

## CHAPTER 299 — S.F.No. 415

*An act relating to state government; providing for salaries for constitutional officers, agency heads, legislators, metropolitan agency heads, and certain judicial positions; providing an expense allowance; establishing a compensation council; limiting local government salaries; prohibiting cash payments for accumulated vacation pay; expanding the authority of the commissioner of employee relations to set salaries; requiring the governor to recommend certain salaries; removing salary setting authority of certain state agencies; removing additional compensation for the career executive service; requiring the percentage of women in the career executive service to be increased; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; appropriating money; amending Minnesota Statutes 1982, sections 3.305; 3.855, subdivision 3; 3.922, subdivision 5; 15A.081, subdivisions 1, 6, and 7, and by adding a subdivision; 15A.083, subdivisions 1, 2, and 4; 43A.17, subdivision 1, and by adding subdivisions; 43A.18, subdivisions 3, 4, and 5; 43A.21, by adding a subdivision; 105.71, subdivision 2; 136.034; 136A.03; 179.741, subdivision 1, and by adding a subdivision; 244.09, subdivision 10; 256.482, subdivision 2; 298.22, subdivision 1; 326.241, subdivision 2; 352.03, subdivision 4; 354.06, subdivision 2; 484.68, subdivision 6; and Laws 1980, chapter 564, article XII, section 1, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, sections 16A.16; and 136A.035.*

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

Section 1. Minnesota Statutes 1982, section 3.305, is amended to read:

**3.305 LEGISLATIVE COORDINATING COMMISSION; BUDGET REVIEW.**

The administrative budget request of any statutory commission the majority of whose members are members of the legislature shall be submitted to the legislative coordinating commission for review and comment prior to submission to the finance committee of the senate and the appropriations committee of the house of representatives. No such commission shall employ additional personnel or increase the compensation of any employee without first having received the recommendation of the legislative coordinating commission. The commission shall establish the compensation of all employees of any statutory commission, except classified employees of the legislative audit commission, the majority of whose members are members of the legislature.

Sec. 2. Minnesota Statutes 1982, section 3.855, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 43A.18, subdivision 2 covering all state

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employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(b) review and approve, reject or modify a plan for total compensation and terms and conditions of employment for employees of those positions identified as being managerial pursuant to section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(c) review and approve, reject or modify recommendations for salaries submitted by the governor pursuant to section 43A.18, subdivision 5, covering agency head positions listed in section 15A.081;

(e) (d) continually monitor the state's civil service system as provided for in chapter 43A, rules of the commissioner of employee relations and the collective bargaining process as provided for in sections 179.61 to 179.76, as applied to state employees;

(d) (e) research and analyze the need for improvements in those statutory sections;

(e) (f) adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters;

(f) Research and analyze insurance programs currently available to teachers and other public school employees in Minnesota and report to the legislature by December 1, 1982. The report shall include a summary of insurance benefit levels and costs, including health, dental, life and disability insurance; differences in the cost of providing like benefits in different regions of the state and in school districts of different sizes; and recommendations on the feasibility of providing a uniform coverage insurance program to all school districts in Minnesota; and

(g) perform such other related functions as are delegated to it by the legislature.

Sec. 3. Minnesota Statutes 1982, section 3.922, subdivision 5, is amended to read:

Subd. 5. **OFFICERS, PERSONNEL.** The board shall annually elect a chairman and such other officers as it may deem necessary. The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the board. It shall also employ, and prescribe the duties of such clerks, employees, and agents as it deems necessary. The compensation of the executive director of the board shall be as provided by section 43A.18. The chairman shall be an ex officio member of the state board of human rights. The appropriations and other funds of this board are subject to the provisions of chapter 16. The board shall maintain its primary office in Bemidji and shall also maintain personnel and office space in St. Paul.

