

**CHAPTER 132—S.F.No. 974**

*An act relating to local government; adding exceptions to the local public officer's conflict of interest law; amending Minnesota Statutes 2000, section 471.88, by adding subdivisions.*

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

Section 1. Minnesota Statutes 2000, section 471.88, is amended by adding a subdivision to read:

Subd. 17. FEDERAL OR STATE GRANT PROGRAMS. The governing body may apply for and accept a state or federal grant for housing, community, or economic development in which a public officer may benefit, if the public officer abstains from voting on measures related to the grant.

Sec. 2. Minnesota Statutes 2000, section 471.88, is amended by adding a subdivision to read:

Subd. 18. SMALL CITIES IN ST. LOUIS COUNTY; CERTAIN FEDERAL FUNDING PROGRAMS. If a city with a population of 5,000 or less in St. Louis county administers a loan or grant program with community development block grant funds or federal economic development administration funds for property owners within the geographic boundaries of the city, the city may make a grant or loan from these funds to a public officer of the city who applies, if the public officer first discloses, as part of the official minutes of a meeting of the city, that the public officer has applied for the funds and the public officer abstains from voting on the public officer's application.

**Sec. 3. LOCAL APPROVAL NOT REQUIRED.**

Section 2 does not require local approval because it enables certain cities in St. Louis county to exercise authority not granted by general law and thus fits in the class in Minnesota Statutes, section 645.023, subdivision 1, clause (a).

Presented to the governor May 17, 2001

Signed by the governor May 21, 2001, 10:47 a.m.

**CHAPTER 133—S.F.No. 1033**

*An act relating to public employment; Minnesota state colleges and universities; merging unions for technical and community college employees; amending Minnesota Statutes 2000, sections 43A.06, subdivision 1; 179A.10, subdivision 2; 354B.21, subdivision 1; 354B.25, subdivision 1a; and 354C.11, subdivision 2.*

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

Section 1. Minnesota Statutes 2000, section 43A.06, subdivision 1, is amended to read:

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

Subdivision 1. **GENERAL.** (a) The commissioner, through the labor relations bureau, shall perform the duties assigned to the commissioner by sections 3.855, 179A.01 to 179A.25 and this section.

(b) The deputy commissioner for the labor relations bureau shall be the state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of employees and shall perform any other duties delegated by the commissioner subject to the limitations in paragraph (c).

(c) The board of trustees of the Minnesota state colleges and universities may exercise the powers under this section for employees included in the units ~~9, 10, 11, and 12~~ in provided in clauses (9), (10), and (11) of section 179A.10, subdivision 2, except with respect to sections ~~43A.22 to 43A.31,~~ which shall continue to be the responsibility of the commissioner. The commissioner of employee relations shall have the right to review and comment to the Minnesota state colleges and universities on the board's final proposals prior to exchange of final positions with the designated bargaining units as well as any requests for interest arbitration. When submitting a proposed collective bargaining agreement to the legislative coordinating commission and the legislature under section 3.855, subdivision 2, the board of trustees must use procedures and assumptions consistent with those used by the commissioner of employee relations in calculating the costs of the proposed contract. The legislative coordinating commission must, when considering a collective bargaining agreement or arbitration award submitted by the board of trustees, evaluate market conditions affecting the employees in the bargaining unit, equity with other bargaining units in the executive branch, and the ability of the trustees and the state to fund the agreement or award.

Sec. 2. Minnesota Statutes 2000, section 179A.10, subdivision 2, is amended to read:

Subd. 2. **STATE EMPLOYEES.** Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units ~~13~~ 12 and ~~17~~ 16. The following are the appropriate units of executive branch state employees:

- (1) law enforcement unit;
- (2) craft, maintenance, and labor unit;
- (3) service unit;
- (4) health care nonprofessional unit;
- (5) health care professional unit;
- (6) clerical and office unit;
- (7) technical unit;
- (8) correctional guards unit;

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- (9) state university instructional unit;
- (10) ~~community state~~ college instructional unit;
- (11) ~~technical college~~ instructional unit;
- (12) state university administrative unit;
- (13) (12) professional engineering unit;
- (14) (13) health treatment unit;
- (15) (14) general professional unit;
- (16) (15) professional state residential instructional unit; and
- (17) (16) supervisory employees unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to August 1, 1984, as required by law or as provided in subdivision 4.

