

## CHAPTER 137

## UNIVERSITY OF MINNESOTA

137.01	Gifts, grants, bequests, and devises.	137.11	Minnesota institute of research.
137.02	Powers and duties of board of regents.	137.12	Peace officers; appointment; power of arrest.
137.021	Acceptance of federal money.	137.14	Grain testing laboratory; tests, how made.
137.022	Permanent university fund.	137.15	Statistics and information regarding cooperative associations among farmers.
137.023	University student on board of regents.	137.16	Morris branch; admission of Indians.
137.024	Congressional districts represented on board of regents.	137.22	Higher education act of 1965; receipts.
137.0245	Regent candidate advisory council.	137.31	Procurement from small businesses.
137.025	Appropriations; payment.	137.33	Ethanol demonstration plant.
137.0251	Budgetary information.	137.34	Program established.
137.027	Appropriation; fringe benefits.	137.341	Farm safety specialist position.
137.03	Instruction in law enforcement.	137.342	Research center for agricultural health and safety.
137.04	Library to get copies of state publications.	137.35	Targeted businesses.
137.05	Assistance in tree planting.	137.36	Prompt payment to subcontractors.
137.06	Forest planting stock; number of trees.	137.37	Off-campus sites and centers.
137.07	Home-grown trees given preference.	137.38	Education and training of primary care physicians.
137.08	Funds from the United States.	137.39	Medical school initiatives.
137.09	Board of regents not to exceed appropriations; penalty.	137.40	Residency and other initiatives.
137.10	Refund of tuition to students in certain cases.	137.41	Indirect cost recoveries.

**137.01 GIFTS, GRANTS, BEQUESTS, AND DEVICES.**

Subdivision 1. **Power to accept.** The University of Minnesota may accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and may hold, manage, invest, and dispose of the same and the proceeds and income thereof in accordance with the terms and conditions of the gift, grant, bequest, or devise and of the acceptance thereof; and any person contributing not less than \$50,000 to the university may endow a professorship therein, the name and object of which shall be determined by the board of regents.

Subd. 2. **How used.** If the purposes of the gift, grant, devise, or bequest are not otherwise limited by the donor, the University of Minnesota may use the same, or the proceeds thereof, for any of the purposes of the university and may, among other things, construct buildings and acquire lands. In case it is desired to use the same for the acquisition of land, the power of eminent domain may be exercised in accordance with chapter 117.

Subd. 3. **Funds, where deposited.** All such gifts, grants, bequests, and devises and the proceeds and income therefrom and securities pertaining thereto shall be deposited in the state treasury for the use of the university and subject to its order.

**History:** (3117, 3118) RL s 1477,1478; 1905 c 187 s 1,2; 1978 c 706 s 63

**137.02 POWERS AND DUTIES OF BOARD OF REGENTS.**

Subdivision 1. **Transportation between university campus and farm.** The board of regents is hereby authorized to provide adequate means for safe, convenient, and rapid transportation of persons, supplies, and materials between the university farm and the university campus and the transportation of persons from intermediate points to either the university campus or the university farm and from the university campus or university farm to intermediate points and for the transportation of supplies and materials to and from the university farm by means of a connection with the belt line railway operated by the Minnesota Transfer Railway Company; and to that end the board of regents is hereby authorized to acquire by gift, purchase, condemnation, or otherwise

such rights-of-way as may be deemed necessary and to construct, maintain, and operate lines of railway thereon and to make such contracts with any railway company for track-age rights, track connections, and motive power or for the hiring of rolling stock or for the operation of the same as may be found necessary or expedient in carrying out the provisions of this subdivision. The board of regents shall prescribe the rate of fares which shall be charged for the transportation of persons, which fares when collected shall be kept in a separate fund and used to defray the expense of maintaining and operating such railway.

**Subd. 2. Employees may be bonded.** The regents of the university shall have authority to indemnify the officers or the employees of the university against liability arising out of the operation of motor vehicles or other equipment by them while engaged in the performance of their duties as such public officials or employees and to pay out of the public funds the premiums on the indemnity insurance policies insuring such governmental agency against such liability. The regents may defend any such officer or employee, in the name and on behalf of the officer or employee, in any suit brought against the officer or employee to enforce a claim, whether groundless or otherwise, arising out of the operation of a motor vehicle or other equipment in the performance of official duties, and may compromise and settle such claim or suit and pay out of public funds the amount of such settlement or compromise, or the amount of any judgment against such officer or employee based on any such claim without first requiring such officer or employee to settle or pay any such claim. The regents may, in their discretion, pay the premiums of the indemnity insurance policies referred to in this subdivision, insuring such officers or employees against liability for or injury to persons or property, within the limits of this subdivision, and such payment of insurance premiums out of public funds shall in no way impose on the regents any liability.

