

## CHAPTER 15

## DEPARTMENTS OF STATE IN GENERAL

- 15.01 Departments of the state.
- 15.012 State agencies; designation by type.
- 15.014 Advisory task forces.
- 15.039 Effect of transfer of powers among agencies.
- 15.054 Public employees not to purchase merchandise from governmental agencies; exceptions; penalty.
- 15.057 Publicity representatives.
- 15.0575 Administrative boards and agencies.
- 15.058 Licensing board members, compensation, terms, removal, reports.
- 15.059 Advisory councils and committees.
- 15.0591 Representative of older population.
- 15.0593 Agencies created by executive order.
- 15.0595 Compensation and per diem; source of funds.
- 15.0597 Appointments to multimember agencies.
- 15.0598 Exceptions to open appointments.
- 15.0599 Registration of multimember agencies.
- 15.06 Appointment of department heads; terms; deputies.
- 15.061 Consultant, professional and technical services.
- 15.063 Biennial reports; submission.
- 15.065 Fiscal notes.
- 15.066 Confirmation of appointments.
- 15.07 Information furnished.
- 15.08 Commissioners of finance and administration; access to records.
- 15.082 Obligations of public corporations.
- 15.09 Court proceedings continued.
- 15.10 Records delivered to department heads.
- 15.14 Application.
- 15.15 Exemptions from application.
- 15.16 Transfer of lands between departments.
- 15.161 Acceptance of federal lands or buildings; consultation with legislative committees.
- 15.17 Official records.
- 15.171 Official records; compilation, maintenance and storage of information.
- 15.172 Approval of alternate method.
- 15.173 Notice of alternative method.
- 15.174 Records now in use.
- 15.18 Distribution of publications.
- 15.185 Mailing lists.
- 15.191 Imprest cash funds.
- 15.31 State employees, liability insurance, payment of premiums.
- 15.38 Noninsurance of state property; exceptions.
- 15.39 Economic security department buildings.
- 15.40 Lack of care in keeping property safe from fire loss, nonfeasance in office.
- 15.41 Construction permits, requisites.
- 15.415 Corrections in transactions, waiver.
- 15.43 Acceptance of advantage by state employee; penalty.
- 15.435 Airline travel credit.
- 15.44 Aids for handicapped at state meetings.
- 15.441 Communications services.
- STATE EMPLOYEES PREVENTIVE HEALTH SERVICES**
- 15.45 Definitions.
- 15.46 Preventive health services for state and county employees.
- COSTS AND ATTORNEY FEES**
- 15.471 Definitions.
- 15.472 Fees and expenses; civil action or contested case proceeding involving state.
- 15.473 Payment of costs and fees.
- 15.474 Procedure for award of fees; contested case.
- 15.475 Reports on awards.
- CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD**
- 15.50 Capitol area architectural and planning board.
- INTERCHANGE OF GOVERNMENT EMPLOYEES**
- 15.51 Declaration of policy.
- 15.52 Definitions.
- 15.53 Authority to interchange employees.
- 15.54 Status of employees of this state.
- 15.55 Travel expenses of employees of this state.
- 15.56 Status of employees of other governments.
- 15.57 Travel expenses of employees of other governments.
- 15.58 Agreements between federal and receiving agencies.
- 15.59 Employee interchange between state and private industry.
- GENERAL**
- 15.61 Unemployed and underemployed; employment by state and other governmental units.
- 15.62 Athletic leave of absence.
- 15.71 Public contracts; security for completion of performance; definitions.
- 15.72 Progress payments on public contracts; retainage.
- 15.73 Alternative form of retainage.
- 15.74 Exceptions to application.
- 15.75 Contracts with regional organizations.
- 15.793 Extension of certain temporary classifications.
- 15.85 Discipline for racial harassment.
- 15.86 State agency actions.
- PERFORMANCE REPORTING**
- 15.90 Purpose.
- 15.91 Performance reporting for agencies of state government.
- 15.92 Worker participation committees.
- 15.95 Government information access council.
- 15.96 Duties of other groups.
- 15.97 Information and telecommunications institute.
- 15.98 Indoor ice facilities.

**15.01 DEPARTMENTS OF THE STATE.**

The following agencies are designated as the departments of the state government: the department of administration; the department of agriculture; the department of commerce; the department of corrections; the department of education; the department of economic security; the department of trade and economic development; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of employee relations; the department of public safety; the department of public service; the department of human services; the department of revenue; the department of transportation; the department of veterans affairs; and their successor departments.

**History:** (53-1, 53-1a) 1925 c 426 art 1 s 1; 1939 c 431 art 1 s 1; 1939 c 441 s 1; 1961 c 113 s 2; 1969 c 1129 art 3 s 1; 1973 c 492 s 14; 1973 c 507 s 45; 1973 c 582 s 3; 1975 c 271 s 1; 1976 c 149 s 2; 1976 c 166 s 7; 1977 c 430 s 5,25 subd 2; 1977 c 444 s 1; 1980 c 617 s 47; 1981 c 356 s 87; 1983 c 289 s 115 subd 1; 1984 c 654 art 5 s 58; 1Sp1985 c 14 art 9 s 75; 1987 c 312 art 1 s 26 subd 2; 1994 c 483 s 1

**15.012 STATE AGENCIES; DESIGNATION BY TYPE.**

A multimember state agency hereafter created whose membership includes two or more appointed members shall be named according to the following:

(a) An agency in the executive branch, other than a department, whose primary purpose is to perform prescribed official or representative functions shall be designated a "board." To be classified as a board, an agency must have at least one of the following powers: (i) the power to perform administrative acts, which may include the expenditure of state money, (ii) the power to issue and revoke licenses or certifications, (iii) the power to make rules, or (iv) the power to adjudicate contested cases or appeals.

(b) An agency in the executive branch whose primary purpose is to advise state officers, departments, boards, or other agencies shall be designated a "committee." To be classified as a committee, an agency must have none of the powers available to boards other than the power to compensate its members.

(c) A committee of which at least one-half of the members are required to be certain officers or representatives of specified businesses, occupations, industries, political subdivisions, organizations, or other groupings of persons other than geographical regions shall be designated a "council."

(d) An agency in the legislative branch composed exclusively of members of the legislature shall be designated a "legislative commission."

(e) An agency in the executive branch other than a department whose primary purpose is to issue bonds for the financing, ownership and development of facilities within the state shall be designated an "authority."

(f) A committee or council scheduled upon its creation to expire two years after the effective date of the act creating it or the date of appointment of its members, whichever is later, unless a shorter term is specified in statute, shall be designated an "advisory task force."

**History:** 1975 c 271 s 2; 1976 c 149 s 3

**15.014 ADVISORY TASK FORCES.**

**Subdivision 1. Policy.** It is the policy of the legislature to encourage state agencies to solicit and receive advice from members of the public. This advice can best be rendered by an advisory task force of a reasonable number of persons working for a limited duration on a specific and clearly defined subject. By this section it is the intent of the legislature to provide for a common nomenclature scheme, facilitate the gathering of advice, and limit the proliferation of costly, unnecessary or outmoded advisory agencies.

**Subd. 2. Creation; limitations.** A commissioner of a state department, a state board or other agency having the powers of a board as defined in section 15.012, may create

advisory task forces to advise the commissioner or agency on specific programs or topics within the jurisdiction of the department or agency. A task force so created shall have no more than 15 members. The task force shall expire and the terms and removal of members shall be as provided in section 15.059, subdivision 6. The members of no more than four task forces created pursuant to this section in a department or agency may be paid expenses in the same manner and amount as authorized by the commissioner's plan adopted according to section 43A.18, subdivision 2. No member of a task force shall be compensated for services in a manner not provided for in statute. A commissioner, board, council, committee, or other state agency may not create any other multimember agency unless specifically authorized by statute or unless the creation of the agency is authorized by federal law as a condition precedent to the receipt of federal money.