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Sec. 4. Minnesota Statutes 1982, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government 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 or Range		
	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1981
Administration, department of commissioner	\$44,000	\$47,000	
Administrative hearings office chief hearing examiner	38,000	40,000	
Agriculture, department of commissioner	38,000	40,000	
Commerce, department of commissioner of banks	34,000	36,500	
commissioner of insurance	34,000	36,500	
commissioner of securities and real estate director of consumer services	34,000	36,500	
Community college system chancellor	44,000	46,000	
Corrections, department of commissioner	42,000	45,000	
ombudsman	33,000	35,000	
Economic security, department of commissioner	43,000	45,000	
Education, department of commissioner	43,000	45,000	
Energy, planning and development department of			

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commissioner			46,000
Finance, department of commissioner	48,000	50,000	
Health, department of commissioner	47,000	49,000	
Higher education coordinating board executive director	40,000	42,000	
Housing finance agency executive director	39,000	41,000	
Human rights, department of commissioner	31,000	33,000	
Indian affairs board executive director	27,000	29,000	
Iron range resources and rehabilitation board commissioner	30,000	31,000	
Labor and industry, department of commissioner judge of the workers' compensation court of appeals	38,000	40,000	
Mediation services, bureau of director	36,000	38,000	
Natural resources, department of commissioner	44,000	47,000	
Personnel, department of commissioner	44,000	47,000	
Pollution control agency director	38,000	40,000	
Public safety, department of commissioner	38,000	41,000	
Public service, department of commissioner, public utilities commission director	34,000 34,000	36,000 36,000	
Public welfare,			

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department of commissioner Revenue,	44,000	48,000
department of commissioner State university system chancellor	44,000	47,000
Transportation, department of commissioner	44,000	46,000
Transportation, regulation board, board member		32,000
Veterans affairs, department of commissioner	31,000	33,000

Salary Range  
Effective  
July 1,  
1983  
\$57,500-\$70,000

- Commissioner of education;
- Commissioner of finance;
- Commissioner of transportation;
- Commissioner of public welfare;
- Chancellor, community college system;
- Chancellor, state university system;
- Director, vocational technical  
education
- Executive director, state board of  
investment;
- 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;
- Chief hearing examiner; office of  
administrative hearings;
- Director, pollution control agency;
- Director, state planning agency;

\$50,000-\$60,000

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Executive director, higher education coordinating board;  
Executive director, housing finance agency;  
Executive director, teacher's retirement association;  
Executive director, state retirement system;

Commissioner of human rights; \$40,000-\$52,500  
Director, department of public service;  
Commissioner of veterans' affairs;  
Executive director, educational computing consortium;  
Executive director, environmental quality board;  
Director, bureau of mediation services;  
Commissioner, public utilities commission;  
Member, transportation regulation board;  
Chairperson, waste management board;  
Director, zoological gardens.

Sec. 5. Minnesota Statutes 1982, section 15A.081, subdivision 6, is amended to read:

Subd. 6. The following salaries are provided for the constitutional officers of the state:

	<u>Effective</u> <u>July 1,</u> <u>1979</u>	<u>Effective</u> <u>July 1,</u> <u>1980</u>	<u>Effective</u> <u>July 1</u> <u>1983</u>
Governor	\$62,000	\$66,500	\$75,000
Attorney general	52,500	56,000	62,500
Lieutenant governor	38,000	40,000	44,000
Auditor	34,000	36,000	48,000
Secretary of state	34,000	36,000	44,000
Treasurer	34,000	36,000	44,000

The salaries of the chief deputy attorney general, deputy auditor, deputy secretary of state and deputy treasurer shall be set by their superior constitutional officer and may be up to 95 percent of the salaries of their respective superior constitutional officers.

Sec. 6. Minnesota Statutes 1982, section 15A.081, subdivision 7, is amended to read:

Subd. 7. The following salaries are provided for officers of metropolitan agencies:

<u>Effective</u> <u>July 1,</u>	<u>Effective</u> <u>July 1,</u>
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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

	1979	1980
Chairman, metropolitan council (part time)	\$21,000	\$22,500
(full time)	42,000	44,500
Chairman, metropolitan airports commission	10,500	11,500
Chairman, metropolitan transit commission (part time)	18,000	19,000
(full time)	36,000	38,000
Chairman, metropolitan waste control commission	16,000	17,000
	<u>Effective</u>	<u>Effective</u>
	<u>July 1</u>	<u>July 1</u>
	<u>1983</u>	<u>1984</u>
<u>Chairman, metropolitan council</u>	<u>\$47,000</u>	<u>50,000</u>
<u>Chairman, metropolitan airports commission</u>	<u>14,000</u>	<u>16,000</u>
<u>Chairman, metropolitan transit commission</u>	<u>42,000</u>	<u>46,000</u>
<u>Chairman, metropolitan waste control commission</u>	<u>18,500</u>	<u>20,000</u>