**Subd. 3. Power of eminent domain granted.** The board of regents may use any money not specifically appropriated for other purposes for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land by eminent domain, the power of eminent domain shall be exercised in accordance with chapter 117.

**Subd. 3a. Consultation required.** Land must not be purchased and a building must not be purchased, constructed, or erected on land of the University of Minnesota until the regents have first consulted with the chair of the senate finance committee and the chair of the house ways and means committee and obtained their advisory recommendations.

**Subd. 4. Employee salaries.** All nonacademic employees of the university of Minnesota shall be paid salaries comparable to salaries paid to state employees in the classified civil service.

**History:** (3139, 3139-3, 3139-4, 3139-6) 1913 c 257 s 1; 1935 c 173 s 1,2; Ex1937 c 81 s 2; 1976 c 163 s 23; 1976 c 348 s 21; 1986 c 444; 1989 c 300 art 1 s 31; 1993 c 4 s 20

### 137.021 ACCEPTANCE OF FEDERAL MONEY.

The regents of the University of Minnesota are hereby designated the state agency empowered to accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof for the construction and equipping of any building for university or college purposes in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and are further authorized to do any and all things required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal money.

**History:** Ex1959 c 90 s 6

### 137.022 PERMANENT UNIVERSITY FUND.

**Subdivision 1. Investment.** The investment management of the permanent univer-

sity fund shall be under the jurisdiction of the board of regents of the University of Minnesota, subject to any limitations imposed by the Constitution of the state of Minnesota, article XI, section 9. All securities and cash held in the state treasury credited to the permanent university fund that are unappropriated or unencumbered are transferred and appropriated to the board of regents of the University of Minnesota solely for the purpose of investment by them. The investments are restricted to those the state board of investment may invest in under section 11A.24.

**Subd. 2. Income.** The income from the permanent university fund is appropriated annually to the board of regents. This appropriation of income must not be used to reduce other appropriations made to the board of regents. The determination of this income shall be based on the procedures detailed in section 11A.16, subdivision 5, or 11A.12, subdivision 2.

**Subd. 3. Endowed chair account.** (a) For purposes of this section, the permanent university fund has three accounts. The sources of the money in the endowed mineral research and scholarship accounts are set out in paragraph (b) and subdivision 4. All money in the fund that is not otherwise allocated is in the endowed chair account. The income from the endowed chair account must be used, and capital gains allocated to that account may be used, to provide endowment support for professorial chairs in academic disciplines. The endowment support for the chairs from the income and the capital gains must not total more than six percent per year of the 36-month trailing average market value of the endowed chair account of the fund, as computed quarterly or otherwise as directed by the regents. The endowment support from the income and the capital gains must not provide more than half the sum of the endowment support for all chairs endowed, with nonstate sources providing the remainder. The endowment support from the income and the capital gains may provide more than half the endowment support of an individual chair.

(b) If any portion of the annual appropriation of the income is not used for the purposes specified in paragraph (a) or subdivision 4, that portion lapses and must be added to the principal of the three accounts of the permanent university fund in proportion to the market value of each account.

**Subd. 4. Mineral research; scholarships.** (a) All income credited after July 1, 1992, to the permanent university fund from royalties for mining under state mineral leases from and after July 1, 1991, must be allocated as provided in this subdivision.

(b)(1) Fifty percent of the income, up to \$25,000,000, must be credited to the mineral research account of the fund to be allocated for the Natural Resources Research Institute-Duluth and Coleraine facilities, for mineral and mineral-related research including mineral-related environmental research; and

(2) The remainder must be credited to the endowed scholarship account of the fund for distribution annually for scholastic achievement as provided by the board of regents to undergraduates enrolled at the University of Minnesota who are resident students as defined in section 136A.101, subdivision 8.

(c) The annual distribution from the endowed scholarship account must be allocated to the various campuses of the University of Minnesota in proportion to the number of undergraduate resident students enrolled on each campus.

(d) The board of regents must report to the education committees of the legislature biennially at the time of the submission of its budget request on the disbursement of money from the endowed scholarship account and to the environment and natural resources committees on the use of the mineral research account.

(e) Capital gains and losses and portfolio income of the permanent university fund must be credited to its three accounts in proportion to the market value of each account.

(f) The endowment support from the income and capital gains of the endowed mineral research and endowed scholarship accounts of the fund must not total more than six percent per year of the 36-month trailing average market value of the account from which the support is derived.