**Subd. 3. Task force for curriculum development purposes.** In addition to the task forces for which compensation of members is authorized in subdivision 2, the state board of education may create not to exceed ten task forces, to be compensated as provided in section 15.059, subdivision 6. A task force created pursuant to this subdivision shall be for curriculum development purposes only and shall expire within one year after its creation. The task force shall report to the state board before its expiration or upon the completion of its task, whichever occurs first.

**History:** 1976 c 149 s 4; 1977 c 163 s 1; 1984 c 544 s 1; 1986 c 444

**15.015** [Repealed, 1981 c 253 s 48]

**15.02** [Repealed, 1981 c 253 s 48]

**15.03** [Repealed, 1981 c 253 s 48]

### **15.039 EFFECT OF TRANSFER OF POWERS AMONG AGENCIES.**

**Subdivision 1. Application of section.** The provisions of this section apply whenever the responsibilities of an agency are transferred by law to another agency unless the act directing the transfer provides otherwise. The term "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law on an agency. The term "new agency" means the agency to which responsibilities have been transferred from another agency.

**Subd. 2. In general.** The new agency is a continuation of the former agency as to those matters within the jurisdiction of the former agency that are transferred to the new agency. Following a transfer the new agency shall carry out the assigned responsibilities as though the responsibilities of the former agency had not been transferred. A transfer is not a new authority for the purpose of succession to all responsibilities of the former agency as constituted at the time of the transfer.

**Subd. 3. Rules.** All rules adopted pursuant to responsibilities that are transferred to another agency remain effective and shall be enforced until amended or repealed in accordance with law by the new agency. Any rulemaking authority that existed to implement the responsibilities that are transferred is transferred to the new agency.

**Subd. 4. Court actions.** Any proceeding, court action, prosecution, or other business or matter pending on the effective date of a transfer of responsibilities may be conducted and completed by the new agency in the same manner under the same terms and conditions, and with the same effect, as though it involved or were commenced and conducted or completed by the former agency prior to the transfer.

**Subd. 5. Contracts; records.** The agency whose responsibilities are transferred shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the new agency. The new agency shall accept the material presented. The transfer shall be made in accordance with the directions of the new agency.

**Subd. 5a. Obligations.** The new agency is the legal successor in all respects of the agency whose responsibilities are transferred. The bonds, resolutions, contracts, and liabilities of the agency whose responsibilities are transferred become the bonds, resolutions, contracts, and liabilities of the new agency.

Subd. 6. **Unexpended funds.** The unexpended balance of any appropriation to an agency for the purposes of any responsibilities that are transferred to another agency are reappropriated under the same conditions as the original appropriation to the new agency effective on the date of the transfer of responsibilities. If the responsibilities are transferred to more than one agency, the commissioner of finance shall allocate any unexpended appropriation to the agencies affected. The new agencies shall pay all valid claims presented against those appropriations.

Subd. 7. **Personnel.** All classified and unclassified positions associated with the responsibilities being transferred are transferred with their incumbents to the new agency. The approved complement for the agency whose responsibilities are being transferred is decreased accordingly. The approved complement for the new agency is increased accordingly. Personnel changes are effective on the date of transfer of responsibilities. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan under section 43A.18 or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

*History: 1981 c 253 s 2; 1983 c 289 s 1; 1987 c 386 art 5 s 1*

**15.04** [Repealed, 1981 c 253 s 48]

**15.041** MS 1953 [Repealed, 1957 c 806 s 13]

**15.041** Subdivision 1. MS 1980 [Renumbered 14.01]

Subd. 2. MS 1980 [Renumbered 14.03, subdivision 1]

Subd. 3. MS 1980 [Renumbered 14.03, subd. 2]

**15.0411** Subdivision 1. [Renumbered 14.02, subdivision 1]

Subd. 2. [Renumbered 14.02, subd. 2]

Subd. 3. [Renumbered 14.02, subd. 4]

Subd. 4. [Renumbered 14.02, subd. 3]

**15.0412** Subdivision 1. [Renumbered 14.05, subs. 1 to 3 and 14.07, subd. 5]

Subd. 1a. [Renumbered 14.05, subd. 4]

Subd. 2. [Renumbered 14.04]

Subd. 2a. [Renumbered 14.07, subs. 2 and 4]

Subd. 3. [Renumbered 14.06]

Subd. 4. [Renumbered 14.14, subdivision 1]

Subd. 4a. [Repealed, 1981 c 253 s 48]

Subd. 4b. [Renumbered 14.13]

Subd. 4c. [Renumbered 14.14, subd. 2]

Subd. 4d. [Renumbered 14.15, subs. 1 to 4]

Subd. 4e. [Renumbered 14.14, subd. 3, 14.16 and 14.17]

Subd. 4f. [Renumbered 14.18]

Subd. 4g. [Renumbered 14.20]

Subd. 4h. [Renumbered 14.21 to 14.28]

Subd. 5. [Renumbered 14.29 to 14.36]

Subd. 6. [Renumbered 14.10]

Subd. 7. [Renumbered 14.11, subdivision 1]

Subd. 7a. [Renumbered 14.11, subd. 2]

Subd. 8. [Renumbered 14.12]

Subd. 9. [Renumbered 14.19]

Subd. 10. [Renumbered 14.08]

**15.0413** Subdivision 1. [Renumbered 14.38, subdivision 1]

Subd. 1a. [Renumbered 14.38, subd. 2]

- Subd. 1b. [Renumbered 14.38, subd. 3]
- Subd. 2. [Renumbered 14.38, subd. 4]
- Subd. 3. [Renumbered 14.38, subds. 5 to 9]
- Subd. 3a. [Renumbered 14.38, subd. 10]
- Subd. 3b. [Renumbered 14.38, subd. 11]
- Subd. 4. [Repealed, 1975 c 380 s 22]
- Subd. 5. [Repealed, 1975 c 380 s 22]
- Subd. 6. [Repealed, 1975 c 380 s 22]
- 15.0414** [Repealed, 1963 c 822 s 4]
- 15.0415** [Renumbered 14.09]
- 15.0416** [Renumbered 14.44]
- 15.0417** [Renumbered 14.45]
- 15.0418** Subdivision 1. [Renumbered 14.57]
  - Subd. 2. [Renumbered 14.58]
  - Subd. 3. [Renumbered 14.59]
- 15.0419** [Renumbered 14.60]
- 15.042** [Repealed, 1957 c 806 s 13]
- 15.0421** [Renumbered 14.61]
- 15.0422** [Renumbered 14.62]
- 15.0423** [Repealed, 1980 c 615 s 61]
- 15.0424** Subdivision 1. [Renumbered 14.63]
  - Subd. 2. [Renumbered 14.64]
  - Subd. 3. [Renumbered 14.65]
  - Subd. 4. [Renumbered 14.66]
  - Subd. 5. [Renumbered 14.67]
  - Subd. 6. [Renumbered 14.68]
- 15.0425** [Renumbered 14.69]
- 15.0426** [Renumbered 14.70]
- 15.043** [Repealed, 1957 c 806 s 13]
- 15.044** [Repealed, 1957 c 806 s 13]
- 15.045** [Repealed, 1955 c 603 s 4]
- 15.046** [Repealed, 1975 c 61 s 26; 1976 c 149 s 63]
- 15.047** Subdivision 1. MS 1980 [Repealed, 1980 c 615 s 62]
  - Subd. 2. MS 1980 [Repealed, 1980 c 615 s 62]
  - Subd. 3. MS 1961 [Repealed, 1963 c 822 s 4]
- 15.0471** [Obsolete]
- 15.048** [Renumbered 14.37, subdivision 1]
- 15.049** [Renumbered 14.37, subdivision 1]
- 15.05** [Renumbered 14.46, subd. 5]
- 15.051** [Renumbered 14.46, subds. 1 to 4]
- 15.052** Subdivision 1. [Renumbered 14.48]
  - Subd. 2. [Renumbered 14.49]
  - Subd. 3. [Renumbered 14.50]
  - Subd. 4. [Renumbered 14.51]
  - Subd. 5. [Renumbered 14.52]
  - Subd. 5a. [Renumbered 14.52]
  - Subd. 6. [Renumbered 14.53]
  - Subd. 7. [Renumbered 14.54]