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 7. Minnesota Statutes 1982, section 15A.081, is amended by adding a subdivision to read:

Subd. 8. EXPENSE ALLOWANCE. Notwithstanding any law to the contrary, positions listed in subdivision 1, constitutional officers, the president of each community college, and the director of vocational-technical education are authorized an annual expense allowance not to exceed \$1,500 for necessary expenses in the normal performance of their duties for which no other reimbursement is provided. However, expense allowances for the chancellor of the state university system and the president of each state university shall be governed only by section 136.063. The expenditures under this subdivision are subject to any laws and rules relating to budgeting, allotment and encumbrance, preaudit and post-audit. The commissioner of finance may promulgate rules to assure the proper expenditure of these funds, and to provide for reimbursement.

Sec. 8. [15A.082] COMPENSATION COUNCIL.

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Subdivision 1. CREATION. A compensation council is created to assist the legislature in establishing the compensation of constitutional officers, members of the Minnesota legislature, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court.

Subd. 2. MEMBERSHIP. The compensation council consists of 16 members: two members of the house of representatives appointed by the speaker of the house of representatives; two members of the senate appointed by the majority leader of the senate; one member of the house of representatives appointed by the minority leader of the house of representatives; one member of the senate appointed by the minority leader of the senate; two nonjudges appointed by and serving at the pleasure of the chief justice of the supreme court; and one member from each congressional district appointed by and serving at the pleasure of the governor, of whom no more than four may belong to the same political party. The compensation and removal of members appointed by the governor or the chief justice shall be as provided in section 15.059, subdivisions 3 and 4. The legislative coordinating commission shall provide the council with administrative and support services.

Subd. 3. SUBMISSION OF PLAN. By January 1, 1984, the compensation council shall submit to the speaker of the house of representatives and the president of the senate recommended salary plans for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. Unless the plans for constitutional officers and legislators are expressly modified or rejected in a bill passed by the legislature and signed by the governor, the salary plans shall take effect on January 1, 1985 if prior to that date an appropriation of funds to pay salaries as recommended in the plan is enacted. Unless the plan for judges is expressly modified or rejected in a bill passed by the legislature, the plan shall take effect on July 1, 1984, if the legislature appropriates funds to pay the salaries proposed in the plan. The salary plan for legislators shall be subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

Subd. 4. CRITERIA. In making compensation recommendations, the council shall consider the amount of compensation paid in government service and the private sector to persons with similar qualifications, the amount of compensation needed to attract and retain experienced and competent persons, and the ability of the state to pay the recommended compensation. In making recommendations for legislative compensation, the council shall also consider the average length of a legislative session, the amount of work required of legislators during interim periods, and opportunities to earn income from other sources without neglecting legislative duties.

Subd. 5. CONFLICTS. Salaries established by the legislature under the procedures specified in subdivision 3 shall take precedence over salaries listed in Minnesota Statutes, sections 3.099, 15A.081, and 15A.083 in the event of conflict.

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Subd. 6. EXPIRATION. The compensation council shall expire on June 30, 1984.

Sec. 9. Minnesota Statutes 1982, section 15A.083, subdivision 1, is amended to read:

Subdivision 1. **ELECTIVE JUDICIAL OFFICERS.** The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

	Effective July 1, 1979 <u>1983</u>	Effective July 1, 1980	Effective July 1, <u>1984</u>
(1) Chief justice of the supreme court	<u>\$56,000</u> <u>\$70,000</u>	\$59,000	
(2) Associate justice of the supreme court	<u>52,500</u> <u>65,000</u>	56,000	
(3) <u>Chief judge of the court of appeals</u>	<u>62,500</u>		
(4) <u>Judge of the court of appeals</u>	<u>60,000</u>		
( <del>3</del> ) (5) District judge, judge of county court ( <del>learned in the law</del> ), probate court, and county municipal court	45,000 <u>55,000</u>	48,000	
(4) Judge of a county court (not learned in the law)	29,500	31,500	

Sec. 10. Minnesota Statutes 1982, section 15A.083, subdivision 2, is amended to read:

Subd. 2. **COUNTY COURT AND COUNTY MUNICIPAL JUDGES.**

(1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota shall receive a salary of \$45,000, effective July 1, 1979, and \$48,000, effective July 1, 1980.