**History:** 1963 c 567 s 2; 1965 c 41 s 1; 1971 c 197 s 3; 1976 c 2 s 172; 1980 c 516

*s 2; 1980 c 607 art 14 s 45 subd 2; s 46; 1983 c 289 s 114 subd 1; 1984 c 655 art 1 s 92; 1985 c 248 s 70; 1Sp1985 c 11 s 65; 1990 c 591 art 6 s 8,9; 1Sp1993 c 2 art 4 s 1,2*

### **137.023 UNIVERSITY STUDENT ON BOARD OF REGENTS.**

In electing members of the board of regents pursuant to article 13, section 3, of the Constitution of the state of Minnesota, and Territorial Laws 1851, chapter 3, section 5, one member of the board of regents of the university shall be a person who at the time of election to the board is a student who is enrolled in a degree program at the university. This person shall represent the state at large. Upon expiration of the term or in the event of a vacancy in the office, one position shall be filled by a person having the same qualifications.

**History:** *1976 c 120 s 1; 1986 c 444; 1989 c 157 s 1*

### **137.024 CONGRESSIONAL DISTRICTS REPRESENTED ON BOARD OF REGENTS.**

At least one member of the board of regents of the university shall be a resident of each congressional district.

**History:** *1976 c 120 s 2*

### **137.0245 REGENT CANDIDATE ADVISORY COUNCIL.**

**Subdivision 1. Establishment.** A regent candidate advisory council is established to assist the legislature in determining criteria for, and identifying and recruiting qualified candidates for membership on the board of regents.

**Subd. 2. Membership.** The regent candidate advisory council shall consist of 24 members. Twelve members shall be appointed by the subcommittee on committees of the committee on rules and administration of the senate. Twelve members shall be appointed by the speaker of the house of representatives. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that the members shall be appointed to six-year terms with one-third appointed each even-numbered year.

**Subd. 3. Duties.** The advisory council shall:

(1) develop, in consultation with current and former regents and the administration of the University of Minnesota, a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board of regents, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board of regents.

**Subd. 4. Recommendations.** The advisory council shall recommend at least two and not more than four candidates. By March 15 of each odd-numbered year, the advisory council shall submit its recommendations to the president of the senate and the speaker of the house of representatives. The legislature shall not be bound by these recommendations.

**Subd. 5. Support services.** The legislative coordinating commission shall provide administrative and support services for the advisory council.

**History:** *1988 c 703 art 1 s 16; 1990 c 383 s 1*

### **137.025 APPROPRIATIONS; PAYMENT.**

**Subdivision 1.** The commissioner of finance shall pay no money to the University of Minnesota pursuant to a direct appropriation, other than an appropriation for build-

ings, until the university first certifies to the commissioner of finance that its aggregate balances in the temporary investment pool, cash, or separate investments, resulting from all state maintenance and special appropriations do not exceed \$7,000,000, or any other amount specified in the act making the appropriation, plus one-third of all tuition and fee payments from the previous fiscal year. Upon this certification, 1/12 of the annual appropriation to the university shall be paid at the beginning of each month. Additional payments shall be made by the commissioner of finance whenever the state appropriations and tuition aggregate balances in the temporary investment pool, cash, or separate investments are reduced below the indicated levels.

Subd. 2. The commissioner of finance shall pay no money to the university of Minnesota pursuant to a direct appropriation for buildings until all balances separately invested, including cash, and those in the temporary investment pool attributable to all state building funds shall be reduced below \$5,000,000, or any other amount specified in the act making the appropriation. Payment shall then be made upon certification of the amounts needed for construction payments, but so as not to increase the building balances in cash, separately invested, or in the temporary investment pool, to a total above the indicated level.

Subd. 3. Money not paid to the university by reason of the foregoing requirements shall be invested by the state in those securities authorized by section 11A.25 until paid to the university. Income from investments shall be credited to the general fund in the state treasury.

**History:** 1976 c 163 s 24; 1980 c 607 art 14 s 46; 1987 c 401 s 29

#### **137.0251 BUDGETARY INFORMATION.**

The board of regents of the University of Minnesota shall make available to the commissioner of finance all books, accounts, documents, and property that the commissioner desires to inspect.

**History:** 1988 c 703 art 1 s 18

#### **137.027 APPROPRIATION; FRINGE BENEFITS.**

Direct appropriations to the University of Minnesota include money to pay the employer's share of social security, state retirement, and health insurance. Money provided for these purposes shall be expended only for these purposes and any amounts in excess of the employer's share shall be returned to the state treasury.

