

whether those persons and associations on the lists wish to maintain their names thereon and shall remove names for which there is a negative reply or no reply within 60 days.

Sec. 21. Laws 1974, Chapter 344, Section 9, is amended to read:

Sec. 9. This act is effective on July 1, ~~1975~~ 1976 .

Sec. 22. **REPEALER.** Minnesota Statutes 1974, Section 15.0413, Subdivisions 4, 5 and 6 are repealed.

Sec. 23. **EFFECTIVE DATE.** This act is effective on July 1, 1975, and the chief hearing examiner shall be appointed not more than 30 days thereafter and he may proceed to adopt rules pursuant to section 16, subdivision 4, of this act and otherwise organize his office; however, section 16, subdivision 3, and other provisions of this act requiring agency use of hearing examiners shall be effective on January 1, 1976, and provisions relating to the state register shall be effective on July 1, 1976.

Approved June 4, 1975.

CHAPTER 381—H.F.No.703

[Coded in Part]

An act relating to state government; providing for methods of payment of certain salaries; expanding the duties of the commissioner; permitting insurance coverage for state employees; permitting time off in emergencies; providing for the security of personnel files; permitting pre-service trainees in excess of complement; excluding managerial employees from bargaining units; revising the personnel laws; amending Minnesota Statutes 1974, Chapter 43, by adding sections; Sections 15A.083, Subdivision 1; 16.173; 43.05, Subdivision 2; 43.09, Subdivisions 2, 2a, and 7; 43.17, Subdivision 4a; 43.20, Subdivision 4; 43.21; 43.22, Subdivisions 2 and 3; 43.224; 43.30; 43.42; 43.43; 43.47; 84.14, Subdivision 1; 179.74, Subdivision 4; 260.311, Subdivision 2; 487.02, Subdivision 1; repealing Minnesota Statutes 1974, Section 15A.071.

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

Section 1. Minnesota Statutes 1974, Section 15A.083, Subdivision 1, is amended to read:

15A.083 STATE GOVERNMENT; REVISION OF PERSONNEL LAWS; STATE OFFICERS AND EMPLOYEES; SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH. Subdivision 1. **ELECTIVE JUDICIAL OFFICERS.** The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

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Chief justice of the supreme court	\$40,000
Associate justice of the supreme court	36,500
District judge	32,000

Each district judge shall receive \$1,500 additional annually from each county in his district having a population of 200,000 or more. When any district judge shall preside upon the trial or hearing of any cause outside of his resident district wherein the district judge receives a larger salary he shall receive an additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, to be paid by the county wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

An amount due from a county under this subdivision shall be paid by the state and forthwith reimbursed by the county.

Sec. 2. Minnesota Statutes 1974, Section 16.173, is amended to read:

16.173 APPROVED COMPLEMENTS. Whenever an appropriation to any state department or agency for salaries discloses an approved complement, that department or agency, except for seasonal employees, part time employees, ~~and~~ service workers and pre-service trainees is limited in the employment of the number of persons indicated by such approved complement. The employment of seasonal employees, part time employees, ~~and~~ service workers and pre-service trainees shall be in addition to the approved complement but subject to the approval of the commissioner of administration who shall determine the need therefor. The employment of pre-service trainees except from approved complement requirements shall be restricted to trainees employed pursuant to affirmative action programs approved by the commissioner of personnel.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve such additional personnel until he has consulted with the legislative advisory committee created by Laws 1943, Chapter 594, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions hereof shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

Sec. 3. Minnesota Statutes 1974, Section 43.05, Subdivision 2, is amended to read:

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Subd. 2. **SPECIFIED DUTIES.** ~~It shall be the duty of The commissioner and he shall have power :~~

(1) ~~To~~ Attend all meetings of the board;

(2) ~~To~~ Prepare personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all officers and employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) ~~To~~ Appoint temporary and permanent employees and officers as are necessary to carry out the provisions of this chapter; these employees and officers shall be chosen in accordance with and shall be subject to, the provisions of this chapter;

