

hear all interested parties and may make adjustments to the proposed plan that it deems just and necessary.

Subd. 4. **JUDICIAL REVIEW.** Following the public hearing, the council or board may petition the district court for judicial approval of the proposed plan. If any affected parcel is land registered under chapter 508, the petition must be referred to the examiner of titles for a report. The council or board shall provide sufficient information to identify all parties in interest and shall give notice to parties in interest as the court may order. The court shall determine the location of any contested, disputed, or unagreed boundary and shall determine adverse claims to each parcel as provided in chapter 559. After hearing and determining all disputes, the court shall issue its judgment in the form of a plat complying with chapter 505 and an order designating the owners and encumbrancers of each lot. Real property taxes need not be paid or current as a condition of filing the plat, notwithstanding the requirements of section 505.04.

Subd. 5. **SPECIAL ASSESSMENTS.** The city or board may assess part or all of the cost incurred by it against the benefited properties on a per parcel basis as provided in chapter 429.

Presented to the governor April 29, 1997

Signed by the governor May 1, 1997, 4:06 p.m.

CHAPTER 79—H.F.No. 1162

An act relating to state employment; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1996, sections 43A.01, subdivision 2; 43A.02, subdivisions 1, 14, 20, 30, and 37; 43A.04, subdivisions 1, 2, 3, and 9; 43A.05, subdivisions 1 and 3; 43A.08, subdivisions 1 and 1a; 43A.13, subdivision 7; 43A.27, subdivision 1; 43A.30, subdivision 1; and 43A.36, subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1996, section 43A.01, subdivision 2, is amended to read:

Subd. 2. **PRECEDENCE OF MERIT PRINCIPLES AND NONDISCRIMINATION.** It is the policy of this state to provide for equal employment opportunity consistent with chapter 363 by ensuring that all personnel actions be based on the ability to perform the duties and responsibilities assigned to the position without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, or political affiliation. It is the policy of this state to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with other provisions of this chapter or chapter 179, in order to correct imbalances and eliminate the present effects of past discrimination.

No contract executed pursuant to chapter 479 ~~179A~~ shall modify, waive or abridge this section and sections 43A.07 to 43A.13, 43A.15, and 43A.17 to 43A.21, except to the extent expressly permitted in those sections.

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

Sec. 2. Minnesota Statutes 1996, section 43A.02, subdivision 1, is amended to read:

Subdivision 1. **INTERPRETATION.** Unless the language or context indicates that a different meaning is intended, the following terms, for the purposes of ~~Laws 1981, this~~ chapter 210, have the meanings given them in this section.

Sec. 3. Minnesota Statutes 1996, section 43A.02, subdivision 14, is amended to read:

Subd. 14. **COMMISSIONER'S PLAN.** "Commissioner's plan" means the plan required by section 3.855 regarding total compensation and terms and conditions of employment, including grievance administration, for employees of the executive branch who are not otherwise provided for in ~~Laws 1981, this~~ chapter 210 or other law.

Sec. 4. Minnesota Statutes 1996, section 43A.02, subdivision 20, is amended to read:

Subd. 20. **ELIGIBLE LIST.** "Eligible list" means a list of candidates qualified under provisions of ~~Laws 1981, this~~ chapter 210 for employment in a specific class.

Sec. 5. Minnesota Statutes 1996, section 43A.02, subdivision 30, is amended to read:

Subd. 30. **PERMANENT STATUS.** "Permanent status" means the state or condition achieved by a ~~tenured laborer~~ or by an employee in the classified service who has successfully completed an initial probationary period or a probationary period required following reinstatement or reemployment, or whose probationary period is waived through specific statutory direction.

Sec. 6. Minnesota Statutes 1996, section 43A.02, subdivision 37, is amended to read:

Subd. 37. **REEMPLOYMENT LIST.** "Reemployment list" means an eligible list by class of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated in good standing from the class, or former permanent or probationary employees of the class who are receiving disability benefits under a state retirement plan and whose written applications for consideration for reemployment in the class have been approved by the commissioner.

Sec. 7. Minnesota Statutes 1996, section 43A.04, subdivision 1, is amended to read:

Subdivision 1. **STATEWIDE LEADERSHIP.** (a) The commissioner is the chief personnel and labor relations manager of the civil service in the executive branch.

Whenever any power or responsibility is given to the commissioner by any provision of ~~Laws 1981, this~~ chapter 210, unless otherwise expressly provided, the power or authority applies to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, the public employees retirement association, and the teacher's retirement association. Unless otherwise provided by law, the power or authority does not apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

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

The commissioner has access to all public and private personnel data kept by appointing authorities that will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of ~~Laws 1981, this chapter 210~~, and may order any remedial actions consistent with law.