(~~3~~) If any judge enumerated in this subdivision of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver, and Dakota or the county or probate court in St.

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Louis county dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Sec. 11. Minnesota Statutes 1982, 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. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the state court administrator has been consulted in advance and his approval obtained. Any salary increase that would adjust an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the state court administrator. 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 of the state public defender shall be 95 percent of the salary of the attorney general.

	Salary or Range		
	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1983
Public defender	\$37,500	\$40,000	
District court administrator	27,000-37,500	28,500-40,000	<u>36,000-48,000</u>
County attorneys council executive director	22,000-32,000	23,500-34,000	
Board on judicial standards executive director	36,000	38,000	32,000-44,000
State court administrator	44,500	47,000	<u>45,500-54,000</u>

Sec. 12. Minnesota Statutes 1982, section 43A.17, subdivision 1, is amended to read:

Subdivision 1. **SALARY LIMITS.** As used in this section, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established pursuant to section 43A.18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned.

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The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of compensation in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. However, if an agency head is assigned a salary that is lower than the current salary of another agency employee, the employee shall retain the salary, but shall not receive any increase in salary as long as the salary is above that of the agency head. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Sec. 13. Minnesota Statutes 1982, section 43A.17, is amended by adding a subdivision 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 179.61 to 179.76, 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.

Sec. 14. Minnesota Statutes 1982, section 43A.17, is amended by adding a subdivision to read:

**Subd. 9. POLITICAL SUBDIVISION SALARY LIMIT.** The salary of a person employed by a statutory or home rule charter city, county, town, school district, metropolitan or regional agency, or other political subdivision of this state, or employed pursuant to section 422A.03, may not exceed 95 percent of the salary of the governor, except as provided in this subdivision. The salary of a medical doctor occupying a position that the governing body of the political subdivision has determined requires an M.D. degree is excluded from the limitation in this subdivision. The commissioner may increase the limitation in this subdivision for a position that the commissioner has determined requires special expertise necessitating a higher salary to attract or retain a qualified person. The commissioner shall review each proposed increase giving due consideration to salary rates paid to other persons with similar responsibilities in the state. The commissioner may not increase the limitation until the commissioner has presented the proposed increase to the legislative commission on employee relations and received the commission's recommendation on it. The recommendation is advisory only.

Sec. 15. Minnesota Statutes 1982, section 43A.18, subdivision 3, is amended to read:

**Subd. 3. MANAGERIAL PLAN.** The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, except those listed in subdivision 4, in the executive branch as being managerial.

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The list shall not include positions listed in subdivision 4. The commissioner shall annually submit the listing of positions to the chairperson of the legislative commission on employee relations for the commission's review and comment, and shall note on each listing the changes from the prior year.

(a) The commissioner shall periodically prepare a plan for ~~training and development, mobility,~~ total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A. ~~The plan shall include a career executive service to provide a system for identifying, developing and recognizing key individuals who occupy managerial positions in the classified service.~~ Before becoming effective those portions of the plan establishing compensation and terms and conditions of employment shall be reviewed and approved or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in subdivision 2.

(b) Incumbents of managerial positions as identified under this subdivision shall be excluded from any bargaining units under the provisions of chapter 179.

(c) The management compensation plan shall provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of the plan shall ensure that compensation within assigned salary ranges is related to level of performance. The plan shall also provide a procedure for establishment of a salary rate for a newly created position and a new appointee to an existing position and for progression through assigned salary ranges. The employee benefits established under the provisions of the managerial plan may be extended to agency heads whose salaries are established in section 15A.081, subdivision 1, and to constitutional officers, judges of the workers' compensation court of appeals, and tax court judges.

(d) ~~The management plan shall include total compensation for individuals appointed to the career executive service. Salaries established under this plan shall be limited to 120 percent of the maximum of the salary range for the employee's job classification in the classified service.~~

(e) ~~No rights or tenure shall attach to a career executive service assignment. An incumbent in the career executive service may be removed from the career executive service by the appointing authority, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, status with regard to public assistance or political affiliation. An employee removed from the career executive service shall receive compensation at the level formerly received plus any increases the employee would have received had the employee not been appointed to the career executive service.~~

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An employee who is in the career executive service on July 1, 1981 and whose position, as a result of Laws 1981, Chapter 210, is no longer eligible for inclusion in the career executive service is nonetheless eligible to remain a member of the career executive service in accordance with the provisions of this section so long as the employee remains in that position.