(4) ~~To~~ Keep in the office of the department of personnel an official roster of the state civil service showing the employment history of each and every person who has been appointed to, employed, promoted, reduced, or reinstated in any position in the service; which roster shall show, in connection with each name, the date of appointment, employment, promotion, reduction, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service; and the commissioner shall have access to all public records and papers, the examination of which will aid in the discharge of his duty in connection with the roster;

(5) ~~To~~ Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(6) ~~To~~ Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(7) ~~To~~ Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

(8) ~~To~~ Discharge such duties as are imposed upon him by this

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chapter;

(9) ~~To~~ Establish, publish and continually review logical career paths in the classified civil service;

(10) ~~To~~ Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

(11) ~~To~~ Prepare rules regulating the temporary placement of positions in the unclassified civil service ;

(12) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

(13) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 4. Minnesota Statutes 1974, Chapter 43, is amended by adding a section to read:

[43.056] FILES; SECURITY. Written test questions and other information relating to the conduct of examinations shall be kept confidential to the extent necessary to ensure that all applicants for employment have a fair and equal opportunity to demonstrate their abilities to perform the duties of the position for which they are applying. An applicant appealing or contemplating an appeal of his examination score may review written test questions or other information relating to the examination unless the questions are to be used in a future examination. In the latter case, the applicant may designate a person skilled in the evaluation of employment tests to review the materials and evaluate them for his use in deciding to pursue or withdraw an appeal.

Sec. 5. Minnesota Statutes 1974, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified service comprises positions held by state officers or employees who are:

(1) Chosen by election or appointed to fill an elective office;

(2) Heads of department required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, divisions and institutions specifically established

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by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry, nor to the director of the division of vocational rehabilitation in the department of education;

(3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employee to the secretary of state, state auditor, and state treasurer;

(4) ~~Seasonal-Intermittent~~ help employed by the commissioner of public safety to assist in the issuance of ~~motor~~ vehicle licenses;

(5) 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;

(6) Officers and employees of the senate and house of representatives of the legislature including temporary or permanent employees of legislative committees or commissions. Employees of the legislative audit commission, except for the legislative auditor, his deputy, and his confidential secretary, however, shall be employees in the classified civil service of the state;

(7) Teachers, research assistants, student employees on less than half-time pay basis or eligible under terms of the federal economic opportunity act work study program, presidents, deans, and administrative officers in the state colleges; but this clause shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of these institutions;

(8) Officers and enlisted persons in the national guard;

(9) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;

(10) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(11) Patient and inmate help in state institutions;

(12) Members of the state highway patrol; provided that selection and appointment of highway patrol officers shall be made in accordance with applicable laws governing the classified state civil service;

(13) The deputy commissioner of agriculture, and the deputy director and assistant director of the Minnesota pollution control agency;

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(14) One employee of the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 591, and whose salary or compensation is to be reimbursed to the state under said act;

(15) Seasonal help employed by the department of revenue ;

(16) Employees of the department of administration permanently assigned to the ceremonial house .

Sec. 6. Minnesota Statutes 1974, Section 43.09, Subdivision 2a, is amended to read:

Subd. 2a. **ADDITIONAL UNCLASSIFIED POSITIONS.** Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause ~~(3)~~ (4) .

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, the commissioner of personnel shall reappoint him to his previous classified position, or to a comparable position.

(4) Positions so established are limited in number to six in the departments of administration, corrections, finance, highways, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, economic development, and employment services; to three in the departments of aeronautics, public service, and the planning agency and pollution control agency; and to two in the departments of human rights and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

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(5) Funds are available.

Sec. 7. Minnesota Statutes 1974, Section 43.09, Subdivision 7, is amended to read:

Subd. 7. **CLASSIFIED CIVIL SERVICE LABORERS.** Employees in the labor service who are employed for a total of ten months within a 12 month period shall receive the same civil service status given by ~~this~~ chapter 43 to other classified employees of the state not in the labor service.