**History:** 1976 c 163 s 25

#### **137.03 INSTRUCTION IN LAW ENFORCEMENT.**

The University of Minnesota may establish and conduct a school for the instruction of persons in law enforcement; and the governing body of any political subdivision of the state may authorize the attendance upon such school of any law enforcement officer under its jurisdiction and may provide for the payment of the expenses of this person while in attendance at such school from the general funds of the political subdivision. To each person satisfactorily completing the prescribed course of instruction in the school so established shall be issued a certificate of graduation stating that the holder has been graduated therefrom.

**History:** (3139-7) Ex1937 c 81 s 2

#### **137.04 LIBRARY TO GET COPIES OF STATE PUBLICATIONS.**

The general library of the University of Minnesota is a depository of all books, pamphlets, maps, and other works published by or under the authority of the state of Minnesota.

**History:** (3137, 3138) 1905 c 278 s 1,2; 1947 c 365 s 3

**137.05 ASSISTANCE IN TREE PLANTING.**

The agricultural extension department of the University of Minnesota is authorized and directed to cooperate with the secretary of agriculture of the United States in providing assistance in tree planting to owners of land by the procurement of forest tree-planting stock, not including fruit or ornamental trees, shrubs, or plants and in the distribution to planters of such forest tree-planting stock at cost, plus transportation and administrative charges, to the end that the tree-planting stock so distributed shall be used for the purpose of establishing windbreaks, shelterbelts, and farm woodlots upon denuded or nonforested lands and for protecting farm buildings, crops, and fields from wind erosion and for furnishing forest cover beneficial to water conservation and bird life.

*History: (4031-89) 1939 c 385 s 1*

**137.06 FOREST PLANTING STOCK; NUMBER OF TREES.**

Not less than 1,000 trees shall be sold for an individual planting; no trees may be resold by the succeeding purchasers. The term "forest-planting stock" means one or two year old seedling stock of deciduous trees and 2-2 or 3-2 coniferous trees customarily used for the purposes mentioned above and such other specifications as may be necessary to ensure successful growth.

*History: (4031-90) 1939 c 385 s 2*

**137.07 HOME-GROWN TREES GIVEN PREFERENCE.**

In all purchases of forest-planting stock under the provisions of sections 137.06 to 137.08, preference shall be given to trees grown in the state by duly inspected Minnesota nurseries and these purchases shall be paid for out of the fund created by section 137.08 and accruals thereto from the sale of trees purchased. If suitable stock for this purpose cannot be obtained from Minnesota nurseries, it is permissible to secure such nursery stock from nurseries outside the state. All money received from the sale of trees shall be placed in the state tree fund, which is hereby created.

*History: (4031-91) 1939 c 385 s 3*

**137.08 FUNDS FROM THE UNITED STATES.**

Any funds received from the United States government for tree-planting aid, under the Clark-McNary Act or other acts, shall be placed in the state tree fund and expended only as stated in sections 137.05 to 137.07 under the direction of the agricultural extension department of the University of Minnesota.

*History: (4031-92) 1939 c 385 s 4*

**137.09 BOARD OF REGENTS NOT TO EXCEED APPROPRIATIONS; PENALTY.**

It shall be unlawful for the board of regents to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law and any member or agent of the board violating this provision shall be guilty of a gross misdemeanor; and, upon conviction, fined not less than \$100 nor more than \$3,000, or be imprisoned in the county jail for not less than six months, or by both fine and imprisonment.

*History: (3145) 1905 c 119 s 6; 1984 c 628 art 3 s 11*

**137.10 REFUND OF TUITION TO STUDENTS IN CERTAIN CASES.**

Any student who, being a resident of the state, has enrolled to pursue any course in the University of Minnesota or any state university and paid tuition for the course, and who, prior to the termination of the school year for which the tuition was paid, enlisted or has been inducted into the military services of the United States, either voluntarily or pursuant to the present selective service law, is entitled to the refund of all tuition paid for which credit cannot properly be given.

The administrative officers of the University of Minnesota and of the universities or institutions shall refund to the students any tuition so paid. Any student making application for refund of any paid tuition shall furnish to the administrative officers of the University of Minnesota or of the universities a certificate from the proper officers reciting the fact of the enlistment or the induction of the student into the military service of the United States.

**History:** 1941 c 272; 1957 c 576 s 1,2; 1975 c 321 s 2; 1984 c 609 s 9

### 137.11 MINNESOTA INSTITUTE OF RESEARCH.

Subdivision 1. **Creation.** There is hereby created a research institute to be known as the "Minnesota institute of research," hereinafter referred to as the "institute."

Subd. 2. **Purposes.** The purpose of the institute is to assist in general research and in the discovery, development, promotion, and coordination of methods for the utilization and development of the products and natural resources of the state through scientific research, and to aid further studies for the purpose of developing the industries and resources of the state.