Subd. 8. [Renumbered 14.55]

Subd. 9. [Renumbered 14.56]

**15.054 PUBLIC EMPLOYEES NOT TO PURCHASE MERCHANDISE FROM GOVERNMENTAL AGENCIES; EXCEPTIONS; PENALTY.**

No officer or employee of the state or any of its political subdivisions shall sell or procure for sale or possess or control for sale to any other officer or employee of the state or the subdivision, as appropriate, any property or materials owned by the state or subdivision except pursuant to conditions provided in this section. Property or materials owned by the state or a subdivision, except real property, and not needed for public purposes, may be sold to an employee of the state or the subdivision after reasonable public notice at public auction or by sealed bid if the employee is the highest responsible bidder and is not directly involved in the auction or sealed bid process. Requirements for reasonable public notice may be prescribed by other law or ordinance so long as at least one week's published or posted notice is specified. A state employee may purchase no more than one motor vehicle from the state in any 12-month period. A person violating the provisions of this section is guilty of a misdemeanor. This section shall not apply to the sale of property or materials acquired or produced by the state or subdivision for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the state or a political subdivision from selling or possessing for sale public property if the sale or possession for sale is in the normal course of the employee's duties.

*History: 1977 c 347 s 5; 1986 c 444*

**15.055** [Repealed, 1977 c 347 s 4]

**15.056** [Repealed, 1965 c 45 s 73]

**15.057 PUBLICITY REPRESENTATIVES.**

No state department, bureau or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except the department of transportation, the department of trade and economic development, the game and fish division, the department of economic security, and the state agricultural society shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This act shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

*History: 1965 c 901 s 54; 1967 c 299 s 9; 1967 c 475 s 1; 1969 c 567 s 3; 1973 c 254 s 3; 1976 c 166 s 7; 1977 c 430 s 25 subd 1; 1981 c 356 s 88; 1983 c 289 s 115 subd 1; 1Sp1985 c 14 art 9 s 75; 1987 c 312 art 1 s 26 subd 2; 1994 c 483 s 1*

**15.0575 ADMINISTRATIVE BOARDS AND AGENCIES.**

**Subdivision 1. Procedure.** The membership terms, compensation, and removal of members and the filling of membership vacancies of boards shall be governed by this section whenever specifically provided by law. As used in this section, "boards" shall refer to all boards, commissions, agencies, committees, councils, authorities and courts whose provisions are governed by this section.

**Subd. 2. Membership terms.** An appointment to an administrative board or agency must be made in the manner provided in section 15.0597. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately there-

after. If the number of terms which can be served by a member of a board or agency is limited by law, a partial term must be counted for this purpose if the time served by a member is greater than one-half of the duration of the regular term. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify but in no case later than July 1 in a year in which a term expires unless reappointed.

**Subd. 3. Compensation.** Members of the boards must be compensated at the rate of \$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 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.

**Subd. 4. Removal; vacancies.** A member may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chair of the board shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the member in writing that the member may be removed for missing the next meeting. In the case of a vacancy on the board, the appointing authority shall appoint, subject to the advice and consent of the senate if the member is appointed by the governor, a person to fill the vacancy for the remainder of the unexpired term.

**Subd. 5. Membership vacancies within three months of appointment.** When a membership on a board becomes vacant within three months after being filled through the open appointments process, the appointing authority may, upon notification to the office of secretary of state, choose a new member from the applications on hand and need not repeat the process.

**History:** 1976 c 134 s 1; 1982 c 560 s 5; 1983 c 305 s 6; 1984 c 531 s 2; 1986 c 444; 1987 c 354 s 1; 1989 c 343 s 2; 1990 c 506 art 2 s 1; 1993 c 80 s 1

### **15.058 LICENSING BOARD MEMBERS, COMPENSATION, TERMS, REMOVAL, REPORTS.**

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements for those agencies in the executive branch other than departments whose primary functions include licensing, certification or registration of persons in specified professions or occupations shall be as provided in sections 214.07 to 214.09.

**History:** 1975 c 136 s 76

### **15.059 ADVISORY COUNCILS AND COMMITTEES.**

**Subdivision 1. Application.** The terms, compensation and removal of members, and the expiration date of an advisory council or committee shall be governed by this section whenever specifically provided by law. As used in this section "council or committee" shall mean all advisory boards, councils, committees and commissions whose provisions are governed by this section.

**Subd. 2. Membership terms.** An appointment to an advisory council or committee must be made in the manner provided in section 15.0597. The terms of the members of the advisory councils and committees shall be four years. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of the members shall end on the first Monday in January one year after the terms of the other members. If there is an odd number of members, the smallest possible majority of the members shall have terms coterminous with the governor. If the number of terms which can be served by a member of an advisory council or committee is limited by law, a partial term must be counted for this purpose if the time served by a member is greater than one-half of the duration of the regular term. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories as specified in statute have two or more members each, the appointing authority shall appoint as nearly as possible one-half of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify. If a successor has not been appointed by the July 1 after the scheduled end of a member's term, the term of the member for whom a successor has not been appointed shall be extended until the first Monday in January four years after the scheduled end of the term.

**Subd. 3. Compensation.** Members of the advisory councils and committees must be compensated at the rate of \$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 under section 43A.18, subdivision 2. 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 compensated 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 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.

**Subd. 4. Removal.** A member may be removed by the appointing authority at any time at the pleasure of the appointing authority. The chair of the advisory council or committee shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the council or committee shall notify the member in writing that the member may be removed for missing the next meeting. In the case of a vacancy on the board, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.

**Subd. 5. Expiration date.** Unless a different date is specified by law, the existence of each advisory council and committee created before January 1, 1993, and governed by this section shall terminate on June 30, 1993. An advisory council or committee whose expiration is not governed by this section does not terminate June 30, 1993, unless specified by other law. An advisory council or committee created by law and in existence after June 30, 1993, expires on the date specified in the law creating the group or on June 30, 1997, whichever is sooner. This expiration provision applies whether or not the law creating the group provides that the group is governed by this section.

**Subd. 6. Advisory task forces.** If the existence of an advisory task force is mandated by statute, the task force shall expire on the date specified in the enabling legislation. If no expiration date is specified, the task force shall expire two years after the effective



date of the act creating the advisory task force. If the existence of a task force is authorized but not mandated by statute, the task force shall expire at the pleasure of the person or group which creates the task force, or two years after the first members of the task force are appointed, whichever is sooner. A person or group mandated or with discretionary authority to create a task force may create another task force to continue the work of a task force which expires, unless the enabling legislation specifies an expiration date or creation of another task force is prohibited by other law.

Members of advisory task forces shall not receive the per diem specified in this section but shall receive expenses in the same manner and amount as provided in the commissioner's plan under section 43A.18, subdivision 2. Members who, as a result of time spent attending task force meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon task force authorization. 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. Members appointed to these advisory task forces shall serve until the expiration date of the advisory task force and may be removed pursuant to subdivision 4.

**History:** 1975 c 315 s 1; 1976 c 149 s 5,6; 1977 c 444 s 2; 1982 c 560 s 6; 1983 c 260 s 5,6; 1984 c 571 s 1; 1986 c 444; 1987 c 354 s 2,3; 1988 c 629 s 7-9; 1989 c 343 s 3,4; 1990 c 506 art 2 s 2; 1993 c 80 s 2; 1993 c 337 s 1

**NOTE:** Subdivision 5 was also amended by Laws 1993, chapter 286, section 1, to read as follows:

"Subd. 5. **Expiration date.** Unless a different date is specified by law, the existence of each advisory council and committee governed by this section shall terminate on June 30, 1994."

#### 15.0591 REPRESENTATIVE OF OLDER POPULATION.

**Subdivision 1. Addition of members.** The membership of state boards, commissions, advisory councils, task forces, or committees listed in subdivision 2 that have more than three public members shall include at least one member, 60 years of age or over. For purposes of this section, a public member is a person who is not a representative of a specified business, occupation, industry, political subdivision, organization, or other grouping of persons other than geographical regions. At least one of the members over 60 shall not be actively engaged in or retired from an occupation, profession, or industry, if any, to be regulated.