Employees in the labor service entitled to tenure rights under this subdivision shall be known as classified civil service laborers.

Sec. 8. Minnesota Statutes 1974, Section 43.17, Subdivision 4a, is amended to read:

Subd. 4a. Notwithstanding any law to the contrary, persons may be employed by any governmental department in the classification of service worker or be employed as a pre-service trainee, as defined by applicable ~~civil service~~ personnel job description or personnel rule, in excess of any personnel limitations, quotas or complements as established by law. Said employment shall be subject to restrictions contained in section 16.173 and shall be subject to the advance approval of the commissioner of administration.

Sec. 9. Minnesota Statutes 1974, Section 43.20, Subdivision 4, is amended to read:

Subd. 4. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional, or expert character are required, and upon satisfactory evidence that for specified reasons competition in this special case is impracticable and that the position can best be filled by the selection of some designated person of high and recognized attainments in these qualities, the commissioner may suspend the requirements of competition in this case, but no suspension shall be general in its application to the position; ~~and all the cases of suspension shall be reported in the annual report of the department, with the reasons for the same.~~

Sec. 10. Minnesota Statutes 1974, Section 43.21, is amended to read:

43.21 PROBATIONARY PERIOD. Except as in this chapter otherwise provided, all original appointments and promotions within the classified service, shall be for a probationary period the duration of which is determined by personnel rule for each class, or group of classes to be not less than 30 days and not more than two years but dismissals or demotions may be made at any time during such period, subject to the provisions of section 43.19, subdivision 3. Provided, that no employee transferred or promoted from one position in the classi-

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fied service to another position in the classified service shall be dismissed, except for just cause, demoted or transferred without his consent until he shall have served a trial period of at least 30 days in his new position. At the end of the probationary period the appointing officer shall notify the commissioner, in writing, whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice or in the absence of notice to the commissioner, the employee; if his service during the probationary period did not fall below such minimum standards as have been prescribed by the commissioner; shall be deemed to have a permanent classified civil service status; otherwise the employee is automatically separated from the service, except as provided in section 43.10, subdivision 3. Work performance counseling-evaluation shall be available-provided to a probationary employee at least twice during the duration of the probationary period in a manner and frequency in accordance with rules established by the commissioner.

Sec. 11. Minnesota Statutes 1974, Section 43.22, Subdivision 2, is amended to read:

Subd. 2. **LEAVES OF ABSENCE.** Any person holding a permanent position in the classified service of this state may be granted a leave of absence on the grounds of sickness, disability, or other good and sufficient reason; provided, that no leave, except military leave, sick or disability leave, leave to accept an elected public office as provided by section 43.28, leave to accept an appointive position in the state unclassified service, leave to accept employment with a civil defense survival plan project to which the state is a party, and leave to attend an accredited college or university under a training program authorized by the state, shall exceed one year. However, a leave of absence to attend an accredited college or university may be extended, by order of the commissioner, upon application duly made and approved by the appointing authority, for such period of time necessary to complete a particular course of study, but not to exceed one year.

Sec. 12. Minnesota Statutes 1974, Section 43.22, Subdivision 3, is amended to read:

Subd. 3. **LEAVES, WHEN GRANTED.** Leave of absence may be granted to an officer or employee holding a position in the classified civil service and shall be conclusively presumed to have been granted to an officer or person holding a position on January 1, 1930; thereafter included within the classified service to enable such person to take an appointive position in the state unclassified civil service. Persons having accepted or accepting appointive positions in the unclassified civil service shall, upon the termination thereof at any time within 60 calendar days of the termination of the appointment, upon application to the commissioner of personnel, be restored to the status and a position which they last held at any time within one year after the termination of their appointment in the unclassified service upon application therefor to the commissioner of personnel-with the same status

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and classification as the position the employee held immediately prior to appointment to the unclassified civil service .