Subd. 3. **Organization.** The institute shall be organized and operated under the control and supervision of the board of regents of the University of Minnesota and the Minnesota institute of research fund shall be under its control and supervision.

Subd. 4. **Powers of board of regents.** The board of regents may protect formulac, methods, products, processes, or devices which may be invented or discovered and reward inventors and discoverers to such extent as it deems proper. Any royalties or income arising from such protection shall be credited to the Minnesota institute of research fund.

Subd. 5. **Research fund.** There is hereby created a fund to be known as the Minnesota institute of research fund. The board of regents may receive and credit to such fund, appropriations, gifts, donations, devises, and bequests for the purpose of carrying out the provisions of this section, but it shall not divert any of the same from the specific purposes designated by the donor without the donor's consent.

**History:** 1943 c 503

### 137.12 PEACE OFFICERS; APPOINTMENT; POWER OF ARREST.

The regents of the University of Minnesota are hereby authorized to appoint, employ and fix the compensation to be paid out of funds of the regents of the University of Minnesota, persons as peace officers who shall have and may exercise throughout the state of Minnesota the same powers of arrest possessed by a sheriff, police officer, or peace officer, but said powers of arrest shall only be exercised in connection with investigations authorized to be made by the regents of the University of Minnesota, which investigations shall relate to university personnel or property.

**History:** 1947 c 126 s 1; 1969 c 266 s 1; 1977 c 82 s 1

### 137.13 MS 1974 [Expired]

### 137.14 GRAIN TESTING LABORATORY; TESTS, HOW MADE.

There shall be equipped and maintained, under the direction and authority of the board of regents, in some suitable building situated upon the campus of the agricultural college at St. Anthony Park, a laboratory for the purpose of testing wheat and other grain as to their physical and chemical properties and commercial value, and for the testing of flour made from wheat so tested as to its bread-making qualities. These tests shall be made by competent instructors in chemistry employed at the college of agriculture, so as to be educational in character. The results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. All tests asked for and requested by the department of public service, the grain inspection department, and the boards of appeals shall be made free of charge.

**History:** (3130, 3131) 1909 c 199 s 1,2; 1971 c 25 s 67

**137.15 STATISTICS AND INFORMATION REGARDING COOPERATIVE ASSOCIATIONS AMONG FARMERS.**

In addition to the duties now imposed by law upon the board of regents, none of which shall be affected or abridged by anything herein contained, it is hereby made the duty of the board of regents to create, in the department of agriculture, under the supervision of the board, a department to collect statistics and information in reference to cooperative associations among farmers and the management and methods of conducting such associations. This information shall cover all matters relating to cooperative associations among farmers and relate to all subject matter proper or usual for cooperative action among farmers.

It shall be the duty of the board to disseminate such information among farmers desiring to form and operate such cooperative associations upon application therefor by any such cooperative association or any number of farmers desiring to form such a cooperative association. Such information shall not only cover the methods of organizing such cooperative association, but also the law governing and regulating such cooperative associations, and such information as to the conduct and management of the business thereof as shall be necessary or essential for the proper management and conduct of such business. It is hereby made the duty of all cooperative associations to report annually to the department on blanks provided for that purpose.

**History:** (3133, 3134) 1913 c 386 s 1,2

**137.16 MORRIS BRANCH; ADMISSION OF INDIANS.**

Subdivision 1. The University of Minnesota, Morris branch, situated in whole or in part on the lands described in Laws 1909, chapter 184, shall admit Indian pupils qualified for admission at all times free of charge for tuition and on terms of equality with white pupils.

Subd. 2. Subdivision 1 is a substitute for the provisions of Laws 1909, chapter 184, section 2, which reads: The said lands and buildings described in section 1 hereof shall be held and maintained by the state of Minnesota as an agricultural school, and Indian pupils shall at all times be admitted to said school free of charge for tuition and on terms of equality with white pupils.

**History:** 1961 c 312 s 2,3

**137.20** [Repealed, 1990 c 397 s 1]

**137.21** [Repealed, 1990 c 397 s 1]

**137.22 HIGHER EDUCATION ACT OF 1965; RECEIPTS.**

In order to enable the state to match the cost of any program under Title I of the Higher Education Act of 1965, any receipts accruing to any state department or agency by reason of service performed for the university of Minnesota in connection with the program shall be deposited in the state treasury. The receipts are appropriated to the department or agency making the deposit, to be used as part of the state's 25 percent share of the cost of the programs. The balance of the state's share of the cost of the programs is payable by the participating departments or agencies from any moneys appropriated for salaries, supplies and expenses.