**Subd. 2. Bodies affected.** A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board of examiners for nursing home administrators;
- (5) board on aging;
- (6) chiropractic examiners board;
- (7) consumer advisory council on vocational rehabilitation;
- (8) council on disability;
- (9) council on affairs of Spanish-speaking people;
- (10) council on black Minnesotans;
- (11) dentistry board;
- (12) department of economic security advisory council;
- (13) higher education coordinating board;
- (14) housing finance agency;
- (15) Indian advisory council on chemical dependency;
- (16) medical practice board;
- (17) medical policy directional task force on mental health;

- (18) Minnesota employment and economic development task force;
- (19) Minnesota office of volunteer services advisory committee;
- (20) Minnesota state arts board;
- (21) mortuary sciences advisory council;
- (22) nursing board;
- (23) optometry board;
- (24) pharmacy board;
- (25) physical therapists council;
- (26) podiatry board;
- (27) psychology board;
- (28) veterans advisory committee.

**History:** 1984 c 654 art 4 s 8; 1985 c 285 s 3; 1Sp1985 c 10 s 39; 1Sp1985 c 9 art 2 s 103; 1Sp1985 c 14 art 9 s 75; 1987 c 354 s 8; 1988 c 613 s 1; 1988 c 629 s 10; 1991 c 106 s 6; 1994 c 483 s 1

### 15.0593 AGENCIES CREATED BY EXECUTIVE ORDER.

The governor may by executive order create in the governor's office advisory task forces, councils and committees to advise or assist on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses as authorized by the commissioner's plan adopted according to section 43A.18, subdivision 2. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 4.035, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on," "Governor's Council on" or "Governor's Committee on." The governor shall not create a board, commission, authority or other similar multimember agency except as provided in this section. A multimember agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multimember agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal money.

**History:** 1977 c 305 s 5; 1984 c 544 s 2; 1986 c 444

### 15.0595 COMPENSATION AND PER DIEM; SOURCE OF FUNDS.

The source of payment of per diems and expenses for agencies governed by sections 15.0575 and 15.058 shall be appropriations or funds otherwise available to the agencies. The source of payment of per diems and expenses for agencies governed by section 15.059 shall be appropriations or funds otherwise available to the appointing authority of agency members.

**History:** 1977 c 444 s 3

### 15.0597 APPOINTMENTS TO MULTIMEMBER AGENCIES.

Subdivision 1. **Definitions.** As used in this section, the following terms shall have the meanings given them.

(a) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, a group created by executive order of the governor, or other similar multimember agency created by law and having statewide jurisdiction; and (2) the metropolitan council, metropolitan agency, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position. Vacancy includes a position that is to

be filled through appointment of a nonlegislator by a legislator or group of legislators; vacancy does not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) "Secretary" means the secretary of state.

**Subd. 2. Collection of data.** The chair of an existing agency, or the appointing authority for the members of a newly created agency, shall provide the secretary, on forms prepared and distributed by the secretary, with the following data pertaining to that agency:

- (1) the name of the agency, its mailing address, and telephone number;
- (2) the legal authority for the creation of the agency and the name of the person appointing agency members;
- (3) the powers and duties of the agency;
- (4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;
- (5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;
- (6) the compensation of members, and appropriations or other funds available to the agency;
- (7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;
- (8) the roster of current members, including mailing addresses and telephone numbers; and
- (9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack thereof, race, and national origin of the members.

The secretary may provide for the submission of data in accordance with this subdivision by electronic means.

**Subd. 3. Publication of agency data.** The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication in the state register of the compiled data from all agencies on or about November 15 of each year. Copies of the compilation shall be delivered to the governor and the legislature. Copies of the compilation shall be made available by the secretary to any interested person at cost, and copies shall be available for viewing by interested persons. The chair of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in the agency, shall not be eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

**Subd. 4. Notice of vacancies.** The chair of an existing agency, shall notify the secretary of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall give written notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall give written notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may provide for the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly in the State Register a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail copies of the listings to requesting persons. The listing for

all vacancies scheduled to occur in the month of January shall be published in the State Register together with the compilation of agency data required to be published pursuant to subdivision 3.

If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

**Subd. 5. Nominations for vacancies.** Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents in writing on the application form to the nomination. The application form shall specify the nominee's name, mailing address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, race and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy in the State Register pursuant to subdivision 4, the secretary shall submit copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date when copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

**Subd. 6. Appointments.** In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary in writing of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

**Subd. 7. Report.** Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report containing the following information:

- (1) the number of vacancies occurring in the preceding year;
- (2) the number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (3) breakdowns by county, legislative district, and congressional district, and, if known, the sex, political party preference or lack thereof, race, and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and
- (4) the number of vacancies filled from applications submitted by (i) the appointing authorities for the positions filled, (ii) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (iii) all others.

**Subd. 8. Transfer of administrative functions.** The commissioner of administration with the approval of the governor may determine that the administration of the open appointment process provided for in this section more properly belongs in another agency of the state. On making that determination, the commissioner may, on or after July 1, 1981, transfer this function to that agency by reorganization order.

**History:** 1978 c 592 s 1,2; 1980 c 614 s 42-46; 1983 c 305 s 7; 1984 c 654 art 3 s 14; 1Sp1985 c 13 s 89; 1986 c 444; 1990 c 426 art 1 s 6; 1992 c 513 art 3 s 21; 1993 c 80 s 3-5; 1994 c 480 s 1-4; 1994 c 628 art 3 s 3

### 15.0598 EXCEPTIONS TO OPEN APPOINTMENTS.

The open appointments program shall not apply to any appointments made jointly by the governor, attorney general, and chief justice.

**History:** 1980 c 614 s 186

### 15.0599 REGISTRATION OF MULTIMEMBER AGENCIES.

**Subdivision 1. Applicability.** For purposes of this section, "agency" means:

(1) a state board, commission, council, committee, authority, task force, including an advisory task force established under section 15.014 or 15.0593, other multimember agency, however designated, established by statute or order and having statewide jurisdiction;

(2) a multimember body, however designated, appointed by the metropolitan council established by section 473.123 or a metropolitan agency as defined in section 473.121, subdivision 5a, if the membership includes at least one person who is not a member of the council or the agency; and

(3) a multimember body whose members are appointed by the legislature if the body has at least one nonlegislative member.

"Secretary" means the secretary of state.

**Subd. 2. Registration of new agencies.** Within 30 days after the appointment of members to a new agency, the appointing authority shall register the agency with the secretary, providing the information required in subdivision 4, paragraph (a).

**Subd. 3. Annual registration of existing agencies.** Unless an agency has submitted its initial registration under subdivision 2 within the last 90 days, the chair of an existing agency shall register the agency with the secretary by July 15 of each year, providing the information required in subdivision 4, paragraph (b), and updating, if necessary, any of the information previously provided in accordance with subdivision 4, paragraph (a).

**Subd. 4. Registration; information required.** (a) The appointing authority of a newly established agency shall provide the secretary with the following information:

(1) the name, mailing address, and telephone number of the agency;

(2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;

(3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c), (e), or (f);

(4) the number of authorized members, together with any prescribed restrictions on eligibility;

(5) the roster of current members, including mailing addresses and telephone numbers;

(6) a breakdown of the membership showing distribution by county, legislative district, and congressional district and compliance with any restrictions listed in accordance with clause (4);

(7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, race, and national origin of those members;

(8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;

(9) the compensation of members and appropriations or other money available to the agency;

(10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;

(11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and

(12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

(b) The chair of an existing agency shall provide information, covering the fiscal year in which it is registering, on the number of meetings it has held, its expenses, and the number of staff hours, if any, devoted to its support. The chair shall also, if necessary, update any of the information previously provided in accordance with paragraph (a).