When a person's appointment to a position in the unclassified service is terminated and he is restored, as provided by this subdivision, to the status and position in the classified service which he last held just prior to accepting the appointment in the unclassified service and the position to which he is being restored is occupied by another person who has been given a permanent appointment to such position, the latter person shall be restored to the status and position last previously held by him in the classified service upon application therefor to the commissioner of personnel.

Within ten days after the commissioner receives the application of the person in the unclassified service to be restored to his former position in the classified service, the commissioner shall notify the person occupying the position of such application. The person occupying the position shall have ten days from the date he receives the commissioner's notification to make application to the commissioner to be restored to his former position in the classified service. The person occupying the position to which the person in the unclassified service is returning shall be restored to the position last previously held by him in the classified service effective the same day the person returning from the unclassified service resumes his former position.

Sec. 13. Minnesota Statutes 1974, Section 43.224, is amended to read:

43.224 ANNUAL LEAVE ALLOWANCES. No state officers or employees in the unclassified service shall be paid for unused portions of annual leave allowances provided for by Minnesota Statutes, Section 351.12, for any greater period of time than is permitted state officers or employees in the classified service. No elected state employee shall be paid for unused annual leave allowances or a severance pay allowance based upon unused sick leave pursuant to section 43.12, subdivision 2, upon retirement or termination of service for any reason whatsoever.

Sec. 14. Minnesota Statutes 1974, Chapter 43, is amended by adding a section to read:

[43.227] TIME OFF IN EMERGENCIES. At the request of a department head, and after consultation with the commissioner of public safety, the commissioner may authorize the requesting department head to excuse state employees from duty with full pay in the event of a natural or man made emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the governor authorizes a longer duration.

Sec. 15. Minnesota Statutes 1974, Section 43.30, is amended to

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read:

43.30 VETERANS PREFERENCE. Notwithstanding sections 197.45 to 197.48, the provisions of this section shall govern the granting of veterans' preference for the state civil service.

In all examinations under this chapter a veterans' preference shall be given to every person who has been honorably discharged or separated from any branch of the armed forces of the United States (1) after having served on active duty for other than training purposes or (2) by reason of disability incurred while serving on active duty, and who is a citizen of the United States, and persons who served in the active military service of any government allied with the United States in World War I or World War II, and have been honorably discharged therefrom, and who are citizens of the United States and were citizens at the time of entrance into active service. And the veteran thus preferred shall not be disqualified from holding any position in the classified service on account of his age or by reason of any physical disability provided such age or physical disability does not render him incompetent to perform the duties of the position.

Recognizing that training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily discovered by examination; there shall be added to the examination rating of a disabled veteran a credit of ten points, and in open competitive examination only if such augmented rating gives to such disabled veteran a passing grade and such disabled veteran is able to perform the duties of the position sought with reasonable efficiency, his name shall be placed at the head of the eligible list for such position.

There shall be added to the examination rating of all other veterans a credit of five points, and if such augmented rating gives to such veteran a passing grade and if such veteran is able to perform the duties of the position with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons. The name of a veteran with such augmented rating shall be entered ahead of a non-veteran when their ratings are the same.

Such preference is hereby extended to the widows of deceased veterans and to the spouse of a disabled veteran, who because of such disability is unable to qualify.

The fact that an applicant has claimed a veterans preference shall not be made known to the examiners and the preference credit shall be added to the examination rating by the commissioner, and the records shall show the examination rating and the preference credit.

A disabled veteran is one who is rated or certified as disabled by the United States Veterans Administration, or by the retirement boards of the several branches of the armed forces, and which disability is ex-

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isting at the time preference is claimed. The commissioner may require candidates claiming preference as disabled veterans to submit documentary evidence in support of their claim and may anticipate certification by the Veterans Administration where necessary to avoid delays in establishing an eligible list.

