

CHAPTER 453—S.F.No. 2265

An act relating to the city of Bloomington; permitting the establishment of a port authority.

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

Section 1. The city of Bloomington may establish a port authority which shall have the same powers as a port authority established pursuant to Minnesota Statutes, Section 458.09. If the city establishes a port authority, the city shall exercise all the powers relating to the port authority granted to a city by Minnesota Statutes, Section 458.09 or other law.

Sec. 2. This act is effective on the day of compliance with Minnesota Statutes, Section 645.021, Subdivision 3.

Approved April 3, 1980

CHAPTER 454—S.F.No. 210

An act relating to education; providing and regulating certain mobility incentives for certain teachers in the community colleges and state universities; assisting with the development of additional rural health cooperatives; amending Minnesota Statutes 1978, Sections 354.094, Subdivisions 1, 2, and 5; 354.66, Subdivisions 1, 6, 7, 9 and 10, and by adding subdivisions; 354.69; Minnesota Statutes, 1979 Supplement, Sections 354.094, Subdivision 3; and 354.66, Subdivision 2.

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

Section 1. **[136.88] EXTENDED LEAVES OF ABSENCE.** Subdivision 1. As used in this section, the terms defined in this subdivision have the meanings given them.

(a) "Board" means the state board for community colleges and the state university board.

(b) "Teacher" means a person on the instructional or administrative staff of the community college or state university system who is a member of the teachers retirement association. It shall not include a chancellor or vice-chancellor.

Subd. 2. A board may grant an extended leave of absence without salary to a full time teacher who has been employed by the board for at least five years and has at least ten years of allowable service as defined in section 354.05, subdivision 13. The maximum duration of an extended leave of absence pursuant to this section shall be determined by mutual agreement of the board and the teacher at the time the leave is granted and shall be at least three but no more

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than five years. An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher. No teacher may receive more than one leave of absence pursuant to this section.

Subd. 3. A board which denies a request for an extended leave of absence pursuant to this section shall record the denial and the reasons therefor. Prior to February 1, 1980, and each year thereafter by the same date, a board shall file a written report with the education committees of the legislature on any denials recorded pursuant to this subdivision.

Subd. 4. A teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to the same position or a similar position within the department or program from which the leave was granted at the beginning of the school year which immediately follows a year of extended leave of absence, unless the teacher is discharged or placed on retrenchment or on lay-off or his contract is terminated while he is on the extended leave. A board shall not be obligated to reinstate a teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return.

Subd. 5. A teacher who is reinstated to the same or similar position after an extended leave pursuant to this section shall not lose tenure or credit for previous seniority in the employing community college or state university. A teacher shall not accrue seniority credit during the time of a leave of absence pursuant to this section.

Subd. 6. The years spent by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his reinstatement to the same or similar position by the board which granted the leave. The credits earned by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his reinstatement to the same or similar position by the board which granted the leave for a period of time equal to the time of the extended leave of absence.

Subd. 7. Nothing within the provisions of this section shall be construed to limit the authority of a board to grant a teacher a leave of absence which is not subject to the provisions of this section and section 354.094.

Subd. 8. A board shall not grant extended leaves of absence pursuant to this section beyond the limits of the appropriation to that board for the purposes of section 354.094.

Sec. 2. Minnesota Statutes 1978, Section 354.094, Subdivision 1, is amended to read:

354.094 EXTENDED LEAVES OF ABSENCE. Subdivision 1. If a member is granted an extended leave of absence pursuant to section 125.60 or section 1, he may receive allowable service credit toward annuities and other benefits under this chapter, for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The state

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shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 3. Minnesota Statutes 1978, Section 354.094, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding section 354.49, subdivision 4, clause (3), a member on extended leave who pays employee contributions into the fund pursuant to subdivision 1 shall retain membership in the association for as long as he continues to pay employee contributions, under the same terms and conditions as if he had continued to teach in the district, the community college system or the state university system.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 354.094, Subdivision 3, is amended to read:

Subd. 3. A member on extended leave of absence pursuant to section 125.60 or section 1 who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter and may not pay employee contributions into the fund in any subsequent year of the leave. Nonpayment of employee contributions into the fund shall not affect the rights or obligations of the teacher member or his employing school district employer under section 125.60. *

Sec. 5. Minnesota Statutes 1978, Section 354.094, Subdivision 5, is amended to read:

Subd. 5. The provisions of this section shall not apply to a member who is discharged or placed on unrequested leave of absence or retrenchment or lay-off or whose contract is terminated pursuant to section 125.12 or 125.17 while he is on an extended leave of absence pursuant to section 125.60 or section 1.