(c) The secretary shall provide forms for the reporting of information required by this subdivision and may provide for reporting by electronic means.

**Subd. 5. Reporting by secretary.** By August 15 of each year, the secretary shall furnish copies and a summary of the information collected under subdivision 4 to the legislative reference library.

*History: 1994 c 480 s 5*

## **15.06 APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.**

**Subdivision 1. Applicability.** This section applies to the following departments or agencies: the departments of administration, agriculture, commerce, corrections, economic security, education, employee relations, trade and economic development, finance, health, human rights, labor and industry, natural resources, public safety, public service, human services, revenue, transportation, and veterans affairs; the housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are "commissioners."

**Subd. 2. Term of office; successor.** The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner as provided by section 15.066, subdivision 2, within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority.

**Subd. 3. Vacancy; temporary commissioner.** The purpose of this subdivision is to provide a procedure to insure the immediate accession to office of a temporary commissioner in the event of a vacancy in the office of commissioner. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner pursuant to subdivision 4, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 7 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate a temporary commissioner.

**Subd. 4. End of term; vacancy; acting commissioner.** The purpose of this subdivision is to provide alternative means whereby an appointing authority may designate a person other than a temporary commissioner to serve as acting commissioner until advice and consent of the senate is received in respect to a permanent appointee. These alternative means include the following:

(1) At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until a successor is appointed and qualifies.

(2) An appointing authority may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting or temporary commissioner designated pursuant to subdivision 3 or 4.

(3) Prior to the advice and consent of the senate, the appointing authority may designate the permanent appointee as commissioner.

**Subd. 5. Effect of designation of acting or temporary commissioner.** A person who is designated acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of the office. A person who is designated permanent commissioner shall have all the powers and may perform all the duties of the office upon receipt of the letter of appointment by the president of the senate pursuant to section 15.066. Upon the appointment of a permanent commissioner or acting commissioner to succeed any other acting or temporary commissioner, the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as a permanent commissioner or acting commissioner after the senate has voted to refuse to consent to the person's appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the State Register.

**Subd. 6. General powers of commissioners.** Except as otherwise expressly provided by law, a commissioner shall have the following powers:

(1) To delegate to any subordinate employee the exercise of specified statutory powers or duties as the commissioner may deem advisable, subject to the commissioner's control; provided, that every delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;

(2) To appoint all subordinate employees and to prescribe their duties; provided, that all departments and agencies shall be subject to the provisions of chapter 43A;

(3) With the approval of the commissioner of administration, to organize the department or agency as deemed advisable in the interest of economy and efficiency; and

(4) To prescribe procedures for the internal management of the department or agency to the extent that the procedures do not directly affect the rights of or procedure available to the public.

**Subd. 7. Deputy commissioner.** For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. The deputy commissioner shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.

**Subd. 8. Number of deputy commissioners.** Unless specifically authorized by statute, other than section 43A.08, subdivision 2, no department or agency specified in subdivision 1 shall have more than one deputy commissioner.

**Subd. 9. Private employment.** No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

**History:** (53-1g) 1939 c 431 art 8 s 6; 1977 c 305 s 1; 1977 c 430 s 25; 1981 c 210

*s 54; 1983 c 289 s 2,3; 1983 c 305 s 8,9; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1987 c 186 s 1; 1987 c 312 art 1 s 26 subd 2; 1991 c 345 art 2 s 8; 1994 c 483 s 1*

#### **15.061 CONSULTANT, PROFESSIONAL AND TECHNICAL SERVICES.**

Pursuant to the provisions of section 16B.17, the head of a state department or agency may, with the approval of the commissioner of administration, contract for consultant services and professional and technical services in connection with the operation of the department or agency. A contract negotiated under this section shall not be subject to the competitive bidding requirements of chapter 16.

*History: 1969 c 1139 s 64; 1978 c 480 s 1; 1984 c 544 s 89*

#### **15.063 BIENNIAL REPORTS; SUBMISSION.**

Notwithstanding any law to the contrary, the biennial reports required to be submitted to the legislature by various departments and agencies shall be submitted by November 15 of each even-numbered year.

*History: Ex1971 c 3 s 63*

#### **15.065 FISCAL NOTES.**

Notwithstanding any other law to the contrary, the departments of health, human services, economic security, corrections and the health related boards shall not put into effect any rule or standard which has a fiscal impact in excess of \$100,000 annually without first providing the house appropriations and the senate finance committees with fiscal notes.

*History: 1979 c 336 s 15; 1984 c 654 art 5 s 58; 1985 c 248 s 70; 1Sp1985 c 14 art 9 s 75; 1994 c 483 s 1*

#### **15.066 CONFIRMATION OF APPOINTMENTS.**

**Subdivision 1. Applicability.** This section applies to all appointments which by statute require the advice and consent of the senate. For the purpose of this section, the term "agency" includes state departments, boards, committees, councils, commissions, authorities, and advisory task forces created by statute.

**Subd. 2. Procedure.** In all appointments to state agencies which require the advice and consent of the senate, the following procedure shall apply:

(a) The appointing authority shall provide to the president of the senate a letter of appointment which shall include the position title to which the appointment is being made; the name, street address, city and county of the appointee; and the term of the appointment;

(b) For those positions for which a statement of economic interest is required to be filed by section 10A.09, the appointing authority shall give the notice to the ethical practices board required by section 10A.09, subdivision 2, at the time the letter of appointment is directed to the president of the senate;

(c) If the appointment is subject to the open appointments program provided by section 15.0597, the appointing authority shall provide the senate with a copy of the application provided by section 15.0597, at the time the letter of appointment is directed to the president of the senate; and

(d) The appointment shall be effective and the appointee may commence to exercise the duties of the office upon the receipt of the letter of appointment by the president of the senate.

*History: 1983 c 305 s 10*

#### **15.07 INFORMATION FURNISHED.**

Whenever in Laws 1939, chapter 431, power is vested in a department or an official to inspect, examine, secure data or information, or to procure assistance from another department, a duty is hereby imposed upon the department upon which the



demand is made to make such power effective, and to furnish such data or information or the opportunity for inspection and examination.

**History:** (53-1c) 1939 c 431 art 8 s 2

#### **15.08 COMMISSIONERS OF FINANCE AND ADMINISTRATION; ACCESS TO RECORDS.**

The commissioner of finance and the commissioner of administration and their designated agents shall have free access to the records of all state departments and agencies, and may issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents, and papers; and may administer oaths to witnesses or take their affirmation. If any person shall fail or refuse to appear or testify regarding that upon which the person may be lawfully interrogated, or to produce any books, records, accounts, documents or papers material in the matter under consideration, after having been lawfully required by order or subpoena, any judge of the district court in any county of the state where the order or subpoena was made returnable, on application of the commissioner of finance or commissioner of administration, as the case may be, shall compel obedience or punish disobedience as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court.

**History:** (53-1d) 1939 c 431 art 8 s 3; 1973 c 492 s 14; 1986 c 444

#### **15.082 OBLIGATIONS OF PUBLIC CORPORATIONS.**

Notwithstanding any other law, the state is not liable for obligations of a public corporation created by statute. Upon dissolution of the public corporation, its wholly-owned assets become state property. Partially owned assets become state property to the extent that state money was used to acquire them.

This section does not apply to a public corporation governed by chapter 119.

**History:** 1990 c 594 art 1 s 41

#### **15.09 COURT PROCEEDINGS CONTINUED.**

Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to the passage of Laws 1939, chapter 431, by a department or other agency, the functions, powers, and duties whereof are thereby assigned and transferred to another department or agency, and still pending at the time of its passage, may be conducted and completed by the new department or agency in the same manner and under the same terms and conditions and with the same effect as though they were undertaken or commenced and were conducted or completed by the former department or agency prior to the transfer.