Sec. 3. Minnesota Statutes 2000, section 354B.21, subdivision 1, is amended to read:

Subdivision 1. **ELIGIBILITY.** The following persons are eligible to have coverage by the individual retirement account plan and to be participants in the plan:

(1) employees of the board who are employed as faculty in an employment classification included in the state university instructional unit, ~~or the community college instructional unit, or the technical state college instructional unit~~ under section 179A.10, subdivision 2;

(2) the chancellor and employees of the board in eligible unclassified administrative positions;

(3) the employees in eligible unclassified administrative positions in the state universities;

(4) the employees in eligible unclassified administrative positions in the technical colleges; and

(5) the employees in eligible unclassified administrative positions of the higher education services office or of the community colleges.

Sec. 4. Minnesota Statutes 2000, section 354B.25, subdivision 1a, is amended to read:

Subd. 1a. **ADVISORY COMMITTEE.** (a) A committee is created to advise the state board of investment and the board of trustees of the Minnesota state colleges and universities concerning administration of the individual retirement account plan and the supplemental retirement plan established in chapter 354C. The committee shall adopt recommendations by majority vote of those members voting on each issue. The exclusive representatives of the state university instructional unit, ~~the community~~

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college instructional unit, and the technical state college instructional unit shall each appoint two members to the committee. The exclusive representatives of the general professional unit, the supervisory employees unit and the state university administrative unit shall each appoint one member to the committee. The chancellor of the Minnesota state colleges and universities shall appoint three members, at least one of whom shall be a personnel administrator. No member of the committee shall be retired. Members serve at the pleasure of the applicable appointing authority, but no member shall serve for more than a total of five years. Members shall be reimbursed from the administrative expense account of the individual retirement account plan for expenses as provided in section 15.059, subdivision 3.

(b) The committee shall:

(1) advise the board of trustees of the Minnesota state colleges and universities on the structure and operation of the individual retirement account plan and the supplemental retirement plan;

(2) along with any other consultants selected by the board, advise the state board of investment on selection of financial institutions and on the type of investment products to be offered by these institutions for the plans;

(3) advise the board of trustees of the Minnesota state colleges and universities on administration of the plans, including selection of a third-party plan administrator, if any, for the individual retirement account plan.

(c) The board of trustees of the Minnesota state colleges and universities shall provide the advisory committee with meeting space and other administrative support.

(d) Expenses of the advisory committee are considered administrative expenses of the plans under subdivision 5 and section 354C.12, subdivision 4, and must be allocated between the two plans in proportion to the market value of the total assets of the plans as of the most recent prior audited annual financial report.

Sec. 5. Minnesota Statutes 2000, section 354C.11, subdivision 2, is amended to read:

Subd. 2. **ELIGIBILITY.** (a) An individual must participate in the supplemental retirement plan if the individual is employed by the board of trustees in the unclassified service of the state and has completed at least two years with a full-time contract of applicable unclassified employment with the board or an applicable predecessor board in any of the positions specified in paragraph (b).

(b) Eligible positions or employment classifications are:

(1) an unclassified administrative position as defined in section 354B.20, subdivision 6;

(2) an employment classification included in one of the following collective bargaining units under section 179A.10, subdivision 2:

(i) the state university instructional unit;

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- (ii) the community state college instructional unit; and
- (iii) the technical college instructional unit; and
- ~~(iv)~~ (iii) the state university administrative unit; or

(3) an unclassified employee of the board included in the general professional unit or supervisory employees unit under section 179A.10, subdivision 2.