**History:** 1976 c 163 s 26

**137.31 PROCUREMENT FROM SMALL BUSINESSES.**

Subdivision 1. **Small business set asides.** Prior to the beginning of each fiscal year, the regents of the University of Minnesota shall designate and set aside for awarding to small businesses approximately 20 percent of the value of procurement contracts which are to be awarded during that fiscal year and which are to be paid in total or in part from funds appropriated to the university by the legislature. The regents shall designate specific procurement contracts to be set aside, or may authorize the university administration to divide the amount set aside into procurement contracts of economi-



cally feasible size, in order to facilitate offers or bids from small businesses. In making the annual designation, the regents shall attempt to vary the procurement contracts included in the set-aside program so that a variety of goods and services produced by different small businesses can be included in the university set-aside program over a period of years. For the purposes of this section, (a) "procurement contract" means any agreement, written or oral, by which the university obtains needed goods or services, including the construction of capital improvements; and (b) "small business" has the meaning given that term by state law. Nothing in this section shall be construed to prevent small businesses from seeking awards of procurement contracts not included in the set-aside program.

**Subd. 2. Procurement rules.** The regents shall establish procurement rules to govern the university set aside program. The rules shall include guidelines and procedures for negotiating price or securing bids, reasonable limitations on the amount by which a contract price under the set-aside program may exceed the estimated cost of obtaining comparable goods or services on the open market, uniform procedures for providing security for performance under procurement contracts, criteria for evaluating the financial and technical capabilities of participating small businesses, and any other matter deemed necessary or desirable for the proper operation of the university small business set-aside program.

**Subd. 3.** [Repealed, 1989 c 352 s 25]

**Subd. 3a.** [Repealed, 1990 c 541 s 31]

**Subd. 4. Replacement contracts.** If a procurement contract designated for the set-aside program cannot be awarded to a small business under the conditions prescribed in subdivisions 1 and 2, the award shall be placed in accordance with the regular procurement policies of the university. In this event, the university shall designate as a replacement a procurement contract of comparable value to be included in the university set-aside program during that fiscal year if practicable.

**Subd. 5. Publicity.** The regents and the administration of the University of Minnesota shall publicize the provisions of the university small business set-aside program, attempt to locate small businesses able to perform set aside procurement contracts, and encourage participation by small businesses in the University of Minnesota small business set-aside program.

**Subd. 6. Annual report.** The University of Minnesota shall submit an annual report as provided in section 3.195, to the governor and the legislature, with a copy to the commissioner of administration, indicating the progress being made toward the objectives and goals of this section. The report shall include the following information:

(a) the total dollar value and number of procurement contracts identified and set aside during this period and the percentage of total value of university procurements that this figure reflects;

(b) the number of small businesses identified by and responding to the university set-aside program, the total dollar value and number of procurement contracts actually awarded to small businesses with appropriate designation as to the total number and value of procurement contracts awarded to each small business, and the total number of small businesses that were awarded procurement contracts; and

(c) the number of procurement contracts which were designated and set aside pursuant to this section but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business, and the price at which these contracts were awarded pursuant to regular procurement procedures.

**History:** 1979 c 86 s 1; 1981 c 356 s 169; 1983 c 289 s 115 subd 1; 1987 c 312 art 1 s 26 subd 2; 1987 c 401 s 30; 1989 c 352 s 11-13; 1990 c 541 s 14; 1993 c 163 art 1 s 23

### 137.33 ETHANOL DEMONSTRATION PLANT.

The University of Minnesota shall construct and operate a small scale plant for the

production of ethanol at the west central experimental station, Morris. The plant shall produce ethanol from more than one resource. The plant shall operate for at least two years and shall be instrumented and monitored. The university shall determine the feasibility of utilization of by-products produced by the plant. The plant shall be designed for easy replication by farmers. The university shall develop and print at least 5,000 copies of easily understandable plans that demonstrate the construction of a small scale ethanol plant by February 28, 1982. The plans shall be available at no cost from the agricultural extension service.

**History:** 1980 c 579 s 30

#### 137.34 PROGRAM ESTABLISHED.

**Subdivision 1. Program established.** The Minnesota extension service is instructed to develop and implement an ongoing program for rural health and safety.

**Subd. 2. Program goals.** (a) During fiscal years 1989 and 1990, priority goals of the rural health and safety program must include the following:

(1) assessment of the availability of high quality farm safety education and training materials and programs and identification of any barriers to increasingly widespread acceptance and utilization of these materials and programs;

(2) design, coordination, conduct, and interpretation of statewide rural health and safety studies;

(3) evaluation of the concept of voluntary farm safety audits and the possibility that those audits might be linked to an appropriate recognition or reward system including reduced insurance premiums for farmsteads that achieve a particularly good safety rating;

(4) development of joint educational programs and effective working relationships among the Minnesota agencies and organizations having rural health and safety concerns; and

(5) development of effective working relationships and information sharing arrangements with agencies and organizations in other states of the upper midwest that have rural health and safety concerns.