(d) The commissioner has sole authority to settle state employee workers' compensation claims.

(e) The commissioner may assess or establish and collect premiums from all state entities to cover the costs of programs under sections 15.46 and 176.603.

Sec. 8. Minnesota Statutes 1996, section 43A.04, subdivision 2, is amended to read:

Subd. 2. **EXECUTIVE DIRECTION.** The commissioner shall direct all departmental services, appoint employees and may enter into contracts to carry out the provisions of ~~Laws 1981, this chapter 210~~.

Sec. 9. Minnesota Statutes 1996, section 43A.04, subdivision 3, is amended to read:

Subd. 3. **RULES.** The commissioner shall adopt rules under the administrative procedure act to implement the provisions of this chapter that directly affect the rights of or processes available to the general public. The rules have the force and effect of law and may include but are not limited to:

(1) the processes for determining the extent of competition for filling vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;

(2) the process for effecting noncompetitive and qualifying appointments;

(3) the process for temporary designation of positions in the unclassified service and for effecting appointments to the unclassified service;

(4) a statewide affirmative action program to include requirements for agency affirmative action plans, statewide policies and procedures, reporting requirements, accountability and responsibility of employees in the executive branch, and overall objectives of the program;

(5) conditions under which moving and other expenses may be authorized and paid prior to appointment to persons who have accepted state employment;

(6) procedures for administration of the code of ethics for employees of the executive branch;

(7) examination procedures for candidates with disabilities as described in section ~~43A.10~~ 43A.15, subdivision ~~8~~ 14; and

(8) procedures or policies that affect the operation of or participation in the public employees insurance program.

Sec. 10. Minnesota Statutes 1996, section 43A.04, subdivision 9, is amended to read:

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

Subd. 9. **EXPERIMENTAL OR RESEARCH PROJECTS.** The commissioner of employee relations may conduct experimental or research projects designed to improve recruitment, selection, referral, or appointment processes for the filling of state classified positions.

The commissioner shall meet and confer with the affected exclusive bargaining representative of state employees concerning the design and implementation of experimental and research projects under this subdivision.

Any provision in sections 43A.09 to 43A.15, associated personnel rules adopted under subdivision 3, or administrative procedures established under subdivision 4, is waived for the purposes of these projects. The number of appointments under this subdivision may not exceed five percent of the total number of appointments in the preceding fiscal year.

The commissioner shall report by September 1 to the legislative commission joint subcommittee on employee relations the results of the experimental research projects conducted in the preceding fiscal year.

Sec. 11. Minnesota Statutes 1996, section 43A.05, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** The commissioner through the personnel bureau shall perform the duties assigned in ~~Laws 1981, this chapter 210.~~ The deputy for the personnel bureau shall perform any duties delegated by the commissioner.

The commissioner's authority and responsibility shall include but not be limited to maintenance of a classification plan, assignment of all positions in the classified service to job classes, maintenance and approval of total compensation plans for all positions in the executive branch pursuant to the provisions of section 43A.18 and other provisions of law; preparation of examinations, rating of candidates for employment and preparation of eligible lists; maintenance of employee performance appraisal, training and affirmative action programs; and maintenance and publication of logical career paths in the classified civil service.

Sec. 12. Minnesota Statutes 1996, section 43A.05, subdivision 3, is amended to read:

Subd. 3. **COMMISSIONER'S PLAN.** The commissioner shall periodically develop and establish pursuant to ~~Laws 1981, this chapter 210~~ a commissioner's plan. The commissioner shall submit the plan, before becoming effective, to the legislative coordinating commission for approval.

Sec. 13. Minnesota Statutes 1996, 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;

(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;

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

(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, and the board of trustees of Lola and Rudy Perpich Minnesota Center for Arts Education and the Minnesota state colleges and universities,~~ 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, 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;

(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 and intermittent staff employed by the technical colleges for the administration of practical skills tests and for the staging of instructional demonstrations;

(16) student workers;

(17) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

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- (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. 14. Minnesota Statutes 1996, 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; economic security; children, families, and learning; employee relations; trade and economic development; finance; health; human rights; labor and industry; natural resources; public safety; public service; human services; revenue; transportation; and veterans affairs; the housing finance and pollution control agencies; the state lottery; the state board of investment; the office of administrative hearings; the office of environmental assistance; the offices of the attorney general, secretary of state, state auditor, and state treasurer; ~~the board of trustees of the Minnesota state colleges and universities;~~ the higher education services office; the Lola and Rudy Perpich 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;
- (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. 15. Minnesota Statutes 1996, section 43A.13, subdivision 7, is amended to read:

Subd. 7. **EXPANDED CERTIFICATION.** When the commissioner determines that a disparity as defined in rules exists between an agency's work force and its affirma-

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tive action plan approved in accordance with section 43A.19, the commissioner shall ensure to the extent possible that eligibles who are members of the protected groups for which the disparity exists are certified for appointment. When fewer than two eligibles of each protected group for which a disparity has been determined to exist would be certified under subdivisions 4 and 5, the commissioner shall certify two eligibles from each protected group for which a disparity exists or four from each group for which a disparity exists if the number of names referred has been increased under subdivision 4, paragraph (b). Implementation of this subdivision may not be deemed a violation of other provisions of Laws 1981, this chapter 210 or chapter 363.

Sec. 16. Minnesota Statutes 1996, section 43A.27, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Notwithstanding any other provisions of Laws 1981, this chapter 210, the persons listed in subdivisions 2 and 3, and their dependents, may elect to enroll at their own expense in the appropriate life insurance, hospital, medical and dental benefits, and optional coverages at the time, in the manner, and under conditions of eligibility the commissioner prescribes and otherwise approves. The commissioner may also provide for payroll deductions to be made in the same manner and under the same conditions as provided in section 43A.30, subdivision 2 authorizing payroll deductions for an eligible employee and the employee's dependents.

Sec. 17. Minnesota Statutes 1996, section 43A.30, subdivision 1, is amended to read:

Subdivision 1. **PAYMENTS FROM AGENCY REVENUES.** Each agency shall pay the amounts due for state paid life insurance and hospital, medical and dental benefits coverage authorized for eligible employees pursuant to Laws 1981, this chapter 210.

Each agency shall pay the amounts from accounts and funds from which the agency receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, the commissioner of finance may require certifications in connection with payments as the commissioner of finance deems necessary from the Minnesota historical society, the University of Minnesota, or any agency whose employees receive benefits pursuant to Laws 1981, this chapter 210. The accounts and funds from which agencies receive appropriations under the terms of this section are a source of revenue for the purposes of any other law or statutory enactment.

Sec. 18. Minnesota Statutes 1996, section 43A.36, subdivision 1, is amended to read:

Subdivision 1. **COOPERATION; STATE AGENCIES.** The commissioner may delegate administrative functions associated with the duties of the commissioner to appointing authorities who have the capability to perform such functions when the commissioner determines that it is in the best interests of the state civil service. The commissioner shall consult with agencies and agencies shall cooperate as appropriate in implementation of Laws 1981, this chapter 210.

The commissioner, in conjunction with appointing authorities, shall analyze and assess current and future human resource requirements of the civil service and coordinate

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personnel actions throughout the civil service to meet the requirements. The commissioner shall permit appointing authorities to use eligible lists in making appointments to positions in the unclassified service and shall provide recruiting assistance.

The head of each agency in the executive branch shall designate an agency personnel officer. The agency personnel officer shall be accountable to the agency head for all personnel functions prescribed by laws, rules, collective bargaining agreements, the commissioner and the agency head. Except when otherwise prescribed by the agency head in a specific instance, the personnel officer shall be assumed to be the authority accountable to the agency head over any other officer or employee in the agency for personnel functions.

The head of each agency in the executive branch shall designate an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. The officer shall report directly to the head of the agency on affirmative action matters.

Sec. 19. Minnesota Statutes 1996, section 43A.36, subdivision 2, is amended to read:

Subd. 2. **SERVICES AVAILABLE TO POLITICAL SUBDIVISIONS.** The services and facilities of the department and its staff may be made available upon request to political subdivisions of the state. Enforcement and administration of other provisions of ~~Laws 1981, this chapter 210~~ shall take precedence over the provision of the services and facilities. Political subdivisions shall reimburse the state for the reasonable cost of services and facilities.

Presented to the governor April 29, 1997

Signed by the governor May 1, 1997, 4:10 p.m.

CHAPTER 80—H.F.No. 1880

An act relating to reemployment compensation; providing less frequent payment schedules for certain employers; providing for noncharging of benefits in certain situations; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Section 1. **[268.048] BENEFITS NOT CHARGED IN WELFARE-TO-WORK.**

(a) The commissioner shall, prior to computing a contribution rate, remove benefit charges from the account of a contributing employer if the claimant to whom those benefits were paid was:

(1) a primary wage earner who was a recipient of cash benefits under a Minnesota welfare program in the calendar quarter or immediately preceding calendar quarter that wages were first paid by that employer;

New language is indicated by underline, deletions by strikeout.