

.bank desiring to establish a detached facility under this section must follow the approval procedure in Minnesota Statutes, section 47.54. The establishment of the detached facility is subject to Minnesota Statutes, sections 47.51 to 47.57, except to the extent those sections are inconsistent with this section.

Sec. 2. LOCAL APPROVAL.

Section 1 takes effect the day after compliance by the governing body of the city of Detroit Lakes with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 10:14 p.m.

CHAPTER 506—H.F.No. 257

An act relating to state government; regulating markings on state vehicles; eliminating the requirement that certain reports of occupational licensing boards be summarized; eliminating certain prohibitions against state purchase of insurance; regulating state sale of goods and services; clarifying responsibility for the operation and maintenance of certain buildings; regulating government record keeping; prescribing compensation for certain board members; amending Minnesota Statutes 1988, sections 15.16; 15.17, subdivision 1; 15.38, by adding a subdivision; 15.39, subdivision 1; 15A.081, subdivision 7; 16A.85, subdivision 2; 16B.06, subdivision 4; 16B.09, subdivision 5; 16B.24, subdivision 1; 16B.405, subdivision 1; 16B.48, as amended; 136.24, subdivision 1; 136.622, subdivision 1; 138.17, subdivision 1, and by adding a subdivision; 175A.01; 175A.02; 175A.05; 175A.07, subdivision 2; 214.07, subdivision 2; 214.09, subdivision 3; 473.141, subdivision 3; and 600.135, subdivision 1; Minnesota Statutes 1989 Supplement, sections 15.0575, subdivision 3; 15.059, subdivision 3; and 16B.54, subdivision 2; repealing Minnesota Statutes 1989 Supplement, section 16B.465, subdivision 5.

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

ARTICLE 1

Section 1. Minnesota Statutes 1988, section 175A.01, is amended to read:

175A.01 CREATION.

Subdivision 1. ESTABLISHMENT; MEMBERSHIP; APPOINTMENT; QUALIFICATIONS. The workers' compensation court of appeals as previously constituted is reconstituted as an independent agency in the executive branch.

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The workers' compensation court of appeals shall consist of five judges, each serving in the unclassified service. ~~The five judges shall be learned in the law.~~

Subd. 2. APPOINTMENT; TERMS; LIMITATION. Each judge of the workers' compensation court of appeals shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall expire on the first Monday in January of the year in which they expire. The terms of the judges shall be staggered. ~~The judges of the workers' compensation court of appeals as now created shall be the judges of the workers' compensation court of appeals until the expiration of the terms for which they have been appointed and qualified. They shall be selected on the basis of their experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota.~~

Subd. 3. QUALIFICATIONS. To qualify for appointment to the court, a candidate shall be learned in the law, have been licensed to practice law for at least five years, and have experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota.

Subd. 4. STANDARDS OF CONDUCT: The judges of the workers' compensation court of appeals shall be subject to the provisions of the Minnesota Constitution, article VI, section 6, the jurisdiction of the commission on judicial standards, as provided in sections 490.15 and 490.16, and the provisions of the code of judicial conduct.

Subd. 5. JURISDICTION. The workers' compensation court of appeals shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the workers' compensation court of appeals shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the workers' compensation laws of the state in those cases that have been appealed to the workers' compensation court of appeals and in any case that has been transferred by the district court to the workers' compensation court of appeals. The workers' compensation court of appeals shall have no jurisdiction in any case that does not arise under the workers' compensation laws of the state or in any criminal case, provided that the workers' compensation court of appeals shall exercise appellate jurisdiction under the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis and under chapter 352E.

Subd. 6. OATH. Each judge of the workers' compensation court of appeals before entering upon the duties of office, shall take the oath prescribed by law.

Sec. 2. Minnesota Statutes 1988, section 175A.02, is amended to read:

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

175A.02 ADMINISTRATIVE OFFICERS.

Subdivision 1. WCCA; CHIEF JUDGE. The judges of the workers' compensation court of appeals ~~governor~~ shall ~~choose designate~~ a chief judge from among their number ~~the judges~~. The chief judge shall ~~appoint one of the judges~~ to serve as the administrator, who shall be ~~have overall~~ responsibility for administration of the court, including acting as custodian of the court's files and records and shall ~~coordinate and make~~ coordinate of hearing assignments. The ~~chief judge who is appointed the administrator~~ may ~~delegate the duties of administrator to an employee chosen to be the~~ appoint an assistant administrator to assist the judge in the performance of administrative duties. The chief judge shall also have responsibility for oversight of other judges and court personnel with respect to timely performance of duties in a professional manner.

