such easement shall terminate and revert to the state without the doing of any act by the state except the giving of the aforesaid notice. If such easement ceases to be used by the railroad company for railroad purposes, the interest of the railroad company also shall terminate and revert to the state, without the doing of any act by the state. As the consideration for the granting of such easement by the state, the railroad company shall pay to the state treasurer the fair market value of the land which is subject to the easement, or that amount which is fixed by the constitution and laws of this state as the minimum price for the sale of such land, whichever is greater. No instrument conveying such easement shall be executed by the governor until said amount has been paid to the state. The fair market value shall be determined by the appraisal of the state agency charged by law with jurisdiction over said land, and shall be subject to the approval of said executive council commissioner of administration.

Sec. 12. Minnesota Statutes 1984, section 299D.03, subdivision 11, is amended to read:

Subd. 11. **REVIEW OF ARBITRATION AWARD.** Any state trooper who is so suspended, demoted, or dismissed may have the decision or determination of the arbitrator reviewed pursuant to the Uniform Arbitrator Act in the district court of appeals the county where the trooper resides. If the decision or determination of the arbitrator is finally rejected or modified by the court, the trooper shall be reinstated in his the position, and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld ~~from him~~ pending the determination of the charges or as may be directed by the court.

Sec. 13. **REPEALER.**

Minnesota Statutes 1984, section 15A.081, subdivision 7, is repealed.

Sec. 14. **EFFECTIVE DATE.**

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

Sections 2, 5 to 10, and 12 are effective the day following final enactment.

Approved June 28, 1985

CHAPTER 18 — S.F.No. 30

An act relating to real property; changing notice period required for termination of contracts for the conveyance of real estate; designating seller's attorney as an agent; clarifying the application of the mortgage registry tax; modifying provisions relating to persons defaulting on homesteads; imposing a penalty; amending Minnesota Statutes 1984, sections 47.20, subdivision 15, as amended; 287.10; 336.9-402, as amended; 336.9-403, as amended; 559.21, subdivisions 3, 4, and 6, as amended, and by adding subdivisions; 580.031, as amended; 583.03, subdivision 2, as amended; 583.04, as amended; 583.05, as amended; and 583.07, as amended; and Laws 1985, chapter 233, section 6, as amended; repealing Minnesota Statutes 1984, section 559.21, subdivisions 1, 1a, 2, and 8, as amended.

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

Section 1. Minnesota Statutes 1984, section 47.20, subdivision 15, as amended by Laws 1985, chapter 306, section 1, is amended to read:

Subd. 15. (a) Notwithstanding the provisions of any other law to the contrary, any notice of default on homestead property as defined in section 583.02 to which the provisions of chapter 583 apply, mailed after May 24, 1983 and prior to May 1, 1985, or after the effective date of this section June 8, 1985, and prior to May 1, 1987, shall indicate that the borrower has 60 days from the date the notice is mailed in which to cure the default. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.

(b) The statement must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distinguish the statement from the rest of the notice. The requirements of this paragraph must be followed on notices mailed under this subdivision on or after August 1, 1985. A violation of this paragraph is a petty misdemeanor.

Sec. 2. Laws 1985, chapter 233, section 6, as amended by Laws 1985, chapter 306, section 22, is amended by adding a subdivision to read:

Subd. 5. DEFINITIONS. The definitions in chapter 336 apply to this section.

Sec. 3. Minnesota Statutes 1984, section 287.10, is amended to read:

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