Sec. 16. Minnesota Statutes 1982, section 43A.18, subdivision 4, is amended to read:

Subd. 4. **PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.** Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities subject to the following limitations:

(a) ~~Total compensation paid pursuant to this subdivision shall be within the limits of compensation plans which shall that have been approved by the commissioner before becoming effective;~~

(b) ~~(a)~~ Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, attorney general, secretary of state, state auditor and state treasurer shall be determined by the governor, attorney general, secretary of state, state auditor and state treasurer, respectively;

(c) ~~Total compensation for unclassified employees of the state board of investment shall be determined by the state board of investment;~~

(d) ~~(b)~~ Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause (h) and in the higher education coordinating board shall be determined by the state university board, the state board for community colleges, and the higher education coordinating board, respectively; ~~and.~~

(e) ~~(c)~~ Total compensation for classified hearing examiners in the office of administrative hearings shall be determined by the chief hearing examiner.

Sec. 17. Minnesota Statutes 1982, section 43A.18, subdivision 5, is amended to read:

Subd. 5. **GOVERNOR TO SET RECOMMEND CERTAIN SALARIES.** The governor shall, on or before ~~January 31~~ July 1 of each odd numbered year, submit to the legislative commission on employee relations recommendations for salaries within the salary range for the positions listed in sections section 15A.081, subdivision 1 and 15A.083. The governor may also propose additions or deletions of positions from those listed.

(a) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations. ~~Before submitting recommendations for an employee in the office of a constitutional~~

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officer, the governor shall consult with the constitutional officer concerning the recommendations and shall give due consideration to the advice of the officer;

(b) Except for positions for which salary ranges have been established, the recommendations shall contain a specific salary for each position listed in sections 15A.081 and 15A.083. The governor shall determine only a fixed salary for the positions of the constitutional officers, the judges of the workers' compensation court of appeals and the commissioner of public service;

(e) (b) In making recommendations, the governor shall consider only those criteria established in subdivision 7 8 and shall not take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining recommendations rate each position by this system; and.

(c) Before the governor's recommended salaries take effect, the recommendations shall be reviewed and approved, rejected or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which shall be submitted and approved in the same manner as provided in this subdivision.

(d) The initial salary of a head of an agency hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor, after consultation with the commissioner, whose recommendation shall be advisory only, in an amount comparable to the salary of an agency head having similar duties and responsibilities.

Sec. 18. Minnesota Statutes 1982, section 43A.21, is amended by adding a subdivision to read:

**Subd. 5. CAREER EXECUTIVE SERVICE.** (a) The commissioner shall designate persons in the classified 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 positions 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.

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(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, 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.

Sec. 19. Minnesota Statutes 1982, section 105.71, subdivision 2, is amended to read:

Subd. 2. The state board may employ such technical and professional personnel and such other agents and employees, permanent or temporary, as it may require, and shall determine their qualifications, and duties, and. Compensation of employees shall be determined pursuant to chapter 43A. It shall have authority to prescribe the powers and duties of its officers and employees.

Upon request of the board for the purpose of carrying out any of its functions, the supervising officer of any state agency, or any state institution of learning, shall, insofar as it may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the state board from the staff or personnel of the agency or institution of learning, and make such special reports, surveys or studies as the state board may request.

Sec. 20. Minnesota Statutes 1982, section 136.034, is amended to read:

**136.034 STATE UNIVERSITY SYSTEM; EXECUTIVE SALARIES.**

Notwithstanding the provisions of chapters 15A and 43 chapter 43A, the state university board may establish executive salaries within the state university system, except for the salary of the chancellor, in accordance with a management compensation plan based on the level of responsibility and authority of various positions as well as appropriate market comparisons with similar positions in comparable public colleges and universities in the midwest.

The salary of the chancellor, which shall be established pursuant to section 15A.081, subdivision 1, is the upper limit of compensation for all other positions in the state university system.

The state university board shall survey compensation levels in comparable public colleges and universities in the midwest during the 1979-81 biennium and report necessary adjustments in the above level of compensation to the governor and legislature as part of its 1981-83 biennial budget request.