**History:** (53-1j) 1939 c 431 art 8 s 9

#### **15.10 RECORDS DELIVERED TO DEPARTMENT HEADS.**

The head of a department or other agency whose functions, powers, and duties are by Laws 1939, chapter 431, assigned and transferred to another department or agency, shall transfer and deliver to such other department or agency all contracts, books, maps, plans, papers, records, and property of every description within the department head's jurisdiction or control, and shall also transfer thereto any or all employees engaged in the exercise of such functions, powers, or duties. The head of such other department or agency to which such assignment or transfer is made is hereby authorized to take possession of the property, and shall take charge of the employees and shall employ them in the exercise of their respective functions, powers, and duties transferred as aforesaid, without reduction of compensation; subject to change or termination of employment or compensation as may be otherwise provided by law.

**History:** (53-1k) 1939 c 431 art 8 s 10; 1986 c 444

- 15.11 [Repealed, 1961 c 561 s 17]  
15.12 [Repealed, 1961 c 561 s 17]  
15.13 [Repealed, 1976 c 2 s 3]

#### 15.14 APPLICATION.

Except as hereinbefore otherwise provided, the provisions and limitations of Laws 1939, chapter 431, shall be applicable to and shall govern each and every department, bureau, commission, board, agency, and institution of the state government, including state universities, state hospitals, and other state institutions, wherever located, and all elected or appointed officers, officials, and employees of the state government. No provision of any subsequent act shall be construed as inconsistent with the provisions of Laws 1939, chapter 431, or shall operate to limit or abrogate the effect of any provisions thereof or to remove any person, officer, or agency from the operation thereof unless and except only so far as it may be expressly provided in such subsequent act that the provisions of Laws 1939, chapter 431, shall not be applicable, or shall be superseded, modified, amended, or repealed.

*History: (53-1p) 1939 c 431 art 8 s 15; 1957 c 576 s 1,2; 1975 c 321 s 2*

#### 15.15 EXEMPTIONS FROM APPLICATION.

The provisions and limitations of Laws 1939, chapter 431, shall not be applicable to the regents of the university, nor to any persons, institutions, or employees under their jurisdiction, nor to the professional and regulatory examining and licensing boards enumerated in Mason's Minnesota Statutes of 1927, chapter 35, the 1938 Supplement to Mason's Minnesota Statutes of 1927, chapter 35, Laws 1943, chapter 474, and Laws 1951, chapter 672; provided, their books and accounts shall be subject to examination by the legislative auditor at any time, as in the case of other state agencies.

*History: (53-1n) 1939 c 431 art 8 s 13; 1949 c 48 s 1; 1953 c 129 s 5; 1973 c 492 s 14*

#### 15.16 TRANSFER OF LANDS BETWEEN DEPARTMENTS.

**Subdivision 1. Agreement.** 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, a department or agency of the state government of Minnesota may acquire the control of state lands for public purposes from the department or agency of state government having those lands under its control and supervision, upon terms and conditions that are mutually agreed upon by the heads of the interested state departments or agencies.

**Subd. 2. Executive council to determine terms.** If the heads of the departments or agencies acting under subdivision 1 are unable to agree on the terms and conditions of a transfer of control of 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 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 provided in this section.

**Subd. 4. Attorney general to prescribe form of transfer.** The transfer of control of real estate as provided under this section must be made on transfer documents prescribed by the attorney general, and the transfer documents must be permanently filed in the office of the commissioner of finance.

**Subd. 5. Obtaining recommendation.** No control of state-owned lands may be transferred between state departments or agencies without the departments or agencies first consulting the chairs of the senate finance committee and house of representatives appropriations committee and obtaining their recommendations. The recommenda-

tions are advisory only. Failure to obtain a prompt recommendation is deemed a negative recommendation.

*History: 1941 c 387 s 1-4; 1973 c 492 s 14; 1973 c 720 s 52; 1983 c 301 s 65; 1986 c 444; 1990 c 506 art 2 s 3*

### **15.161 ACCEPTANCE OF FEDERAL LANDS OR BUILDINGS; CONSULTATION WITH LEGISLATIVE COMMITTEES.**

The head of a state department or agency shall consult with the chair of the house ways and means committee and the chair of the senate finance committee before accepting any federal land or buildings thereon or any interest therein which is declared surplus by federal authorities and obtaining a recommendation thereon which shall be advisory only. Failure to obtain a recommendation thereon promptly shall be deemed a negative recommendation.

*History: 1973 c 720 s 60; 1986 c 444; 1993 c 4 s 8*

#### **15.1611 [Renumbered 13.01]**

#### **15.162 Subdivision 1. [Renumbered 13.02, subdivision 1]**

- Subd. 1a. [Repealed, 1981 c 311 s 40]
- Subd. 2. [Renumbered 13.02, subd. 2]
- Subd. 2a. [Renumbered 13.02, subd. 3]
- Subd. 3. [Renumbered 13.02, subd. 5]
- Subd. 3a. [Renumbered 13.02, subd. 4]
- Subd. 4. [Renumbered 13.02, subd. 8]
- Subd. 5. [Renumbered 13.02, subd. 11]
- Subd. 5a. [Renumbered 13.02, subd. 12]
- Subd. 5b. [Renumbered 13.02, subd. 15]
- Subd. 5c. [Renumbered 13.02, subd. 9]
- Subd. 5d. [Renumbered 13.02, subd. 13]
- Subd. 5e. [Renumbered 13.02, subd. 14]
- Subd. 6. [Renumbered 13.02, subd. 16]
- Subd. 7. [Renumbered 13.02, subd. 17]
- Subd. 8. [Renumbered 13.02, subd. 18]
- Subd. 9. [Renumbered 13.02, subd. 19]
- Subd. 10. [Renumbered 13.02, subd. 6]
- Subd. 11. [Renumbered 13.02, subd. 7]
- Subd. 12. [Renumbered 13.02, subd. 10]

#### **15.1621 [Renumbered 13.03]**

#### **15.163 [Renumbered 13.05, subs. 1 to 9]**

#### **15.164 [Repealed, 1975 c 401 s 9]**

#### **15.1641 [Repealed, 1979 c 328 s 24]**

#### **15.1642 Subdivision 1. [Renumbered 13.06, subdivision 1]**

- Subd. 2. [Renumbered 13.06, subd. 2]
- Subd. 2a. [Renumbered 13.06, subd. 3]
- Subd. 2b. [Renumbered 13.06, subd. 4]
- Subd. 3. [Renumbered 13.06, subd. 5]
- Subd. 4. [Repealed, 1979 c 328 s 24]
- Subd. 5. [Renumbered 13.06, subd. 6]
- Subd. 5a. [Renumbered 13.06, subd. 7]

#### **15.1643 [Renumbered 13.05, subd. 10]**

#### **15.165 [Renumbered 13.04]**

- 15.166 [Renumbered 13.08]
- 15.167 [Renumbered 13.09]
- 15.1671 [Renumbered 13.07]
- 15.1672 [Renumbered 13.34]
- 15.1673 [Renumbered 13.37]
- 15.1674 [Renumbered 13.52]
- 15.1675 [Renumbered 13.70, subdivision 1]
- 15.1676 [Renumbered 13.71]
- 15.1677 [Renumbered 13.35]
- 15.1678 [Renumbered 13.44]
- 15.1679 [Renumbered 13.40]
- 15.168 [Repealed, 1975 c 401 s 9]
- 15.1681 [Renumbered 13.86]
- 15.1682 [Renumbered 13.68]
- 15.1683 [Renumbered 13.72, subdivision 1]
- 15.169 [Repealed, 1979 c 328 s 24]
- 15.1691 [Renumbered 13.46]
- 15.1692 Subdivision 1. [Renumbered 13.43, subdivision 1]
  - Subd. 2. [Renumbered 13.43, subd. 2]
  - Subd. 3. [Renumbered 13.43, subd. 3]
  - Subd. 4. [Repealed, 1980 c 603 s 32]
  - Subd. 5. [Renumbered 13.43, subd. 4]
  - Subd. 6. [Renumbered 13.43, subd. 5]
  - Subd. 7. [Renumbered 13.43, subd. 6]
- 15.1693 Subdivision 1. [Renumbered 13.32, subdivision 1]
  - Subd. 1a. [Renumbered 13.32, subd. 2]
  - Subd. 2. [Renumbered 13.32, subd. 3]
  - Subd. 3. [Renumbered 13.32, subd. 4]
  - Subd. 4. [Renumbered 13.32, subd. 5]
- 15.1694 [Renumbered 13.30]
- 15.1695 [Renumbered 13.81]
- 15.1696 [Renumbered 13.82, subd. 6]
- 15.1697 [Renumbered 13.33]
- 15.1698 Subdivision 1. [Renumbered 13.42, subdivision 1]
  - Subd. 2. [Repealed, 1980 c 603 s 32]
  - Subd. 3. [Renumbered 13.42, subd. 2]
  - Subd. 4. [Renumbered 13.42, subd. 3]
- 15.1699 [Renumbered 13.43, subd. 7]