**Sec. 6. EFFECT OF CURRENT COLLECTIVE BARGAINING AGREEMENTS; EMPLOYMENT RIGHTS.**

**Subdivision 1. TERMS AND CONDITIONS OF EMPLOYMENT.** The terms and conditions of the collective bargaining agreements, memoranda of understanding, or other salary and benefit provisions covering employees of Minnesota state colleges and universities in either the community college instructional unit or the technical college instructional unit shall remain in effect until a successor agreement between Minnesota state colleges and universities and the exclusive representative of the state college instructional unit becomes effective, subject to Minnesota Statutes, section 179A.20. This subdivision applies to all employees of Minnesota state colleges and universities previously covered by either unit.

**Subd. 2. TRANSITION; EXCLUSIVE REPRESENTATIVE OF STATE COLLEGE INSTRUCTIONAL UNIT EMPLOYEES.** (a) The employee organization that is certified as the exclusive representative of the state community college instructional bargaining unit and the technical college instructional bargaining unit on the effective date of this section shall be certified by the commissioner of the bureau of mediation services as the exclusive representative of the newly created state college instructional bargaining unit. Any future changes in the status of the exclusive representative of the state college instructional unit are subject to Minnesota Statutes, section 179A.12.

(b) The exclusive representative of the state college instructional unit shall be responsible for administration of the contracts covering both the community college instructional unit and the technical college instructional unit and for all contractual rights and duties. This exclusive representative shall retain all rights and obligations held by the former exclusive representatives for either the community college instructional unit or the technical college instructional unit. The exclusive representative shall continue to enjoy the right to dues and fair share fee deduction and all other contractual privileges and rights unless modified by a successor agreement. The exclusive representative shall have the responsibility of bargaining on behalf of all employees within the state college instructional unit. The exclusive representative and the Minnesota state colleges and universities shall continue to have the responsibility of administering grievances arising under the existing contracts. The new exclusive representative shall have all other rights and duties of representation, including the right to all employer information and all forms of access to employees within the bargaining unit, provided under the current existing contracts, memoranda of understanding, or practice, specifically including the rights in Minnesota Statutes, section 179A.07, subdivision 6. This subdivision does not affect any existing collective bargaining agreement.

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**Subd. 3. RETURN FROM LEAVE.** All employees on an approved leave of absence from positions within either the community college instructional unit or the technical college instructional unit as of the effective date of this section shall retain the reinstatement rights specified in the original terms of the leave, except as otherwise provided in a successor agreement.

**Subd. 4. SENIORITY; BENEFITS.** Determination of dates of employment and years of service for purposes of seniority, accumulated benefits, or other benefits shall not be impacted as a result of this section, except as otherwise provided in a successor contract.

**Sec. 7. UNIT CHANGE.**

State employee job classifications and positions assigned, before the effective date of this section, to the community college instructional unit and the technical college instructional unit are assigned to the state college instructional unit created in section 2. The commissioner of mediation services may make changes to these assignments as provided in Minnesota Statutes, section 179A.10, subdivision 4.

**Sec. 8. EFFECTIVE DATE.**

Sections 1 to 7 are effective the day following final enactment.

Presented to the governor May 17, 2001

Signed by the governor May 21, 2001, 10:46 a.m.

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**CHAPTER 134—S.F.No. 2022**

*An act relating to family law; clarifying crediting of support payments; modifying implementation of enforcement remedies to accommodate timing of support payments; amending Minnesota Statutes 2000, sections 518.551, subdivision 1; 518.6111, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 518.*

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

Section 1. Minnesota Statutes 2000, section 518.551, subdivision 1, is amended to read:

Subdivision 1. **SCOPE; PAYMENT TO PUBLIC AGENCY.** (a) This section applies to all proceedings involving a support order, including, but not limited to, a support order establishing an order for past support or reimbursement of public assistance.

(b) The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance, or has applied for child support and maintenance collection services. Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child

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