

MECC

CHAPTER 119

MINNESOTA EDUCATIONAL COMPUTING CORPORATION

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119.01 MINNESOTA EDUCATIONAL COMPUTING CORPORATION, PURPOSE.

The purpose of the Minnesota educational computing corporation is to provide cost-effective computing and technology related products and services to the educational programs of educational institutions and agencies in Minnesota and elsewhere. The legislature recognizes that computers are a major factor in the operation of educational institutions, both in terms of cost and in importance as an instructional tool. Furthermore, the legislature has historically supported the development of curricula for Minnesota educational institutions that include educational computing materials. While it is important that educational institutions be able to join together to gain economies in purchasing power, it is equally important that computer software and documentation be created, and that instructional and administrative computing services be provided to meet the needs of Minnesota educational institutions. The purpose of the public corporation known as the Minnesota educational computing corporation is to meet these needs.

The legislature intends to establish autonomy for the Minnesota educational computing corporation from state support, with the goal of limiting direct legislative funding of Minnesota educational computing corporation services.

History: 1984 c 619 s 1

119.02 DEFINITIONS.

Subdivision 1. The following terms, for the purposes of sections 119.01 to 119.09, have the meanings given to them in this section.

Subd. 2. "Consortium" means the Minnesota educational computing consortium originally created pursuant to section 471.59.

Subd. 3. "Minnesota educational institutions" means Minnesota school districts or a combination of school districts, technical colleges, the department of education, community colleges, state universities, and the University of Minnesota.

Subd. 4. "MECC" or "Corporation" means the public corporation known as the Minnesota educational computing corporation created by section 119.03.

History: 1984 c 619 s 2; 1987 c 258 s 12; 1989 c 246 s 2

119.03 MINNESOTA EDUCATIONAL COMPUTING CORPORATION, CREATION, AND TRANSFER.

The Minnesota educational computing corporation is created to further the public purpose in section 119.01. All of the assets and obligations of the consortium including name, copyrights, logos, fund balances, equipment, accounts receivable, and contractual rights and obligations are transferred to MECC.

History: 1984 c 619 s 3

119.04 BOARD OF DIRECTORS.

Subdivision 1. Appointment. The governor shall appoint a nine-member board of directors. The terms of the directors shall be four years. The terms shall be staggered so that the governor appoints three members in the first year and two each in the second, third, and fourth years of the governor's term. Board members shall be knowledgeable about the use of computing in elementary, secondary, and higher education or the business community. Membership terms end on June 30 of the respective year. If there is a vacancy on the board, the governor shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Subd. 2. Powers. The board of directors has the authority to engage in all activities which carry out the public purpose expressed in section 119.01 and which are consistent with sections 119.01 to 119.09. This authority includes but is not limited to acquiring, leasing, and disposing of real and personal property, establishing banking relationships, borrowing funds, establishing policies relating to personnel and compensation of personnel, and purchasing insurance. The board of directors may form wholly-owned subsidiaries. A subsidiary shall be under the management control of the MECC board of directors. The board of directors shall employ and set the compensation for the chief officer of MECC at not to exceed 95 percent of the salary of the governor as provided by section 15A.081, subdivision 6. The chief officer shall direct and carry on the work of MECC and assignments of the board. The board may establish bylaws and elect an executive committee.

Subd. 3. Sale of corporation. The board of directors may sell all, substantially all, or part of the assets or any of the ownership of the corporation at a price and according to terms, approved by the commissioner of finance, that assure maximum benefit to the state of Minnesota. When any part is sold, the board shall transfer the assets or ownership that is sold to the purchaser. Upon the sale of all or substantially all of the assets or ownership of the corporation, the board of directors shall dispose of any remaining assets and dissolve the corporation.

Subd. 4. Distribution of proceeds. If all or substantially all of the assets of the corporation are sold, the proceeds of the sale must be applied in the following order:

- (1) any liabilities and obligations of the corporation must be paid, satisfied, or discharged or adequate provision must be made to do so;
- (2) the corporation must be reimbursed for all expenses incurred in connection with the offer for sale and the sale of the corporation; and
- (3) any remaining proceeds must be deposited in the permanent school fund.