Subd. 2. DISTRICT COURTS. The court administrator of district court in each county shall be the court administrator of the workers' compensation court of appeals in that county. Filing fees and library fees deposited with the court administrator of district court in the capacity as clerk of the workers' compensation court of appeals and in cases originally commenced in district court and transferred to the workers' compensation court of appeals shall be retained by the court administrator of district court. The workers' compensation court of appeals court administrator in each county shall be subject to the supervision of the administrator chief judge appointed under subdivision 1 in workers' compensation court of appeals matters.

Sec. 3. Minnesota Statutes 1988, section 175A.05, is amended to read:

175A.05 QUORUM.

A majority of the judges of the workers' compensation court of appeals shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the workers' compensation court of appeals except that all appeals shall be heard by no more than a panel of three of the five judges unless the appeal case appealed is determined to be of exceptional importance by the chief judge prior to assignment of the case to a panel, or by a four-fifths three-fifths vote of the judges prior to assignment of the case to a panel or after the case has been considered by the panel but prior to the service and filing of the decision. A vacancy shall not impair the ability of the remaining judges of the workers' compensation court of appeals to exercise all the powers and perform all of the duties of the workers' compensation court of appeals.

Sec. 4. Minnesota Statutes 1988, section 175A.07, subdivision 2, is amended to read:

Subd. 2. PERSONNEL. The ~~judges~~ chief judge of the workers' compensation court of appeals shall appoint in the manner provided by law all personnel required by the workers' compensation court of appeals; except that, each judge shall appoint the judge's own law clerks. The law clerks are in the unclassified

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service. The commissioner of administration shall provide the court with necessary additional staff and administrative services, and the court shall reimburse the commissioner for the cost of these services.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective July 1, 1990.

ARTICLE 2

Section 1. Minnesota Statutes 1989 Supplement, section 15.0575, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** Members of the boards must be compensated at the rate of ~~\$48 per~~ \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. Members who are full-time state employees or full-time employees of the political subdivisions of the state may not receive the ~~\$48 per day~~ daily payment, but they may suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 2. Minnesota Statutes 1989 Supplement, section 15.059, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** Members of the advisory councils and committees ~~shall~~ must be compensated at the rate of ~~at least \$35 per~~ \$55 a day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted ~~pursuant to~~ under section 43A.18, subdivision 2. ~~The state agency that provides funding for the advisory council or committee may authorize compensation of up to \$48 per day spent on council or committee activities.~~ Members who, as a result of time spent attending council or committee meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon council or committee authorization. If members who are state employees or employees of political subdivisions receive the daily compensation, and if the major part of their activities occur during normal working hours for which they are also compen-

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sated by the state or political subdivision, the employer shall deduct the daily compensation from the employee's compensation for the day. In no other case ~~shall~~ may a member who is an employee of the state or a political subdivision suffer a loss in compensation or benefits from the state or political subdivision as a result of service on the council or committee. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 3. Minnesota Statutes 1988, section 15.16, is amended to read:

15.16 TRANSFER OF LANDS BETWEEN DEPARTMENTS.

Subdivision 1. **AGREEMENT.** ~~In order~~ To facilitate the transfer of the control of state owned lands between state departments and agencies of government and to avoid the necessity of condemning state lands by a department or agency of government of the state, ~~any a~~ a department or agency of the state government of the State of Minnesota may acquire the control of state lands for public purposes from the department or agency of state government having ~~such~~ those lands under its control and supervision, upon ~~such~~ terms and conditions ~~as may be~~ that are mutually agreed upon by the heads of the interested state departments or agencies.

Subd. 2. **EXECUTIVE COUNCIL TO DETERMINE TERMS.** ~~In the event~~ If the heads of ~~such~~ the departments or agencies acting under subdivision 1 are unable to agree ~~as to~~ on the terms and conditions of a transfer of control of ~~these~~ state lands, the executive council, upon application of a state department or agency having the power to acquire lands for public purposes, shall determine the terms and conditions and may order the transfer of the control of state lands to the department ~~or~~ agency requesting the transfer.

Subd. 3. **COMMISSIONER OF FINANCE AND TREASURER TO TRANSFER FUNDS.** The commissioner of finance and the state treasurer are ~~hereby~~ authorized and directed to transfer funds between state departments and agencies to effect the terms and conditions to transfer the control of real estate as ~~hereinbefore~~ provided in this section.