Sec. 21. Minnesota Statutes 1982, section 136A.03, is amended to read:

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

**136A.03 EXECUTIVE OFFICERS; EMPLOYEES.**

The higher education coordinating board may appoint an executive secretary or director as its principal executive officer, and such other officers and employees as it may deem necessary to carry out its duties. The executive secretary or director shall possess such powers and perform such duties as are delegated to him and shall serve in the unclassified service of the state civil service. The salary of the executive director shall be established pursuant to section 15A.081, subdivision 1. He shall be a person qualified by training and ability in the field of higher education or in educational administration. The board may also appoint other officers and professional employees who shall serve in the unclassified service of the state civil service and fix the salaries thereof which shall be commensurate with salaries in the classified service, ~~and shall also fix the salary of its principal executive officer.~~ All other employees shall be in the classified civil service.

An officer or professional employee in the unclassified service as provided in this section is a person who has studied higher education or a related field at the graduate level or has similar experience and who is qualified for a career in some aspect of higher education and for activities in keeping with the planning and administrative responsibilities of the board and who is appointed to assume responsibility for administration of educational programs or research in matters of higher education.

Sec. 22. Minnesota Statutes 1982, section 179.741, subdivision 1, is amended to read:

Subdivision 1. **STATE EMPLOYEES.** Subject to the provisions of section 179.742, subdivision 5, all appropriate units of state employees certified as of April 25, 1980 are abolished. The following shall be the appropriate units of executive branch state employees for the purposes of sections 179.61 to 179.76. All units shall exclude employees excluded by section 179.74, subdivision 4 and supervisory employees shall only be assigned to units 12 and 16. Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. No additional units of executive branch state employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of all sworn state patrol personnel, all uniformed conservation officers, and all criminal apprehension agents.

(2) Craft, maintenance, and labor unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through June 4, 1981 May 4, 1982.

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



(3) Service unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(4) Health care nonprofessional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(5) Health care professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(7) Technical unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(8) Correctional Guards unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(9) State university instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(10) Community college instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(11) State university administrative unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(12) Professional engineering ~~supervisory~~ unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

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(13) Health treatment unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(14) General professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(15) Professional state residential instructional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

(16) Supervisory employees unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ May 4, 1982.

Sec. 23. Minnesota Statutes 1982, section 179.741, is amended by adding a subdivision to read:

Subd. 1a. UNIT 12 EMPLOYEES. Notwithstanding the changes made in the composition of unit 12 by this act, employees in unit 12 shall continue to be treated as supervisory employees for purposes of the right to strike and for purposes of interest arbitration.

Sec. 24. Minnesota Statutes 1982, section 244.09, subdivision 10, is amended to read:

Subd. 10. The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their salary compensation shall be established by the commission pursuant to chapter 43A. They shall be reimbursed for the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

Sec. 25. Minnesota Statutes 1982, section 256.482, subdivision 2, is amended to read:

Subd. 2. **EXECUTIVE DIRECTOR; STAFF.** The council may select an executive director of the council by a vote of a majority of all council members. The executive director shall be in the unclassified service of the state and shall act as secretary to the council and shall perform such other duties as the council may require of him. The council shall approve employment of such clerical help and other employees as are necessary, upon the recommendation of the executive director. ~~Salaries~~ The salary for the executive director and staff

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shall be established in the manner prescribed by chapter 15A, and pursuant to chapter 43A. The executive director shall be reimbursed for all actual and necessary expenses incurred as a result of his council responsibilities.

Sec. 26. Minnesota Statutes 1982, section 298.22, subdivision 1, is amended to read:

Subdivision 1. (1) The office of commissioner of iron range resources and rehabilitation is created. The commissioner shall be appointed by the governor under the provisions of section 15.06.

(2) The commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner. All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by section 298.28, subdivision 1. The compensation of the commissioner shall be set by the legislative coordinating commission.

(3) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in section 298.28, subdivision 1 as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 27. Minnesota Statutes 1982, section 326.241, subdivision 2, is amended to read:

Subd. 2. **POWERS.** The board shall have power to:

(1) Elect its own officers;

(2) Engage and fix the compensation of ~~such officers, inspectors, and hire~~ employees as it may see fit. The salary of the executive secretary shall be established pursuant to chapter 43A. All agents and employees other than contract inspectors shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or subdivision 2(1), and shall give bond in an amount fixed by the board, conditioned upon the faithful performance of their duties.

