

Sec. 21. **REPEALER.**

(a) Minnesota Statutes 1998, sections 120B.03, subdivisions 1, 2, and 3; and 120B.04, are repealed.

(b) Minnesota Rules, parts 3501.0330, subpart 2, item A; 3501.0360; 3501.0370, subparts 1, 2, and 4; 3501.0420, subpart 1, item D, and subpart 4; and 3501.0430, are repealed.

(c) Minnesota Rules part 3501.0330, subpart 7, item B, is repealed effective July 1, 2001.

Sec. 22. **EFFECTIVE DATE.**

Sections 1 to 21 are effective the day following final enactment.

Presented to the governor May 19, 2000

Signed by the governor May 25, 2000, 3:50 p.m.

---

**CHAPTER 501—S.F.No. 2826**

*An act relating to public employment; ratifying certain labor agreements; making technical changes to the Public Employment Labor Relations Act; amending Minnesota Statutes 1998, sections 15A.0815, subdivisions 2 and 3; 85A.02, subdivision 5a; 179A.18, subdivision 1; and 349A.02, subdivision 1; Minnesota Statutes 1999 Supplement, section 179A.04, subdivision 3.*

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

Section 1. Minnesota Statutes 1998, section 15A.0815, subdivision 2, is amended to read:

Subd. 2. **GROUP I SALARY LIMITS.** The salaries for positions in this subdivision may not exceed 85 95 percent of the salary of the governor:

- Commissioner of administration;
- Commissioner of agriculture;
- Commissioner of children, families, and learning;
- Commissioner of commerce;
- Commissioner of corrections;
- Commissioner of economic security;
- Commissioner of employee relations;
- Commissioner of finance;
- Commissioner of health;

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

Executive director, higher education services office;  
Commissioner, housing finance agency;  
Commissioner of human rights;  
Commissioner of human services;  
Executive director, state board of investment;  
Commissioner of labor and industry;  
Commissioner of natural resources;  
Director of office of strategic and long-range planning;  
Commissioner, pollution control agency;  
Commissioner of public safety;  
Commissioner, department of public service;  
Commissioner of revenue;  
Commissioner of trade and economic development;  
Commissioner of transportation; and  
Commissioner of veterans affairs.

Sec. 2. Minnesota Statutes 1998, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **GROUP II SALARY LIMITS.** The salaries for positions in this subdivision may not exceed ~~75~~ 85 percent of the salary of the governor:

Ombudsman for corrections;  
Executive director of gambling control board;  
Commissioner, iron range resources and rehabilitation board;  
Commissioner, bureau of mediation services;  
Ombudsman for mental health and retardation;  
Chair, metropolitan council;  
Executive director of pari-mutuel racing;  
Executive director, public employees retirement association;  
Commissioner, public utilities commission;  
Executive director, state retirement system; and  
Executive director, teachers retirement association.

Sec. 3. Minnesota Statutes 1998, section 85A.02, subdivision 5a, is amended to read:

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

Subd. 5a. **EMPLOYEES.** (a) The board shall appoint an administrator who shall serve as the executive secretary and principal administrative officer of the board and, subject to its approval, shall operate the Minnesota zoological garden and enforce all rules and policy decisions of the board. The administrator must be chosen solely on the basis of training, experience, and other qualifications appropriate to the field of zoo management and development. The board shall set the salary of the administrator. The salary of the administrator may not exceed ~~85~~ 130 percent of the salary of the governor; however, any amount exceeding 95 percent of the salary of the governor must consist of nonstate funds. The administrator shall perform duties assigned by the board and serves in the unclassified service at the pleasure of the board. The administrator, with the participation of the board, shall appoint a development director in the unclassified service or contract with a development consultant to establish mechanisms to foster community participation in and community support for the Minnesota zoological garden. The board may employ other necessary professional, technical, and clerical personnel. Employees of the zoological garden are eligible for salary supplement in the same manner as employees of other state agencies. The commissioner of finance shall determine the amount of salary supplement based on available funds.

(b) The board may contract with individuals to perform professional services and may contract for the purchases of necessary species exhibits, supplies, services, and equipment. The board may also contract for the construction and operation of entertainment facilities on the zoo grounds that are not directly connected to ordinary functions of the zoological garden. The zoo board may not enter into a final agreement for construction of an entertainment facility that is not directly connected to the ordinary functions of the zoo until after final construction plans have been submitted to the chairs of the senate finance and house appropriations committees for their recommendations.

The zoo may not contract for entertainment during the period of the Minnesota state fair that would directly compete with entertainment at the Minnesota state fair.

Sec. 4. Minnesota Statutes 1999 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** (a) The commissioner shall:

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

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

(3) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner;

(4) conduct elections;

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

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

(6) adopt rules relating to the administration of this chapter and the conduct of hearings and elections;

(7) receive, catalogue, file, and make available to the public all decisions of arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions;

(8) adopt, subject to chapter 14, a grievance procedure that fulfills the purposes of section 179A.20, subdivision 4, ~~does not provide for the services of the bureau of mediation services and that~~ is available to any employee in a unit not covered by a contractual grievance procedure;

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

(10) collect fees established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(11) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner;

(12) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4; and

(13) maintain a list of up to 60 arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes. Each person on the list must be knowledgeable about collective bargaining and labor relations in the public sector, well versed in state and federal labor law, and experienced in and knowledgeable about labor arbitration. To the extent practicable, the commissioner shall appoint members to the list so that the list is gender and racially diverse.