Subd. 4. **ATTORNEY GENERAL TO PRESCRIBE FORM OF TRANSFER.** The transfer of control of real estate as ~~hereinbefore~~ provided ~~shall~~ under this section must be made on ~~such~~ transfer documents ~~as prescribed by~~ the attorney general ~~shall~~ prescribe, and ~~all~~ such the transfer documents ~~shall~~ must be permanently filed in the office of the commissioner of finance.

Subd. 5. **OBTAINING RECOMMENDATION.** No control of state-owned lands ~~shall~~ may be transferred between state departments or agencies without

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the departments or agencies first consulting the chairs of the senate finance committee and house of representatives appropriations committee and obtaining their recommendations. The recommendations ~~shall be~~ are advisory only. Failure to obtain a prompt recommendation ~~shall be~~ is deemed a negative recommendation.

Sec. 4. Minnesota Statutes 1988, section 15.17, subdivision 1, is amended to read:

Subdivision 1. **MUST BE KEPT.** All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities. All government records shall be made on a physical medium of a quality to insure permanent records. Every public officer, is empowered to reproduce records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section 138.17. The public officer is empowered to reproduce these records by any photographic, photostatic, microphotographic, ~~or optical disk imaging system,~~ microfilming means which produces copies meeting, or other reproduction method that clearly and accurately reproduces the records. If a record is deemed to be of permanent or archival value, any reproduction of the record must meet archival standards specified by the Minnesota historical society and which clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical disk images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, in accordance with the disposition requirements of section 138.17. Photographs, photostats, microphotographs, microfilms, optical disk images, or other reproductions ~~shall be~~ are for all purposes be deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and ~~shall be~~ are admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical disk image, or other reproduction, or an enlargement or reduction of it, ~~shall have~~ has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Sec. 5. Minnesota Statutes 1988, section 15.38, is amended by adding a subdivision to read:

Subd. 8. AUTHORIZED PURCHASES. The commissioner of administration may authorize the purchase of insurance on state property that agencies of state government deem necessary and appropriate to protect buildings and contents.

Sec. 6. Minnesota Statutes 1988, section 15.39, subdivision 1, is amended to read:

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Subdivision 1. Notwithstanding ~~the provisions of section 15.38, or any other law to the contrary,~~ the commissioner of the department of jobs and training of the state of Minnesota may insure the state of Minnesota purchase insurance against loss by fire, flood, windstorm, or tornado to state-owned buildings occupied by ~~said~~ the department, ~~in~~ from any insurance companies licensed to do business in this state in ~~such~~ an amount as that the commissioner may from time to time determine and ~~to~~ pay premiums ~~therefor~~ for the insurance from federal funds granted for the administration of the department of jobs and training.

Sec. 7. Minnesota Statutes 1988, section 15A.081, subdivision 7, is amended to read:

Subd. 7. ~~PART-TIME METROPOLITAN OFFICERS.~~ The governor shall set the salary rate within the range set forth below for the following ~~part-time~~ positions, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Effective

July 1, 1987

Chair, metropolitan airports commission	\$15,000-\$25,000
Chair, metropolitan waste control commission	\$25,000-\$35,000 <u>\$25,000-\$67,500</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. 8. Minnesota Statutes 1988, section 16A.85, subdivision 2, is amended to read:

Subd. 2. **COVENANTS.** The commissioner of finance may covenant in a master lease that the state will abide by the terms and provisions that are customary in net lease or lease-purchase transactions including, but not limited to, covenants providing that the state:

(1) will maintain ~~rental interruption, liability, and casualty insurance notwithstanding section 15.38~~ as required under the terms of the lease agreement;

(2) is responsible to the lessor for any public liability or property damage claims or costs related to the selection, use, or maintenance of the leased equipment, to the extent of insurance or self-insurance maintained by the lessee, and for costs and expenses incurred by the lessor as a result of any default by the lessee;

(3) authorizes the lessor to exercise the rights of a secured party with respect to the equipment subject to the lease in the event of default by the lessee and, in addition, for the present recovery of lease rentals due during the current term of the lease as liquidated damages.