History: 1984 c 619 s 4; 1985 c 257 s 1; 1989 c 202 s 1-3; 1990 c 562 art 8 s 3

119.05 DUTIES OF CORPORATION.

Subdivision 1. Products. Notwithstanding any other law to the contrary, MECC shall provide its services and products at cost, including overhead, to Minnesota educational institutions.

Subd. 2. Services to others. MECC may provide its products and services to other than Minnesota educational institutions. Prices shall not be less than prices to Minnesota educational institutions. MECC may purchase products and services developed by Minnesota educational institutions using resources of the institutions.

Subd. 3. Reports. MECC shall annually report to the governor and the chair of the house and senate education committees, and the house appropriations and senate finance committee on the financial and programmatic condition of MECC activities. MECC shall submit its biennial budget to the commissioner of finance by October 1 of each even-numbered year. MECC shall annually report to the legislative commission on employee relations regarding its personnel structure, compensation plans, and all other issues related to its employees.

History: 1984 c 619 s 5; 1985 c 257 s 2

119.06 APPLICATION OF OTHER LAW.

Subdivision 1. **Nonpublic data.** MECC product programming source code and all material relating to product and service development and distribution is "trade secret information" for purposes of classification under section 13.37, subdivision 2.

Subd. 2. **Closed meetings.** The board of directors may hold a closed meeting to receive, discuss, or take action on any material or subject relating to "trade secret information."

Subd. 3. **Employee retirement and insurance.** As long as the state owns at least a majority of the assets or ownership of MECC, the department of employee relations shall accept MECC employees in retirement plans and group life, health, and dental insurance plans provided MECC and its employees apply and fully pay the premiums and contributions of these plans.

Subd. 4. **Unemployment insurance and workers' compensation.** As a result of MECC's activities as an employer, MECC shall reimburse the appropriate fund an amount equivalent to the amount of benefits or extended benefits for unemployment insurance claims pursuant to chapter 268, and shall procure workers' compensation insurance to cover its employees including those who have elected to be covered in accordance with section 176.011, subdivision 9, paragraph (5).

Subd. 5. **Contracting law.** Section 471.345, establishing uniform contracting provisions for several political subdivisions of the state, does not apply to MECC.

Subd. 6. **Ethical practices.** Members of the board of directors and the chief officer of MECC shall file statements of economic interest with the ethical practices board as if they were public officials.

History: 1984 c 619 s 6; 1989 c 202 s 4

119.07 MINNESOTA EDUCATIONAL INSTITUTIONS; POWERS.

Minnesota educational institutions are not required to use any MECC products or services. Any Minnesota educational institution may designate MECC as its purchasing agent for computer hardware, software, and development of software. Minnesota educational institutions may, notwithstanding the requirements of section 16B.07, 123.37, or 471.345, contract directly with the corporation for the development of computer programs and documentation, and for instructional and management computing services for educational institutions except for administrative microcomputer software products developed by the corporation.

History: 1984 c 619 s 7; 1985 c 257 s 3

119.08 PURCHASE OF ANNUITIES FOR EMPLOYEES.

At the request of an employee, MECC may negotiate and purchase an individual annuity contract from a company licensed to do business in the state of Minnesota for an employee for retirement or other purposes and may allocate a portion of the compensation otherwise payable to the employee as salary for the purpose of paying the entire premium due or to become due under such contract. The allocation shall be made in a manner which will qualify the annuity premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and the employee's rights thereunder shall be nonforfeitable except for failure to pay premiums.

History: 1984 c 619 s 8; 1986 c 444

119.09 DISSOLUTION.

In the event of the dissolution of MECC for any reason except a sale of all or substantially all of the assets or ownership of the corporation under section 119.04, the state of Minnesota, upon action by the governor, after consultation with the legislative advisory commission, shall have the option to require return of all the assets of MECC to the state in exchange for the assumption of all outstanding obligations of MECC.

History: 1984 c 619 s 9; 1989 c 202 s 5