In the event of the rejection by the appointing officer of the person so preferred when certified for promotion or to fill a vacancy or a new position, the appointing officer shall forthwith file in writing with the commissioner the reasons for such rejection and shall furnish to the rejected veteran a copy thereof.

Sec. 16. Minnesota Statutes 1974, Section 43.42, is amended to read:

43.42 INSURANCE BENEFITS INTENT. It is the intent of sections 43.42 to 43.49 to provide certain state ~~officers and~~ employees with basic life insurance and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid group practice plans, to be paid for by the state and to authorize an eligible state ~~officer or~~ employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by ~~such officer or the employee~~ through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, homeowners insurance, and vision insurance.

Sec. 17. Minnesota Statutes 1974, Section 43.43, is amended to read:

43.43 DEFINITIONS. Subdivision 1. As used in—For the purposes of sections 43.42 to 43.49, the terms defined in this section have the meanings given them.

Subd. 2. (a) "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

(1) An ~~officer or~~ employee in the classified service of the state civil service paid on a state payroll;

(2) An ~~officer or~~ employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;

(3) An ~~elective or appointed officer in the executive branch of the state government;~~

(4) ~~(3)~~ A permanent ~~officer or~~ employee of the legislature or a permanent employee of a permanent study or interim committee or

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commission;

~~(6)~~(4) A judge of the supreme court or an officer or employee of such court; a judge of the district court;

~~(6)~~(5) A salaried ~~officer~~ or employee of the public employees retirement association;

~~(7)~~(6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;

~~(8)~~(7) A salaried ~~officer~~ or employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

~~(9)~~(8) An employee of the regents of the university of Minnesota, who is a member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

~~(10)~~(9) An employee of the regents of the university of Minnesota and a member of the civil service staff under the civil service plan, adopted by the university of Minnesota, who is employed on a monthly salaried appointment;

~~(11)~~(10) An employee of the state college board or the state board for community colleges who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

~~(12)~~(11) An employee of the state college board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the college board of the state of Minnesota, revenue fund or the college activity fund. The required premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

~~(13)~~(12) A member of the state legislature ; ~~but no basic life insurance and health coverages shall be paid for a member of the legislature until the first Monday in January, 1969 .~~

~~(14)~~(13) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided ~~further~~ that ~~such an~~the employee shall receive the benefits provided ~~for~~ in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when ~~said~~the employee is not working at his ~~said~~ occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of ~~such~~the

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employee is paid from .

(14) A person employed in the state service as a pre-service trainee on a full time basis.

~~(b)~~ Subd. 3. "Hospital benefits coverage" means:

A plan ~~which either that~~ provides coverage for, or pays, or reimburses ; expenses for hospital services.

~~(c)~~ Subd. 4. "Medical benefits coverage" means:

A plan ~~which either that~~ provides coverage for, or pays, or reimburses ; expenses for medical services and medical expenses prescribed by a doctor.

~~(d)~~ Subd. 5. "Employee life insurance benefits coverage" means:

A plan ~~which that~~ provides for life insurance coverage on the lives of eligible employees. Waiver of premium disability benefit and accidental death and dismemberment coverage may be included.

~~(e)~~ Subd. 6. "Carrier" means:

(1) For ~~the~~ hospital benefits coverage, an insurance company licensed to do business in the state or a nonprofit hospital service association or a prepaid group practice hospital care plan authorized to do business in the state.

(2) For ~~the~~ medical benefits coverage, an insurance company authorized to do business in the state or a nonprofit medical service association or a prepaid group practice medical care plan authorized to do business in the state.

(3) For ~~the~~ employee life insurance benefits coverage, an insurance company authorized to do business in the state.

~~(f)~~ Subd. 7. "Commissioner" means the commissioner of personnel.

~~(g)~~ Subd. 8. A new eligible state employee's basic coverages shall become effective on the first day of the first payroll period beginning on or after the 28th day following the first day of employment.

