

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:15 a.m.

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## CHAPTER 567—H.F.No. 2848

*An act relating to state government; ratifying labor agreements; providing for classification changes for certain employees; requiring a report to the legislature; raising the salary range for the executive director of the board on judicial standards; appropriating money; amending Minnesota Statutes 1990, sections 15A.083, subdivision 4; 21.85, subdivision 2; Minnesota Statutes 1991 Supplement, sections 43A.08, subdivisions 1 and 1a; and 349A.02, subdivision 4.*

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

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### ARTICLE 1

#### Section 1. RATIFICATIONS.

Subdivision 1. COUNCIL 6. The labor agreement between the state of Minnesota and state bargaining units 2, 3, 4, 6, and 7, represented by the American Federation of State, County, and Municipal Employees, Council 6, approved by the legislative commission on employee relations on July 30, 1991, is ratified.

Subd. 2. COUNCIL 6. The labor agreement between the state of Minnesota and state bargaining unit 8, represented by the American Federation of State, County, and Municipal Employees, Council 6, approved by the legislative commission on employee relations on September 12, 1991, is ratified.

Subd. 3. PROFESSIONAL EMPLOYEES. The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees, approved by the legislative commission on employee relations on September 12, 1991, is ratified.

Subd. 4. SUPERVISORS. The labor agreement between the state of Minnesota and the Middle Management Association, approved by the legislative commission on employee relations on September 12, 1991, is ratified.

Subd. 5. ENGINEERS. The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the legislative commission on employee relations on September 12, 1991, is ratified.

Subd. 6. MANAGERIAL PLAN. The commissioner of employee relations' plan for managerial employees, approved by the legislative commission on employee relations on September 12, 1991, is ratified.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 7. COMMISSIONER'S PLAN. The commissioner of employee relations' plan for unrepresented employees, approved by the legislative commission on employee relations on September 12, 1991, is ratified.

Subd. 8. SPECIAL TEACHERS. The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the legislative commission on employee relations on November 19, 1991, is ratified.

Subd. 9. UNCLASSIFIED EMPLOYEES; HIGHER EDUCATION COORDINATING BOARD. The plan for unclassified employees of the higher education coordinating board, as approved by the department of employee relations on November 14, 1991, and by the legislative commission on employee relations on November 19, 1991, is ratified.

Subd. 10. NURSES. The labor agreement between the state of Minnesota and the Minnesota Nurses Association, approved by the legislative commission on employee relations on January 6, 1992, is ratified.

Subd. 11. COMMUNITY COLLEGE FACULTY. The labor agreement between the state of Minnesota and the Minnesota Community College Faculty Association, approved by the legislative commission on employee relations on January 6, 1992, is ratified.

Subd. 12. UNCLASSIFIED EMPLOYEES, COMMUNITY COLLEGE SYSTEM. The plan for unclassified employees of the community college system, as approved by the department of employee relations on December 27, 1991, and by the legislative commission on employee relations on January 6, 1992, is ratified.

Subd. 13. UNCLASSIFIED EMPLOYEES; TECHNICAL COLLEGE BOARD. The plan for unclassified employees of the technical college board, as approved by the department of employee relations on November 14, 1991, and by the legislative commission on employee relations on January 16, 1992, is ratified.

Subd. 14. ADMINISTRATIVE LAW JUDGES; OFFICE OF ADMINISTRATIVE HEARINGS. The plan for administrative law judges of the office of administrative hearings, as approved by the department of employee relations on December 27, 1991, and by the legislative commission on employee relations on January 16, 1992, is ratified.

Subd. 15. CHANCELLOR; TECHNICAL COLLEGE SYSTEM. The salary for the chancellor of the technical college system, approved by the legislative commission on employee relations on January 16, 1992, is ratified.

Subd. 16. CHANCELLOR; COMMUNITY COLLEGE SYSTEM. The salary for the chancellor of the community college system, approved by the legislative commission on employee relations on January 16, 1992, is ratified.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 17. DIRECTOR; HIGHER EDUCATION COORDINATING BOARD. The salary for the director of the higher education coordinating board, approved by the legislative commission on employee relations on January 16, 1992, is ratified.

Subd. 18. CHANCELLOR; HIGHER EDUCATION BOARD. The salary for the chancellor of the higher education board, approved by the legislative commission on employee relations on January 16, 1992, is ratified.

Subd. 19. STATE UNIVERSITY FACULTY. The labor agreement between the state of Minnesota and the inter-faculty organization, approved by the legislative commission on employee relations on March 9, 1992, is ratified.

Subd. 20. STATE UNIVERSITY ADMINISTRATIVE UNIT. The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, approved by the legislative commission on employee relations on March 9, 1992, is ratified.

Subd. 21. STATE UNIVERSITY UNREPRESENTED EMPLOYEES PLAN. The plan for unrepresented employees of the state university system, as approved by the department of employee relations on March 9, 1992, and by the legislative commission on employee relations on March 9, 1992, is ratified.

## Sec. 2. INTERIM APPROVAL.

After adjournment of the 1992 session, but before the 1993 session of the legislature, the legislative commission on employee relations may give interim approval to any negotiated agreement, arbitration award, salary, or compensation plan submitted to it under other law. The commission shall submit the agreement, award, salary, or plan to the entire legislature for ratification in the same manner and with the same effect as provided for agreements, awards, salaries, and plans submitted after adjournment of the legislature in an odd-numbered year.

## Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

## ARTICLE 2

### Section 1. REPORT ON QUASI-STATE AGENCY HEADS.

The commissioner of employee relations shall evaluate and submit a report to the chair of the legislative commission on employee relations and the chairs of the house and senate governmental operations committees on the appropriate salary ranges for the director of the state high school league. The report must include an analysis of the policy implications and appropriateness of establishing salary ranges for agency heads and employees of quasi-state agencies. This report must be submitted by December 15, 1992.

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 3

Section 1. Minnesota Statutes 1990, section 15A.083, subdivision 4, is amended to read:

Subd. 4. **RANGES FOR OTHER JUDICIAL POSITIONS.** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. The supreme court shall set the salary of the state court administrator and the salaries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge. If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. The salaries of the district administrators of the second, fourth, and sixth judicial districts may be supplemented by the appropriate county board in an amount not to exceed \$10,000 per year. The salary supplement may be made effective only until January 1, 1988. The salary of the state public defender shall be 95 percent of the salary of the attorney general.

	Salary or Range Effective July 1, 1987 <u>1992</u>
Board on judicial standards	
executive director	\$34,000-\$48,000 <u>\$44,000-\$60,000</u>

Sec. 2. Minnesota Statutes 1990, section 21.85, subdivision 2, is amended to read:

Subd. 2. **SEED LABORATORY.** The commissioner shall establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 21.80 to 21.92, ~~none of whom, except those who are employed on a regular full-time basis, shall come within or be governed by chapter 43A. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the commissioner's plan of the department of employee relations or the appropriate bargaining unit contract.~~

Sec. 3. Minnesota Statutes 1991 Supplement, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. **UNCLASSIFIED POSITIONS.** Unclassified positions are held by employees who are:

- (1) chosen by election or appointed to fill an elective office;

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(2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;

(3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the office of strategic and long-range planning;

(4) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;

(7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the school and resource center for the arts, state universities and community colleges, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the national guard;

(11) attorneys, legal assistants, ~~examiners~~, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(13) members of the state patrol; provided that selection and appointment of state patrol troopers must be made in accordance with applicable laws governing the classified service;

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(14) chaplains employed by the state;

(15) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(16) student workers;

(17) ~~one position in the hazardous substance notification and response activity in the department of public safety~~ executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(18) employees unclassified pursuant to other statutory authority;

(19) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and

(20) the administrators and the deputy administrators at the state academies for the deaf and the blind.

Sec. 4. Minnesota Statutes 1991 Supplement, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. **ADDITIONAL UNCLASSIFIED POSITIONS.** Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections; jobs and training; education; employee relations; trade and economic development; finance; ~~gaming~~; health; human rights; labor and industry; natural resources; office of administrative hearings; public safety; public service; human services; revenue; transportation; and veterans affairs; the housing finance, ~~state planning~~, and pollution control agencies; the state lottery division; the state board of investment; the office of waste management; the offices of the attorney general, secretary of state, state auditor, and state treasurer; the state board of technical colleges; the higher education coordinating board; the Minnesota center for arts education; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

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(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 5. Minnesota Statutes 1991 Supplement, section 349A.02, subdivision 4, is amended to read:

Subd. 4. **EMPLOYEES.** The director may appoint other personnel as necessary to operate the state lottery. ~~All professional employees as defined in section 179A.03, subdivision 13, whose primary responsibilities are in marketing are in the unclassified service. All other employees of the division are in the classified service in accordance with chapter 43A.~~ At least one position in the division must be an attorney position and the director shall employ in that position an attorney to perform legal services for the division.

#### Sec. 6. CLASSIFICATION OF CERTAIN POSITIONS.

Notwithstanding Laws 1987, chapter 404, section 26, subdivision 6, professional positions associated with the outdoor recreation program in the department of trade and economic development that do not meet the criteria established in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, are in the classified service.

#### Sec. 7. TRANSFER OF INCUMBENT EMPLOYEES.

Employees who, on the effective date of this section, hold or are on leave from positions that are transferred to the classified service are appointed to the classified civil service without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper classifications in the classified service. Each employee is appointed at no loss in salary or accrued leave benefits. An employee so appointed shall begin on the effective date of this act to serve a probationary period appropriate to the class of their position.

#### Sec. 8. RETIREMENT PLANS.

A person who on the day before the effective date of this section is a participant in the state unclassified employees retirement program and whose position is placed in the classified service under this article or as a result of a plan required by Laws 1991, chapter 238, article 1, section 20 or 21, may elect to maintain membership in the unclassified program as long as the person holds

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the position or a position in a higher class in the same agency. When an unclassified position that entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position, and to the director of the Minnesota state retirement system. The notice must state the incumbent's option under this section. A person eligible to maintain membership in the unclassified plan must notify the executive director of the state retirement system of the person's election to maintain membership in the unclassified plan within 60 days of the date on which the commissioner sends the notice stating that the position has been placed in the classified service. A person who does not send notice is deemed to have waived the right to remain in the unclassified plan.

Sec. 9. **APPROPRIATION.**

\$10,000 is appropriated from the general fund to the board of judicial standards, to be added to the appropriation in Laws 1991, chapter 345, article 1, section 6, for fiscal year 1993.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:16 a.m.

**CHAPTER 568—H.F.No. 2030**

*An act relating to transportation; making certain persons who transport passengers for hire in intrastate commerce subject to rules of the commissioner of transportation on insurance and driver hours of service; amending Minnesota Statutes 1990, sections 221.031, by adding a subdivision; and 221.141, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 221.025.*

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

Section 1. Minnesota Statutes 1991 Supplement, section 221.025, is amended to read:

**221.025 EXEMPTIONS.**

Except as provided in sections 221.031 ~~and~~, 221.033, and 221.141, subdivision 5, the provisions of this chapter do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of rubbish as defined in section 443.27;

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