(b) From the names provided by representative organizations, the commissioner shall maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 122A.40 or 122A.41. The persons on the list must meet at least one of the following requirements:

(1) be a former or retired judge;

(2) be a qualified arbitrator on the list maintained by the bureau;

(3) be a present, former, or retired administrative law judge; or

(4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, education Minnesota shall provide a list of up to 14 names and the Minnesota school boards association a list of up to 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list.

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

Sec. 5. Minnesota Statutes 1998, section 179A.18, subdivision 1, is amended to read:

Subdivision 1. **WHEN AUTHORIZED.** Essential employees may not strike. Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other public employees 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 2, has occurred; and

(b) the exclusive representative and the employer have participated in mediation over a period of at least 45 days, provided that the mediation period established by section 179A.17, subdivision 2, governs negotiations under that section, and provided that for the purposes of this subclause the mediation period commences on the day following receipt by the commissioner of a request for mediation; or

(2) the employer violates section 179A.13, subdivision 2, clause (9); or

(3) in the case of state employees,

(a) the legislative coordinating ~~commission on employee relations~~ has rejected a negotiated agreement or arbitration decision during a legislative interim; or

(b) the entire legislature rejects or fails to ratify a negotiated agreement or arbitration decision, which has been approved during a legislative interim by the legislative coordinating ~~commission on employee relations~~, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.

Sec. 6. Minnesota Statutes 1998, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. **DIRECTOR.** A state lottery is established under the supervision and control of the director of the state lottery appointed by the governor with the advice and consent of the senate. The director must be qualified by experience and training in the operation of a lottery to supervise the lottery. The director serves in the unclassified service. The annual salary rate authorized for the director is equal to ~~85~~ 95 percent of the salary rate prescribed for the governor.

#### Sec. 7. **RATIFICATIONS.**

Subdivision 1. **COUNCIL 6.** The labor agreement between the state of Minnesota and the American federation of state, county, and municipal employees, council 6, approved by the legislative coordinating commission subcommittee on employee relations on September 10, 1999, is ratified.

Subd. 2. **RESIDENTIAL SCHOOLS TEACHERS.** The labor agreement between the state of Minnesota and the state residential schools education association, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

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

Subd. 3. SUPERVISORS. The labor agreement between the state of Minnesota and the middle management association, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 4. NURSES. The labor agreement between the state of Minnesota and the Minnesota nurses association, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 5. COMMUNITY COLLEGE FACULTY. The labor agreement between the state of Minnesota and the Minnesota community college faculty association, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 6. STATE UNIVERSITY FACULTY. The labor agreement between the state of Minnesota and the interfaculty organization, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 7. TECHNICAL COLLEGE FACULTY. The labor agreement between the state of Minnesota and the united technical college educators, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 8. STATE UNIVERSITY ADMINISTRATIVE AND SERVICE FACULTY. The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 9. COMMISSIONER'S PLAN. The commissioner's plan for unrepresented employees, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, and as amended by the subcommittee on January 31, 2000, is ratified.

Subd. 10. MANAGERIAL PLAN. The plan for managerial employees, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, and as amended by the subcommittee on January 31, 2000, is ratified.

Subd. 11. UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES. The plan for administrators of the Minnesota state colleges and universities, approved by the legislative coordinating commission subcommittee on employee relations on December 13, 1999, is ratified.

Subd. 12. PROFESSIONAL EMPLOYEES. The labor agreement between the state of Minnesota and the Minnesota association of professional employees, approved by the legislative coordinating commission subcommittee on employee relations on January 31, 2000, is ratified.

Subd. 13. LAW ENFORCEMENT. The labor agreement between the state of Minnesota and the Minnesota law enforcement association, approved by the legislative

New language is indicated by underline, deletions by strikeout.

coordinating commission subcommittee on employee relations on January 31, 2000, is ratified.

**Subd. 14. CORRECTIONAL GUARDS.** The arbitration award and labor agreement between the state of Minnesota and the American federation of state, county, and municipal employees, council 6, approved by the legislative coordinating commission subcommittee on employee relations on January 31, 2000, is ratified.

**Subd. 15. UNREPRESENTED EMPLOYEES, HIGHER EDUCATION SERVICES OFFICE.** The plan for unrepresented, unclassified employees of the higher education services office, approved by the legislative coordinating commission subcommittee on employee relations on January 31, 2000, is ratified.

**Subd. 16. SALARIES FOR CERTAIN HEADS OF STATE AGENCIES.** The proposals to increase the salaries of certain heads of state agencies, approved by the legislative coordinating commission subcommittee on employee relations on January 31, 2000, are ratified.

**Subd. 17. SALARY FOR THE DIRECTOR OF HIGHER EDUCATION SERVICES OFFICE.** The proposal to increase the salary of the director of the higher education services office, recommended by the legislative coordinating commission subcommittee on employee relations on February 22, 2000, is ratified.

**Sec. 8. EFFECTIVE DATE.**

Section 7 is effective the day following final enactment.

Presented to the governor May 19, 2000

Signed by the governor May 25, 2000, 3:52 p.m.

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