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Sec. 9. Minnesota Statutes 1988, section 16B.06, subdivision 4, is amended to read:

Subd. 4. **SUBJECT TO AUDIT.** A contract or any disbursement of public funds to a provider of services or a grantee, made by or under the supervision of the commissioner, an agency, or any county or unit of local government ~~shall~~ must include, expressly or impliedly, an audit clause that provides that the books, records, documents, and accounting procedures and practices of the contractor or other party, relevant to the contract or transaction are subject to examination by the contracting agency, and either the legislative auditor or the state auditor as appropriate. A state contract made for purchase, lease, or license of software and data from the state is not required to contain that audit clause.

Sec. 10. Minnesota Statutes 1988, section 16B.09, subdivision 5, is amended to read:

Subd. 5. **COOPERATIVE AGREEMENTS.** The commissioner may enter into cooperative purchasing agreements under section 471.59 with cities, counties, towns, school districts, or other political subdivisions or instrumentalities of a governmental unit or any entity that is statutorily authorized to purchase materials and services through state contracts. The commissioner may charge a fee to cover the commissioner's administrative expenses to government units that have joint or cooperative purchasing agreements with the state under section 471.59.

Sec. 11. Minnesota Statutes 1988, section 16B.24, subdivision 1, is amended to read:

Subdivision 1. **OPERATION AND MAINTENANCE OF BUILDINGS.** The commissioner is authorized to maintain and operate the state capitol building and grounds, subject to whatever standards and policies are set for its appearance and cleanliness by the capitol area architectural and planning board and the commissioner ~~pursuant to~~ under section 15.50, subdivision 2, clause (h), and the state office building, the historical society building, ~~the Normandale, Anoka-Ramsey, North Hennepin, Lakewood, Metropolitan, and South East Metropolitan Community Colleges,~~ the economic security buildings in Minneapolis and St. Paul, the state department of health building, and the surplus property building, and their grounds, and, when the commissioner considers it advisable and practicable, any other building or premises owned or rented by the state for the use of a state agency. The commissioner shall assign and reassign office space in the capitol and state buildings to make an equitable division of available space among agencies. The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 12. Minnesota Statutes 1988, section 16B.405, subdivision 1, is amended to read:

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Subdivision 1. **AUTHORIZATION.** ~~To offset the department of administration's software development costs through the sale of products developed,~~ The commissioner may sell or license computer software products or services developed by ~~the commissioner~~ state agencies or custom developed by a vendor, through whatever sales method the commissioner considers appropriate. Prices for the software products or services may be based on market considerations.

Sec. 13. Minnesota Statutes 1988, section 16B.48, as amended by Laws 1989, chapter 335, article 4, section 10, is amended to read:

16B.48 GENERAL SERVICES AND COMPUTER SERVICES INTER-TECHNOLOGIES REVOLVING FUNDS.

Subdivision 1. **REIMBURSEMENTS.** Fees prescribed ~~pursuant to~~ under section 16B.51, for the rendering of the services provided in that section are deposited in the state treasury by the collecting agency and credited to the general services revolving fund.

Subd. 2. **PURPOSE OF FUNDS.** Money in the state treasury credited to the general services revolving fund and money ~~which that~~ is deposited in the fund is appropriated annually to the commissioner for the following purposes:

- (1) to operate a central store and equipment service;
- (2) to operate a central duplication and printing service;
- (3) to purchase postage and related items and to refund postage deposits as necessary to operate the central mailing service;
- (4) to operate a documents service as prescribed by section 16B.51;
- (5) to provide advice and other services to political subdivisions for the management of their telecommunication systems;
- (6) to provide services for the maintenance, operation, and upkeep of buildings and grounds managed by the commissioner of administration;
- (7) to provide analytical, statistical, and organizational development services to state agencies, local units of government, metropolitan and regional agencies, and school districts;
- (8) to provide capitol security services through the department of public safety; and
- (9) to perform services for any other agency. Money ~~shall~~ may be expended for this purpose only when directed by the governor. The agency receiving the services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state govern-

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ment; supplies, materials, equipment, and other articles and things used by or furnished to an agency; and utility services; and other services for the maintenance, operation, and upkeep of buildings and offices of the state government.

Subd. 3. **COMPUTER SERVICES INTERTECHNOLOGIES REVOLVING FUND.** Money in the ~~computer services~~ intertechnologies revolving fund is appropriated annually to the commissioner to operate ~~the division of computer information, records, and telecommunications~~ services.