Sec. 18. Minnesota Statutes 1974, Section 43.47, is amended to read:

43.47 EXCLUSION OF CERTAIN STATE EMPLOYEES. Subdivision 1. Except as provided in section 43.491, the persons enumerated in this section and their dependents are ~~specifically~~ excluded from the ~~terms and~~ provisions of sections 43.42 to 43.49:

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~~(1)~~ Subd. 2. An emergency, temporary, or intermittent employee of the state; a part time or seasonal employee of the state serving on less than a 75 percent time basis; but this exclusion shall not apply to a part time or seasonal employee of the state in the classified service who prior to April 1, 1967 was eligible for state paid basic life insurance and health benefits;

~~(2)~~ A trainee;

~~(3)~~ Subd. 3. A deputy registrar of motor vehicles;

~~(4)~~ Subd. 4. An election official;

~~(5)~~ Subd. 5. An independent contractor engaged in work for the state under a contract or any employee thereof;

~~(6)~~ Subd. 6. A judge of any court, and an officer or employee thereof except as otherwise provided in section 43.43;

~~(7)~~ Subd. 7. A notary public;

~~(8)~~ Subd. 8. Patient or inmate help in a state institution including but not limited to the Minnesota veterans home;

~~(9)~~ Subd. 9. A student at a state educational institution who may be employed as student help;

~~(10)~~ Subd. 10. A person rendering a professional service whose duties are assigned and whose compensation is paid ~~for~~ on a per diem basis;

~~(11)~~ Subd. 11. A member of a state board or commission who serves the state intermittently, who serves without compensation or who is paid on a per diem basis; an officer, including a secretary or treasurer, employed by ~~such a state~~ board or commission and whose compensation is less than \$2,000 per year;

~~(12)~~ Subd. 12. A temporary ~~officer or~~ employee of the legislature or a temporary employee of a study or interim committee or commission except as otherwise provided ~~for~~ in section 43.44, subdivision 2;

~~(13)~~ Subd. 13. An employee of the board of regents of the University of Minnesota on the academic staff serving on less than a 75 percent regular appointment;

~~(14)~~ Subd. 14. An employee of the board of regents of the University of Minnesota and a member of the civil service staff under the civil service plan ; adopted by the University of Minnesota, who is employed on an emergency, temporary, or intermittent basis; a part time or seasonal employee or member serving on less than a 75 percent time basis;

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~~(16) Subd. 15.~~ An employee of the board of regents of the University of Minnesota, who has chosen to have his wages and fringe benefits governed by the terms of a master or uniform contract ("prevailing rate" employee) in accordance with the provisions of the University of Minnesota civil service rule ~~6-12-5.12~~, as ~~adopted and amended by the board of regents of the University of Minnesota ; or~~

~~(16) Subd. 16.~~ An employee in the unclassified civil service of the state ~~civil service~~ who is employed by the state college board or the state board for community colleges as a member of the academic staff serving on less than a 75 percent time basis;

~~(17) Subd. 17.~~ An ~~officer or~~ employee of the state agricultural society; an employee of the board of regents of the University of Minnesota who is eligible for coverage under the federal employees health benefits program;

~~(18) Subd. 18.~~ A person employed in the federal economic opportunity act program, including but not limited to a neighborhood youth corps enrollee and work site supervisor, ~~but this exclusion shall not apply to any~~ except a person who otherwise meets the eligibility requirements of sections 43.42 to 43.49 , and performs administrative and clerical duties in connection with the administration by the state of the program, provided the required premium is paid from such federal funds as may be available for the administrative costs of the program.