### 15.17 OFFICIAL RECORDS.

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, optical disk imaging system, microfilming, 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 provided, however, that this section does not prohibit the use of nonerasable optical imaging systems for the preservation of archival records without the preservation of paper or microfilm copies. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical 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 images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and 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 image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

**Subd. 2. Responsibility for records.** The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

**Subd. 3. Delivery to successor.** Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

**Subd. 4. Accessible to public.** Access to records containing government data is governed by sections 13.03 and 138.17.

**History:** 1941 c 553 s 1-4; 1957 c 28 s 1,2; 1973 c 123 art 5 s 7; 1973 c 422 s 1; 1979 c 328 s 23; 1981 c 311 s 39; 1982 c 545 s 24; 1982 c 573 s 1; 1986 c 444; 1990 c 506 art 2 s 4; 1993 c 71 s 1

### **15.171 OFFICIAL RECORDS; COMPILATION, MAINTENANCE AND STORAGE OF INFORMATION.**

Notwithstanding any other law, any public officer who has jurisdiction over a collection of official records may select and use, subject to the approval of the commissioner of administration, alternative methods for the compilation, maintenance and storage of the information contained in those records, subject to the following conditions:

- (1) The methods selected must provide for access to the information contained in the records by those authorized by law to have access to that information; and
- (2) The methods selected must provide for the preservation of the information contained in the records to the extent specified by law.

**History:** 1974 c 323 s 1

### **15.172 APPROVAL OF ALTERNATE METHOD.**

At least 90 days prior to the date upon which it is proposed to put into effect an alternate method of compilation, maintenance, and storage of records, the public official shall submit a description of the proposed method and the reasons for adopting it to the commissioner of administration. On finding that the proposed method complies

with the conditions specified in section 15.171, the commissioner of administration shall approve its use; on finding otherwise, the commissioner shall disapprove its use. A failure of the commissioner of administration to act before the date upon which the public official proposes to put the alternative method into effect shall be deemed a disapproval of that method.

**History:** 1974 c 323 s 2; 1986 c 444

#### 15.173 NOTICE OF ALTERNATIVE METHOD.

The commissioner of administration, on approving an alternate method of compilation, maintenance and storage, shall maintain a written notice of that approval, the date of taking effect of the alternate method, a description of the method and the reasons for its adoption in the commissioner's office as a public record. In the case of a record having less than statewide significance, the public official having jurisdiction over the records shall file a written notice containing the same information as the notice maintained by the commissioner of administration with the county auditor, clerk or other similar recording officer of the affected governmental subdivision and such notices shall also be maintained as public records.

**History:** 1974 c 323 s 3; 1986 c 444

#### 15.174 RECORDS NOW IN USE.

Notwithstanding section 15.171, any public official using an alternate method of compilation, maintenance and storage of a record on August 1, 1974, may continue to use that alternate method unless and until that method is expressly disapproved by the commissioner of administration. Such an official shall file a description of the method and the reasons for its use on or before August 1, 1974. Failure of the commissioner of administration to approve or disapprove such a method within 90 days shall be deemed an approval. Notice of such methods shall be filed as required in section 15.173.

**History:** 1974 c 323 s 4

#### 15.18 DISTRIBUTION OF PUBLICATIONS.

Except as provided in sections 3C.12, subdivision 2, and 5.08 and chapter 16B, when any department, agency, or official of the state issues for public distribution any book, document, journal, map, pamphlet, or report copies thereof shall be delivered immediately as follows:

Four copies to the Minnesota historical society;

One copy to the general library of the University of Minnesota, and may, upon request of the librarian, deliver additional copies;

Two copies to the state library, and such additional copies as the state librarian deems necessary for exchange with other libraries, with other states, with the United States, and with governments of foreign countries;

One copy to the public library of any city of the first class;

One copy to the library of each state university as defined in chapter 136.

**History:** 1947 c 365 s 1; 1963 c 179 s 1; 1975 c 321 s 2; 1984 c 480 s 14; 1984 c 544 s 89; 1984 c 655 art 2 s 19 subd 3

#### 15.181 [Renumbered 43.33]

#### 15.185 MAILING LISTS.

A department, agency, or official of the state issuing for public distribution any book, document, journal, map, pamphlet, or report on a regular basis to a list of persons who have asked to receive regular publications shall insert into at least one publication per person per year a returnable card which must be returned by that person in order to receive future similar publications from that department, agency, or official.

**History:** 1982 c 562 s 3

**15.19** [Repealed, 1969 c 265 s 2]

**15.191 IMPREST CASH FUNDS.**

Subdivision 1. **Emergency disbursements.** Imprest cash funds for the purpose of making minor disbursements, providing for change, and providing employees with travel advances or a portion or all of their payroll warrant where the warrant has not been received through the payroll system, may be established by state departments or agencies from existing appropriations in the manner prescribed by this section.

Subd. 2. **Approval.** Before an imprest cash fund is established an application showing the need therefor shall be presented to the commissioner of finance who shall fix the amount of the fund for the department or agency. Upon the approval of the application by the commissioner of finance, the imprest cash fund is established and the commissioner of finance shall notify the applicant.

Subd. 3. **Warrant against designated appropriation.** Imprest cash funds established under this section shall be created by warrant drawn against the appropriation designated by the commissioner of finance.

**History:** 1969 c 265 s 1; 1973 c 492 s 14; 1976 c 231 s 2; 1979 c 333 s 62; 1991 c 345 art 1 s 48

**15.21** [Obsolete by Law 1957 c 936, see sections 15A.02 to 15A.15.]

**15.22** [Obsolete by Law 1957 c 936, see sections 15A.02 to 15A.15.]

**15.23** [Obsolete by Law 1957 c 936, see sections 15A.02 to 15A.15.]

**15.31 STATE EMPLOYEES, LIABILITY INSURANCE, PAYMENT OF PREMIUMS.**

The state shall pay premiums on insurance policies insuring its employees against liability from claims for bodily injuries, death or property damage made upon such employees while operating state-owned vehicles in the performance of, in connection with or incidental to their duties as state employees. Payment of such premiums shall be made from funds appropriated or otherwise available to the various departments and agencies of the state. The payment of such premiums shall not impose upon the state any liability whatsoever for the payment of damages as a result of a claim against the state employee.

**History:** 1953 c 676 s 1

**15.315** [Repealed, 1976 c 331 s 43]

**15.35** [Repealed, 1965 c 780 s 9]

**15.36** [Repealed, 1965 c 780 s 9]

**15.37** [Repealed, 1967 c 103 s 10]

**15.375** Subdivision 1. [Repealed, 1983 c 355 s 4]

Subd. 2. [Renumbered 16A.134]

**15.38 NONINSURANCE OF STATE PROPERTY; EXCEPTIONS.**

Subdivision 1. **Insurance prohibited.** No public funds shall be expended on account of any insurance upon state property against loss or damage by fire or tornado, nor shall any state officer or board contract for or incur any indebtedness against the state on account of any such insurance, except as specifically authorized in this section, section 15.39, or other law.

Subd. 2. **Stillwater prison.** The commissioner of corrections may insure the state of Minnesota against loss by fire or tornado to the Minnesota correctional facility-Stillwater, or the contents thereof, in any insurance companies licensed to do business in this state, in such an amount as the commissioner may from time to time determine and to pay the premiums therefor from the revolving fund of the institution.