(3) To pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.

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

(4) To enforce the provisions of Laws 1967, chapter 602, and provide, upon request, such additional voluntary inspections and reviews as it may deem appropriate.

(5) To issue, renew, refuse to renew, suspend and revoke licenses provided for in Laws 1967, chapter 602.

(6) To adopt reasonable rules to carry out its duties under Laws 1967, chapter 602 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

Sec. 28. Minnesota Statutes 1982, section 352.03, subdivision 4, is amended to read:

Subd. 4. **DUTIES AND POWERS OF BOARD OF DIRECTORS.** It is the duty of the board and it has power to:

(1) Elect a chairman;

(2) Appoint an executive director;

(3) ~~Fix the compensation of the executive director and the assistant executive director;~~

(4) (3) Establish rules and regulations for the administration of the provisions of chapters 3A, 352, 352B, 352C, 352D and 490 and transaction of the business of the system, all subject to the limitations of said chapter and the law;

(5) (4) Consider and dispose of, or take such other action as the board of directors deems appropriate concerning denials of applications for annuities or disability benefits under this chapter, and complaints of employees and others pertaining to the retirement of employees and the operation of the system;

(6) (5) Advise the director on any matters relating to the system and the carrying out of the functions and purposes of said chapter, which advice shall be controlling; and

The director and assistant director shall be in the unclassified service but appointees may be selected from civil service lists if it is desired to do so. The salary of the executive director shall be as provided by section 15A.081, subdivision 1. The salary of the assistant director shall be set in accordance with section 43A.18, subdivision 3.

Sec. 29. Minnesota Statutes 1982, section 354.06, subdivision 2, is amended to read:

Subd. 2. The board shall annually elect one of its members as president. It shall elect an executive director, and ~~fix his salary and the whose salary shall be as provided by section 15A.081, subdivision 1.~~ The salary of the assistant executive director who shall be in the unclassified service, shall be set in accordance with section 43A.18, subdivision 3. The executive director shall serve

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during the pleasure of the board and be the executive officer of the board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of this chapter shall be paid by the fund. The executive director shall be appointed by the board on the basis of fitness, experience in the retirement field and leadership ability. The executive director shall have had at least five years of experience on the administrative staff of a major retirement system.

Sec. 30. Minnesota Statutes 1982, section 484.68, subdivision 6, is amended to read:

Subd. 6. **SALARY.** The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. ~~The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year.~~ If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 31. Laws of Minnesota 1980, chapter 564, article XII, section 1, subdivision 3, is amended to read:

Subd. 3. **WASTE MANAGEMENT BOARD.** 15,718,000

This appropriation is available for the following purposes:

(a) General Operations and Management. 718,000

Approved Complement - 14. These positions are in the unclassified service and their continuation is dependent upon the availability of money from appropriations in this subdivision. When these appropriations have been expended the positions shall be cancelled and the approved complement reduced accordingly. The annual salary of the full-time chairperson of the board shall be \$45,000 established pursuant to section 15A.081, subdivision 1.

(b) Acquisition of Sites and Buffer Areas for Hazardous Waste Facilities. 6,200,000

This appropriation is from the state waste management fund, to be spent pursuant to article II, section 3, subdivision 4. Up to \$1,200,000 is available for expenditure before June 30, 1981, for costs of staff and

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independent professional services needed for the selection and acquisition of sites.

(c) Waste Processing Facility

Demonstration Program.

8,800,000

This appropriation is from the state waste management fund, to be spent pursuant to article VI, sections 4 and 6. Up to five percent is available for administration and technical and professional services.

Sec. 32. [135A.07] [Subd. 2.] **EDUCATION SALARIES.**

Notwithstanding Laws 1981, chapter 359, sections 4 and 5, any law enacted in the 1983 legislative session, or any other law to the contrary, the salaries of the chancellor of the state university system, the chancellor of the community college system, the director of vocational-technical education, and the executive director of the Minnesota educational computing consortium shall be established pursuant to section 15A.081, subdivision 1.

Sec. 33. **AMENDED UNIT COMPOSITION SCHEDULE.**

The unit composition schedule for state employees adopted by the legislative commission on employee relations on March 24, 1980, as amended through the effective date of this section, is amended by striking the job classifications entitled "police training course supervisor" and "police training instructor" from unit (14) and inserting those job classifications into unit (1).