(b) The director of the Minnesota extension service shall report to the committees on agriculture of the house of representatives and senate on the findings and recommendations of the rural health and safety program by March 1, 1989.

**Subd. 3. Responsibilities.** The rural health and safety program in the Minnesota extension service has the following ongoing responsibilities:

(1) to develop programs and materials related to farm accident prevention;

(2) to develop and implement educational programs that will enable rural residents to understand and comply with safety standards and good health practices;

(3) to maintain cooperation and effective working relationships with health and safety agencies and organizations in Minnesota, other states, and the United States government; and

(4) to seek and efficiently utilize grant money made available for programs relating to rural and farm safety.

**Subd. 4. Program funding.** Money for support of the rural health and safety program in the Minnesota extension service may be accepted from the following sources:

(1) legislative appropriations from the general fund;

(2) funds from other sources within the University of Minnesota and the extension service to the extent not precluded by other law; and

(3) gifts or grants from individuals, organizations, governmental units, foundations, corporations, or other sources except that no restrictions may be placed by the giver with respect to the functions, duties, and responsibilities of the program.

**History:** 1988 c 688 art 2 s 1

**137.341 FARM SAFETY SPECIALIST POSITION.**

The Minnesota legislature finds that because the extension service has unique opportunities for delivering health and safety messages to farm families, the extension service is urged to retain and, to the extent practicable, keep filled at all times, the staff position of farm safety specialist.

*History: 1991 c 254 art 3 s 22*

**137.342 RESEARCH CENTER FOR AGRICULTURAL HEALTH AND SAFETY.**

Subdivision 1. **Creation.** There is created within the division of environmental and occupational health in the University of Minnesota school of public health and under its direction an interagency, interdisciplinary research center for agricultural health and safety. The center shall coordinate funding for, and the findings of, research projects designed to reduce injury and death from farm accidents, reduce long-term exposure to potentially hazardous agricultural agents, and make health care services more available to persons who suffer from health problems related to agriculture.

Subd. 2. **Farm safety advisory commission.** The commissioner of agriculture may appoint a farm safety advisory commission to support, review, and monitor the programs and activities of the research center for agricultural health and safety. Appointees to the commission must represent a broad range of interests including education, production farming, agricultural wholesale and retail businesses, statewide farm organizations, and manufacturers of agricultural machinery and chemicals. The advisory commission may assist in raising funds and developing resources for the promotion of farm safety. The advisory commission may participate in farm safety advertising campaigns, farm equipment safety training, and farm safety audit programs.

*History: 1991 c 254 art 3 s 23*

**137.35 TARGETED BUSINESSES.**

Subdivision 1. **Purchasing methods.** (a) The regents may award up to a six percent preference in the amount bid for specified goods and services to small targeted group businesses designated under section 16B.19.

(b) The regents may designate a purchase of goods or services for award only to small targeted group businesses designated under section 16B.19 if the regents determine that at least three small targeted group businesses are likely to bid.

(c) The regents, as a condition of awarding a construction contract or approving a contract for consultant, professional, or technical services, may set goals that require the prime contractor to subcontract a portion of the contract to small targeted group businesses. The regents must establish a procedure for granting waivers from the subcontracting requirement when qualified small targeted group businesses are not reasonably available. The regents may establish financial incentives for prime contractors who exceed the goals for use of subcontractors and financial penalties for prime contractors who fail to meet goals under this paragraph. The subcontracting requirements of this paragraph do not apply to prime contractors who are small targeted group businesses. At least 75 percent of the value of the subcontracts awarded to small targeted group businesses under this paragraph must be performed by the business to which the subcontract is awarded or by another small targeted group business.

(d) The regents may award up to a four percent preference in the amount bid on university procurement to small businesses located in an economically disadvantaged area as defined in section 16B.19.

(e) The regents may delegate responsibility under this section to university employees.

Subd. 2. **Eligibility.** The rules adopted by the commissioner of administration to define small businesses and to set time and other eligibility requirements for participation in programs under sections 16B.19 to 16B.22 apply to this section.

Subd. 3. **Noncompetitive bids.** The regents are encouraged to purchase from small targeted group businesses designated under section 16B.19 when making purchases that are not subject to competitive bidding procedures.