Sec. 19. Minnesota Statutes 1974, Section 84.14, Subdivision 1, is amended to read:

84.14 DIRECTOR OF WILD RICE HARVEST. Subdivision 1. The commissioner may appoint a director of the wild rice harvest, who shall be a person of proven experience in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner in this capacity and shall be appointed from the classified service of the state. ~~He may be paid such salary as may be determined by the commissioner of personnel and the commissioner of administration and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish.~~ The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

Sec. 20. Minnesota Statutes 1974, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state em-

Changes or additions indicated by underline deletions by ~~strikeout~~

ployees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the classified service defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Sec. 21. Minnesota Statutes 1974, Section 260.311, Subdivision 2, is amended to read:

Subd. 2. **SUFFICIENCY OF SERVICES.** Probation services shall be sufficient in amount to meet the needs of the county court in each county. Probation officers serving county courts in all counties of not more than 200,000 population shall also, pursuant to subdivision 3, provide probation and parole services to wards of the Minnesota corrections authority resident in their counties. To provide these probation services counties containing a city of 10,000 or more population shall, as far as practicable, have one probation officer for not more than 35,000 population; in counties that do not contain a city of such size, the commissioner of corrections shall, after consultation with the chief judge of the county court and the county commissioners and in the light of experience, establish probation districts to be served by one officer.

All probation officers appointed for any county court after July 1, 1969, or community corrections agency shall be selected from the same state civil service list of eligible candidates from which the commissioner of corrections selects probation and parole agents and for which both oral and written examinations are required—a list of eligible candidates who have qualified according to the same or equivalent examining procedures as used by the commissioner of personnel to certify eligibles to the commissioner of corrections in appointing parole agents, and the department of personnel shall furnish the names of such candidates on request. This subdivision shall not apply to a political subdivision having a civil service or merit system unless the subdivision elects to be covered by this subdivision.

Sec. 22. Minnesota Statutes 1974, Section 487.02, Subdivision 1, is amended to read:

487.02 PAYMENT OF EXPENSES. Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the county in which the expenses were incurred from the general revenue fund of the county. If the district consists of more than one county, such expenses shall be apportioned the county of the judge's residence shall pay the judge and shall be reimbursed each month by the other

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counties of the district by apportioning the salary and expenses according to the respective population of the counties as determined by the last United States census.

Sec. 23. Minnesota Statutes 1974, Section 15A.071 is repealed.

Sec. 24. This act is effective the day following final enactment.

Approved June 4, 1975.

CHAPTER 382—H.F.No.704

[Coded in Part]

An act relating to the Minnesota zoological garden; enabling the state zoological board to acquire lands; defining the zoological garden site; authorizing the board to add to and promote the operation; establishing the Minnesota zoological garden operating receipts investment account; authorizing the investment of its assets; assigning income to the Minnesota zoological garden general account; defining "matching funds"; amending Minnesota Statutes 1974, Chapter 11, by adding a section; Sections 85A.02, Subdivision 2, and by adding subdivisions; 85A.03, Subdivisions 4 and 4a; 85A.04, Subdivisions 1 and 2, and by adding subdivisions; and 85A.05, Subdivisions 4 and 6.

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

Section 1. Minnesota Statutes 1974, Chapter 11, is amended by adding a section to read:

[11.28] STATE ZOOLOGICAL GARDEN; OPERATING RECEIPTS INVESTMENT ACCOUNT. Subdivision 1. The Minnesota zoological garden operating receipts investment account shall be administered by the state board of investment. The assets of the account shall be invested in those securities authorized in section 11.10, subdivision 1.

Subd. 2. When the Minnesota zoological garden board certifies that any funds so invested are needed for current purposes, the state board of investment shall order the sale or conversion into cash of investments to the amount so certified, and transfer the funds to the Minnesota zoological garden general account.

Subd. 3. All interest and profit accruing from the investments shall be credited to, and be a part of, the Minnesota zoological garden general account, and any loss incurred in the principal of the investment shall be borne by the Minnesota zoological garden general account.

Sec. 2. Minnesota Statutes 1974, Section 85A.02, Subdivision 2, is

Changes or additions indicated by underline deletions by ~~strikeout~~