Subd. 4. **REIMBURSEMENTS.** Except as specifically provided otherwise by law, each agency shall reimburse ~~the computer services~~ intertechnologies and general services revolving funds for the cost of all services, supplies, materials, labor, and depreciation of equipment, including reasonable overhead costs, which the commissioner is authorized and directed to furnish an agency. The cost of all publications or other materials produced by the commissioner and financed from the general services revolving fund ~~shall~~ must include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration, with the approval of the commissioner of finance, may require an agency to make advance payments to the revolving funds in this section sufficient to cover the agency's estimated obligation for a period of at least 60 days. All ~~such~~ reimbursements and other money received by the commissioner of administration under this section ~~shall~~ must be deposited in the appropriate revolving fund. Any earnings remaining in the fund established to account for the documents service prescribed by section 16B.51 at the end of each fiscal year not otherwise needed for present or future operations, as determined by the commissioners of administration and finance, ~~shall~~ must be transferred to the general fund.

Subd. 5. **LIQUIDATION.** If the ~~computer services~~ intertechnologies or general services revolving fund is abolished or liquidated, the total net profit from the operation of each fund ~~shall~~ must be distributed to the various funds from which purchases were made. The amount to be distributed to each fund ~~shall~~ must bear to ~~such~~ the net profit the same ratio as the total purchases from each fund bears to the total purchases from all the funds during ~~such~~ the same period of time ~~as shall fairly reflect the amount of net profit each fund is entitled to receive under the distribution required by this section.~~

Sec. 14. Minnesota Statutes 1989 Supplement, section 16B.54, subdivision 2, is amended to read:

Subd. 2. **VEHICLES.** (a) **ACQUISITION FROM AGENCY; APPROPRIATION.** The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck ~~presently~~ currently assigned to it. The transfer

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must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the national automobile dealers association official used car guide.

(b) **PURCHASE.** To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) **TRANSFER AT AGENCY REQUEST.** On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck ~~shall~~ must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) **VEHICLES; MARKING.** The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide by rule for the use of motor vehicles without uniform coloring or marking by the governor, the lieutenant governor, the division of criminal apprehension, division of gambling enforcement, arson investigators of the division of fire marshal in the department of public safety, financial institutions division of the department of commerce, division of state lottery in the department of gaming, the department of revenue, the investigative staff of the department of jobs and training, and the office of the attorney general.

Sec. 15. Minnesota Statutes 1988, section 136.24, subdivision 1, is amended to read:

Subdivision 1. **PROPRIETARY PURCHASES.** Technical educational equipment may be procured for the state universities on request of the state university board either by brand designation or in accordance with standards and specifications the board may promulgate, notwithstanding the ~~provisions~~ competitive bidding requirements of chapter 16B to the contrary. The procurement is still subject to supervision by the office of information systems management under section 16B.41.

Sec. 16. Minnesota Statutes 1988, section 136.622, subdivision 1, is amended to read:

Subdivision 1. **PROPRIETARY PURCHASES.** Technical educational equip-

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ment may be procured for the state community colleges on request of the state board for community colleges either by brand designation or in accordance with standards and specifications the board may promulgate, notwithstanding the competitive bidding requirements of chapter 16B. The procurement is still subject to supervision by the office of information systems management under section 16B.41.

Sec. 17. Minnesota Statutes 1988, section 138.17, subdivision 1, is amended to read:

Subdivision 1. **DESTRUCTION, PRESERVATION, REPRODUCTION OF RECORDS; PRIMA FACIE EVIDENCE.** The attorney general, legislative auditor in the case of state records, state auditor in the case of local records, and director of the Minnesota historical society, hereinafter director, shall constitute the records disposition panel. The members of the panel shall have power by unanimous consent to direct the destruction or sale for salvage of government records determined to be no longer of any value, or to direct the disposition by gift to the Minnesota historical society or otherwise of government records determined to be valuable for preservation. The records disposition panel may by unanimous consent order any of those records to be reproduced by photographic or other means, and order that photographic or other reproductions be substituted for the originals of them. It may direct the destruction or sale for salvage or other disposition of the originals from which they were made. Photographic or other reproductions shall for all purposes be deemed the originals of the records reproduced when so ordered by the records disposition panel, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile, exemplified or certified copy of a photographic, optical disk imaging, or other reproduction, or an enlargement or reduction of it, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original. The records disposition panel, by unanimous consent, may direct the storage of government records, except as herein provided, and direct the storage of photographic or other reproductions. Photographic or other reproductions substituted for original records shall be disposed of in accordance with the procedures provided for the original records. For the purposes of this chapter: (1) The term "government records" means state and local records, including all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings, optical disks, and other data, information or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by an officer or agency of the state and an officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state pursuant to state law or in connection with the transaction of public business by an officer or agency; (2) The term "state record" means a record of a department, office, officer, commission, commissioner, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of state-wide or local jurisdiction; and any other record designated or treated as a state