Sec. 6. Minnesota Statutes 1978, Section 354.66, Subdivision 1, is amended to read:

354.66 QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND. Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents. It shall also have the meaning given it in section 1, subdivision 1.

Sec. 7. Minnesota Statutes 1978, Section 354.66, is amended by adding a subdivision to read:

Subd. 1a. For purposes of this section, "board" means a school district board, the state board for community colleges and the state university board.

Sec. 8. Minnesota Statutes 1978, Section 354.66, is amended by adding a subdivision to read:

Subd. 1b. For purposes of this section, "district" means a school district, the community college system and the state university system.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 354.66, Subdivision 2, is amended to read:

Subd. 2. A teacher in the public elementary, secondary or area vocational-technical schools, in the community college system or the state university system of the state who has 20 years or more of allowable service or 20 years or more of full time teaching service in Minnesota public elementary, secondary and area vocational-technical schools may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position. *

Sec. 10. Minnesota Statutes 1978, Section 354.66, Subdivision 6, is amended to read:

Subd. 6. A board entering into an agreement authorized by this section shall take all steps necessary to assure continuance of any insurance programs furnished or authorized a full-time teacher on an identical basis and with identical sharing of costs for a part time teacher pursuant to this section. Notwithstanding the provisions of section 43.47, subdivision 16, a teacher as defined in section 1 employed on a less than 75 percent time basis pursuant to this section shall be eligible for state paid insurance benefits as if the teacher were employed full-time.

Sec. 11. Minnesota Statutes 1978, Section 354.66, Subdivision 7, is amended to read:

Subd. 7. Only teachers who are in the bargaining unit public employees as defined in section 179.63, subdivision ~~47.7~~, during the school year preceding the period of part time employment pursuant to this section shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4. Notwithstanding the provisions of section 179.63, subdivision 7, clauses (e) and (f), teachers who are employed on a part time basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, shall continue to be in the bargaining unit during the period of part time employment pursuant to this section for purposes of compensation, fringe benefits and the grievance procedure.

Sec. 12. Minnesota Statutes 1978, Section 354.66, Subdivision 9, is amended to read:

Subd. 9. A school district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of education shall

approve or disapprove applications from school districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual for service credit pursuant to this section. The state board for community colleges and the state university board may within the limits appropriated to them for purposes of this section assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education.

Sec. 13. Minnesota Statutes 1978, Section 354.66, Subdivision 10, is amended to read:

Subd. 10. Nothing within the provisions of this section shall be construed to limit the authority of a school board to assign a teacher to a part time teaching position which does not qualify for the continuation of contributions and accrual of service credit pursuant to this section.

Sec. 14. Minnesota Statutes 1978, Section 354.69, is amended to read:

354.69 INFORMATION SUPPLIED BY DISTRICT. Each school district and the community college and state university systems shall furnish to the appropriate retirement fund association all information and reports deemed necessary by the appropriate board of trustees to administer the provisions of Laws 1977, Chapter 447, Article 9.

Sec. 15. **RURAL HEALTH CO-OPS.** \$25,000 is appropriated from the general fund to the regents of the University of Minnesota for use in its health science outreach program by awarding grants for the improvement of health services to rural communities by the development of two new rural health cooperatives in rural Minnesota. "Rural health cooperative" means a nonprofit corporation organized under Minnesota law on a membership basis, and controlled by nonprofit or governmental hospitals located outside of cities of the first class, which exists for the purpose of fostering the availability of higher quality health services in rural Minnesota. This appropriation, plus the funds made available by the university shall be used for necessary staff, travel, and any other related and necessary costs. Any balance remaining on June 30, 1980 shall not cancel but shall be available in the following fiscal year. A progress report shall be submitted to the legislature by March 1, 1981.

Sec. 16. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 3, 1980

* See the amendments to sections 4 and 9 in Laws 1980, Chapter 618, Sections 4 and 5.

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