Sec. 34. **STATE EMPLOYEE RATIFICATION.**

Subdivision 1. NEGOTIATED SUPPLEMENTAL AGREEMENTS.

The supplemental agreements negotiated between the state and the exclusive representatives of state bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, and 16, providing for early retirement incentives, which were given interim approval by the legislative commission on employee relations after adjournment of the 1982 legislature, are ratified.

Subd. 2. COMMISSIONER'S PLAN. The terms of the commissioner of employee relations' plan for unrepresented state employees, as amended and given interim approval by the legislative commission on employee relations after adjournment of the 1982 legislature, are ratified.

Sec. 35. **UNIVERSITY RATIFICATION.**

Subdivision 1. EARLY RETIREMENT. The supplemental labor agreements and other compensation plans approved by the board of regents, providing early retirement incentives for University of Minnesota employees, as approved by the legislative commission on employee relations after adjournment of the 1982 legislature, are ratified.

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

Subd. 2. UNREPRESENTED EMPLOYEES SALARY SUPPLEMENTS. The salary supplements provided in the University of Minnesota regents' compensation plans, as approved by the legislative commission on employee relations after adjournment of the 1982 legislature, are approved for the following groups of unrepresented employees: Twin Cities instructional, noninstructional professional, supervisory, managerial and confidential, nursing, clerical and office, technical, outstate instructional, and graduate assistants.

Subd. 3. DULUTH AND WASECA. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the university education association, representing the organized faculty at the Duluth and Waseca campuses, is ratified, as approved by the legislative commission on employee relations on January 31, 1983.

**Sec. 36. REPEALER.**

Minnesota Statutes 1982, sections 16A.16, and 136A.035, are repealed.

**Sec. 37. APPROPRIATION.**

Subdivision 1. The sum of \$4,956,100 is appropriated to the commissioner of finance to pay the compensation increases provided for by this act, to be available for the fiscal year ending June 30 in the years indicated. Persons whose compensation is paid from open appropriations of dedicated receipts shall be paid from those appropriations and not from the appropriations made by this section. The commissioner of finance shall certify to the committee on finance of the senate and the committee on appropriations of the house of representatives the amount needed to be added to each appropriation account from which the compensation of a person affected by this act is paid, and then shall transfer that amount to the appropriate account.

	<u>1984</u>	<u>1985</u>
<u>(a) Executive agency heads, as provided in Minnesota Statutes, section 15.081, subdivision 1</u>		
<u>General fund</u>	<u>\$ 526,700</u>	<u>\$ 534,700</u>
<u>Trunk highway fund</u>	<u>74,800</u>	<u>75,500</u>
<u>Highway user fund</u>	<u>1,500</u>	<u>1,500</u>
<u>(b) Constitutional officers and their deputies, as provided in Minnesota Statutes, section 15A.081, subdivision 6</u>		
<u>General fund</u>	<u>76,750</u>	<u>78,250</u>
<u>(c) Judges and judicial positions, as provided in Minnesota Statutes, section 15A.083</u>		
<u>General fund</u>	<u>1,754,100</u>	<u>1,832,300</u>

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

Subd. 2. There is appropriated the sum of \$6,300 to the legislative coordinating commission for the per diem and expenses of the council established in section 8 of this act.

**Sec. 38. EFFECTIVE DATE.**

Section 14 is effective the day following final enactment and applies to salaries set or changed after that date. An employee who, on the day of final enactment, is receiving a salary which is above the limit set according to section 14 shall continue to receive that salary until the salary is below the limit. Sections 17, 34, and 35 are effective the day following final enactment. Section 13 applies only to collective bargaining agreements entered into after July 1, 1983, for the 1983 to 1985 biennium and thereafter. All other sections are effective July 1, 1983.

Approved June 7, 1983

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**CHAPTER 300 — S.F.No. 346**

*An act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; exempting certain vending machines from inspection fees; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17B.15, subdivision 1; 28A.03; 28A.09, subdivision 1; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 17 and 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.*

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

**Section 1. [17.1015] PROMOTIONAL EXPENDITURES.**

In order to accomplish the purposes of section 17.101, the commissioner may participate jointly with private persons in appropriate programs and projects and may enter into contracts to carry out those programs and projects. The

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