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record under state law; (3) The term "local record" means a record of an agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity; (4) The term "records" excludes data and information that does not become part of an official transaction, library and museum material made or acquired and kept solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws; (5) The term "state archives" means those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained in them, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for inclusion in the collections of the Minnesota historical society.

Sec. 18. Minnesota Statutes 1988, section 138.17, is amended by adding a subdivision to read:

Subd. 9. OPTICAL DISK STANDARDS. The records disposition panel shall develop standards for storage of all government records on optical disk by January 1, 1991.

Sec. 19. Minnesota Statutes 1988, section 214.07, subdivision 2, is amended to read:

Subd. 2. SUMMARY OF BOARD REPORTS. Not later than December 15 of each even-numbered year, the commissioner of health with respect to the health-related licensing boards and the commissioner of administration with respect to the non-health-related boards shall prepare summary reports compiling the information required by subdivision 1, clauses (b) and (g) to (p) and contained in the reports submitted by the boards the preceding year pursuant to subdivision 1. The summary reports ~~shall~~ must also specify the staff and services provided by the ~~departments~~ department to each board. The summary reports ~~shall~~ must be distributed to the legislature ~~pursuant to~~ under section 3.195 and to the governor.

Sec. 20. Minnesota Statutes 1988, section 214.09, subdivision 3, is amended to read:

Subd. 3. COMPENSATION. Members of the boards ~~shall~~ must be compensated at the rate of ~~\$35 per~~ \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted ~~according to~~ under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. If members who are full-time state employees or employees of the political subdivisions of the state

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receive the ~~\$35 per day~~ daily payment, and if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the ~~\$35~~ daily payment from the employee's compensation for that day. In no other case shall may a board member who is an employee of the state or political subdivision suffer a loss in compensation or benefits as a result of service on the board. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 21. Minnesota Statutes 1988, section 473.141, subdivision 3, is amended to read:

Subd. 3. **CHAIR.** The chair of each agency shall be appointed by the governor with the advice and consent of the senate, shall be the ninth voting member and shall meet all qualifications established for members, except the chair need only reside within the metropolitan area. The council, by resolution after a public meeting on the subject, shall provide the governor with a list of nominees for the position. Senate confirmation is as provided by section 15.066. The chair shall preside at all meetings of the agency, if present, and shall perform all other duties and functions assigned by the agency or by law. The chair is responsible for providing leadership in development policy, coordinating the activities of the agency board, establishing and appointing committees of the board, chairing the internal audit committee, ensuring effective communication between the agency and other governmental entities and the general public, ensuring that the board is fully informed of the activities of the chief administrator and the agency, ensuring that the chief administrator implements the policies of the board and is held accountable to the board, and evaluating the chief administrator's performance. Each agency may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 22. Minnesota Statutes 1988, section 600.135, subdivision 1, is amended to read:

Subdivision 1. **RECORDS; DESTRUCTION, PHOTOGRAPHIC COPIES.** If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a

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

custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Sec. 23. **APPLICATION.**

Sections 7 and 21 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and are effective the day following final enactment.

Sec. 24. **REPEALER.**

Minnesota Statutes 1989 Supplement, section 16B.465, subdivision 5, is repealed.

Sec. 25. **EFFECTIVE DATE.**

Sections 15 and 16 are effective July 1, 1990.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 11:19 p.m.

CHAPTER 507—S.F.No. 2424

An act relating to insurance; life; regulating policies with accelerated benefits; modifying the application of certain provisions; prescribing a penalty; amending Minnesota Statutes 1989 Supplement, section 61A.072, subdivision 3, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1989 Supplement, section 61A.072, subdivision 3, is amended to read:

Subd. 3. **PROHIBITION.** (a) No contract or supplemental contract providing for the payment of accelerated benefits may be offered or sold to an individual over the age of 65 years.

(b) This prohibition does not apply to a supplemental contract offered for no additional cost if the offer is made not less than one year after the effective date of the contract being supplemented. Further, when the original contract is

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