Subd. 4. **Report.** The regents must report to the commissioner of administration on compliance with this section. The information must be reported at the time and in the manner requested by the commissioner.

**History:** 1990 c 541 s 15

### 137.36 PROMPT PAYMENT TO SUBCONTRACTORS.

Each university contract must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the university for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney fees, incurred in bringing the action.

**History:** 1990 c 541 s 16

### 137.37 OFF-CAMPUS SITES AND CENTERS.

The board of regents and the university campuses are requested to not establish any off-campus centers or other permanent sites located off university campuses to provide academic programs, courses, or student services without authorizing legislation.

**History:** 1990 c 591 art 3 s 8

### 137.38 EDUCATION AND TRAINING OF PRIMARY CARE PHYSICIANS.

Subdivision 1. **Condition.** If the board of regents accepts the funding appropriated for sections 137.38 to 137.40, it shall comply with the duties for which the appropriations are made.

Subd. 2. **Primary care.** For purposes of sections 137.38 to 137.40, "primary care" means a type of medical care delivery that assumes ongoing responsibility for the patient in both health maintenance and illness treatment. It is personal care involving a unique interaction and communication between the patient and the physician. It is comprehensive in scope, and includes all the overall coordination of the care of the patient's health care problems including biological, behavioral, and social problems. The appropriate use of consultants and community resources is an important aspect of effective primary care. Primary care physicians include family practitioners, general pediatricians, and general internists.

Subd. 3. **Goals.** The board of regents of the University of Minnesota, through the University of Minnesota medical school, is requested to implement the initiatives required by sections 137.38 to 137.40 in order to increase the number of graduates of residency programs of the medical school who practice primary care by 20 percent over an eight-year period. The initiatives must be designed to encourage newly graduated primary care physicians to establish practices in areas of rural and urban Minnesota that are medically underserved.

Subd. 4. **Grants.** The board of regents is requested to seek grants from private foundations and other nonstate sources, including community provider organizations, for the medical school initiatives outlined in sections 137.38 to 137.40.

Subd. 5. **Reports.** The board of regents is requested to report annually to the legislature on progress made in implementing sections 137.38 to 137.40, beginning January 15, 1993, and each succeeding January 15.

**History:** 1992 c 549 art 6 s 4; 1993 c 345 art 11 s 10-12

### 137.39 MEDICAL SCHOOL INITIATIVES.

Subdivision 1. **Modified school initiatives.** The University of Minnesota medical

school is requested to study the demographic characteristics of students that are associated with a primary care career choice. The medical school is requested to modify the selection process for medical students based on the results of this study, in order to increase the number of medical school graduates choosing careers in primary care.

**Subd. 2. Design of curriculum.** The medical school is requested to ensure that its curriculum provides students with early exposure to primary care physicians and primary care practice, and to address other primary care curriculum issues such as public health, preventive medicine, and health care delivery. The medical school is requested to also support premedical school educational initiatives that provide students with greater exposure to primary care physicians and practices.

**Subd. 3. Clinical experiences in primary care.** The medical school is requested to develop a program to provide students with clinical experiences in primary care settings in internal medicine and pediatrics. The program must provide training experiences in medical clinics in rural Minnesota communities, as well as in community clinics and health maintenance organizations in the Twin Cities metropolitan area.

**History:** 1992 c 549 art 6 s 5; 1993 c 345 art 11 s 13,14

#### 137.40 RESIDENCY AND OTHER INITIATIVES.

**Subdivision 1. Primary care and rural rotations.** The University of Minnesota medical school is requested to increase the opportunities for general medicine, pediatrics, and family practice residents to serve rotations in primary care settings. These settings must include community clinics, health maintenance organizations, and practices in rural communities.

**Subd. 2. Rural residency training program in family practice.** The medical school is requested to establish a rural residency training program in family practice. The program shall provide an initial year of training in a metropolitan-based hospital and family practice clinic. The second and third years of the residency program shall be based in rural communities, utilizing local clinics and community hospitals, with specialty rotations in nearby regional medical centers.

**Subd. 3. Continuing medical education.** The medical school is requested to develop continuing medical education programs for primary care physicians that are comprehensive, community-based, accessible to primary care physicians in all areas of the state, and which enhance primary care skills.

**History:** 1992 c 549 art 6 s 6; 1993 c 345 art 11 s 15

#### 137.41 INDIRECT COST RECOVERIES.

Indirect cost recovery money received by the University of Minnesota must be used exclusively for the direct support of research or the financing of support activities directly contributing to the receipt of indirect cost recovery money. It may be used for debt retirement for research-related buildings. It may not be used for teaching or service.

**History:** 1Sp1993 c 2 art 3 s 9