

was not taken by the appointing authority for just cause, the employee shall be reinstated to the position, or an equal position in another division within the same agency, without loss of pay. If the arbitrator finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, the arbitrator may reinstate the employee, with full, partial, or no pay, or may modify the appointing authority's action. The appointing authority shall bear the costs of the arbitrator for hearings provided for in this section.

Sec. 2. Minnesota Statutes 2004, section 43A.34, subdivision 3, is amended to read:

Subd. 3. **CORRECTIONAL PERSONNEL EXEMPTED.** Any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel established pursuant to sections 352.90 to 352.95, may elect or be required to retire from employment in the covered correctional position upon reaching the age of 55 years.

A correctional employee occupying a position covered by provisions of section 352.91, desiring employment beyond the conditional mandatory retirement age shall, at least 30 days prior to the date of reaching the conditional mandatory retirement age of 55 years, and annually thereafter, request in writing to the employee's appointing authority authorization to continue in employment in the covered position. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. If the results of the medical examination establish the mental and physical ability of the employee to continue the duties of employment, the employee shall be continued in employment for the following year. If the determination of the appointing authority based upon the results of the physical examination is adverse, the disposition of the matter shall be decided by the commissioner of corrections or, for employees of the Minnesota security hospital, the commissioner of human services. Based on the information provided, the decision of the applicable commissioner shall be made in writing and shall be final.

Sec. 3. **REPEALER.**

Minnesota Statutes 2004, section 43A.33, subdivision 4, is repealed.

Presented to the governor May 24, 2005

Signed by the governor May 26, 2005, 8:30 p.m.

CHAPTER 115—H.F.No. 400

An act relating to unemployment insurance; making an eligibility exception permanent for certain school food service workers; amending Minnesota Statutes 2004, section 268.085, subdivision 8.

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

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

Section 1. Minnesota Statutes 2004, section 268.085, subdivision 8, is amended to read:

Subd. 8. **SERVICES FOR SCHOOL CONTRACTORS.** (a) Wage credits from an employer are subject to subdivision 7, if:

(1) the employment was provided pursuant to a contract between the employer and an elementary or secondary school; and

(2) the contract was for services that the elementary or secondary school could have had performed by its employees.

(b) Wage credits from an employer are not subject to subdivision 7 if:

(1) those wage credits were earned by an employee of a private employer performing work pursuant to a contract between the employer and an elementary or secondary school; and

(2) the employment was related to food services provided to the school by the employer.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective retroactively from December 31, 2004.

Presented to the governor May 24, 2005

Signed by the governor May 26, 2005, 8:55 p.m.

CHAPTER 116—S.F.No. 1479

An act relating to spousal maintenance; authorizing the Department of Human Services to collect spousal maintenance; amending Minnesota Statutes 2004, sections 518.54, subdivisions 4a, 14, by adding a subdivision; 518.551, subdivision 1.

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

Section 1. Minnesota Statutes 2004, section 518.54, subdivision 4a, is amended to read:

Subd. 4a. **SUPPORT ORDER.** (a) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or administrative agency of competent jurisdiction;:

(1) for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state; or;

(2) for a child and the parent with whom the child is living, that provides for monetary support, child care, medical support including expenses for confinement and pregnancy, arrearages, or reimbursement; and that; or

New language is indicated by underline, deletions by strikeout.