Subd. 3. **State universities.** The state university board may purchase insurance

coverage as it deems necessary and appropriate to protect buildings and contents and for activities ancillary to the programs of the state universities.

**Subd. 4. Community colleges.** The community college board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state community colleges.

**Subd. 5. Family farm security program.** The commissioner of agriculture may purchase insurance as authorized in section 41.56, subdivision 7.

**Subd. 6. Department of military affairs.** The adjutant general may purchase insurance coverage deemed necessary to indemnify the department of military affairs for workers' compensation awards paid for state employees employed under federal cooperative funding agreements.

**Subd. 7. Iron range resources and rehabilitation board.** The iron range resources and rehabilitation board may purchase insurance it considers necessary and appropriate to insure facilities operated by the board.

**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.

**Subd. 9. Sibley House.** The Sibley House association may purchase fire, wind, hail, and vandalism insurance and insurance coverage for fine art objects from state appropriations.

**History:** (3599) 1919 c 256 s 1; 1929 c 78 s 1; 1953 c 593 s 2; 1959 c 263 s 2; 1974 c 406 s 3; 1979 c 102 s 13; 1981 c 359 s 12; 1983 c 332 s 17; 1986 c 329 s 1; 1986 c 444; 1Sp1986 c 1 art 10 s 2; 1988 c 423 s 1; 1990 c 506 art 2 s 5; 1993 c 369 s 36

### 15.39 ECONOMIC SECURITY DEPARTMENT BUILDINGS.

**Subdivision 1.** Notwithstanding other law to the contrary, the commissioner of the department of economic security of the state of Minnesota may purchase insurance against loss to state-owned buildings occupied by the department, from any insurance companies licensed to do business in this state in an amount that the commissioner may from time to time determine and pay premiums for the insurance from federal funds granted for the administration of the department of economic security.

**Subd. 2.** The commissioner is authorized to requisition from the economic security administration fund any amount necessary to pay premiums for the insurance specified in subdivision 1 and money in the amount necessary is appropriated for that purpose.

**History:** 1961 c 515 s 1,2; 1969 c 567 s 3; 1973 c 254 s 3; 1977 c 430 s 25 subd 1; 1983 c 216 art 1 s 87; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1990 c 506 art 2 s 6; 1991 c 199 art 1 s 3; 1994 c 483 s 1

### 15.40 LACK OF CARE IN KEEPING PROPERTY SAFE FROM FIRE LOSS, NONFEASANCE IN OFFICE.

Every state officer, board, or other authority having the control of any state buildings or property shall keep the same at all times as safe from fire loss as is reasonably possible. Failure of any state officer, board, or authority having control over any state property to keep the same as safe from fire loss as is reasonably possible shall constitute nonfeasance in office and be grounds for removal.

**History:** (3602) 1919 c 256 s 4

### 15.41 CONSTRUCTION PERMITS, REQUISITES.

**Subdivision 1.** Every agency of the state of Minnesota and every political subdivision thereof shall specify on every construction permit the name and address of the applicant therefor, and the general contractor thereon if there be one. This information shall be a matter of public record, and available to any interested person during business hours.



Subd. 2. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

**History:** 1957 c 125 s 1,2

#### 15.415 CORRECTIONS IN TRANSACTIONS, WAIVER.

In any instance where a correction concerning any state department or agency transaction involves an amount less than the administrative cost of making the correction, the correction shall be waived unless it is possible at a relatively nominal expense to include the correction in a later transaction. If the amount of any correction is less than \$2 it shall be prima facie evidence that the cost of the correction would exceed the amount involved.

**History:** 1971 c 390 s 1

#### 15.42 [Renumbered 15.041]

#### 15.43 ACCEPTANCE OF ADVANTAGE BY STATE EMPLOYEE; PENALTY.

Subdivision 1. **Financial interest of agents.** No employee of the state or of the University of Minnesota in direct contact with suppliers or potential suppliers to the state or the university, or who may directly or indirectly influence a purchasing decision or contract by establishing specification, testing purchased products, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:

(1) Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to a department or agency of the state or the university; or

(2) Accept directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be, awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation or contract for future reward.

Subd. 2. **Textbooks exempted.** Textbooks authored by an employee of the state's education systems or of the University of Minnesota may be used as required course material upon receipt of written approval from the head of the department. Instructors in state institutions and at the university may accept free samples of textbooks and related teaching materials.

Subd. 3. **Other exemptions.** The commissioners of human services and corrections, and the chancellors of the state university and community college systems may by rule prescribe procedure for the acceptance of gifts from any person or organization, provided that such gifts are accepted by the commissioner or chancellor, or a designated representative of the commissioner or chancellor, and that such gifts are used solely for the direct benefit of patients, inmates or students under the jurisdiction of the accepting state officer.

Subd. 4. **Penalties.** A violation of this section is a misdemeanor.

**History:** 1973 c 349 s 2; 1973 c 400 s 1; 1975 c 321 s 2; 1982 c 560 s 7; 1984 c 654 art 5 s 58; 1986 c 444

#### 15.435 AIRLINE TRAVEL CREDIT.

(a) Whenever public funds are used to pay for airline travel by an elected official or public employee, any credits or other benefits issued by any airline must accrue to the benefit of the public body providing the funding. In the event the issuing airline will not honor a transfer or assignment of any credit or benefit, the individual passenger shall report receipt of the credit or benefit to the public body issuing the initial payment within 90 days of receipt.

(b) By July 1, 1993, the appropriate authorities in the executive, legislative, and judicial branches of the state and the governing body of each political subdivision shall

develop and implement policies covering accrual of credits or other benefits issued by an airline whenever public funds are used to pay for airline travel by a public employee or an elected or appointed official. The policies must apply to all airline travel, regardless of where or how tickets are purchased. The policies must include procedures for reporting receipt of credits or other benefits.

*History: 1992 c 592 s 20*

#### **15.44 AIDS FOR HANDICAPPED AT STATE MEETINGS.**

After July 1, 1980, a state agency which sponsors, in whole or in part, a meeting or conference for the public or for state employees shall ensure that a physically handicapped participant who gives reasonable advance notice to the agency will receive the auxiliary aids necessary for effective participation. Auxiliary aids may include taped or Brailled materials, interpreters or other effective means of making orally delivered material available to participants with hearing impairments, and equipment adaptable for use by participants with manual impairments and other similar services and action; however, nothing in this section shall (1) require a state agency to provide attendants, individually prescribed devices, or other devices or services of a personal nature or (2) apply to a state university, the University of Minnesota or a state community college with respect to classes, seminars or training programs which are offered by them. When sign language interpreters are provided, they shall be provided in a manner so that hearing impaired participants will be able to see their signing clearly. For the purposes of this section, "physically handicapped" has the meaning given in section 16B.60, subdivision 7. For the purposes of this section, "agency" means any state officer, employee, board, commission, authority, department or other agency or the executive branch of state government.

*History: 1980 c 574 s 8; 1984 c 544 s 89*

#### **15.441 COMMUNICATIONS SERVICES.**

**Subdivision 1. State agencies; bilingual employees.** Every state agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions, or enough interpreters to assist those in these positions, to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people.

The commissioner of administration shall determine the application of this section to each state agency, in consultation with the council on affairs of Spanish-speaking people, groups representing other non-English-speaking people, and the head of the agency. In determining what constitutes a substantial number of non-English-speaking people, the commissioner shall consider:

- (1) the number of people served by the agency;
- (2) the number of non-English-speaking people served by the agency;
- (3) the frequency with which non-English-speaking people are served by the agency; and
- (4) the extent to which information or services rendered by the agency affect legal rights, privileges, or duties.

**Subd. 2. Translations of materials explaining agency services.** Every state agency that serves a substantial number of non-English-speaking people and that provides materials in English explaining services is encouraged to provide equivalent materials in any non-English language spoken by a substantial number of the people served by the agency. An agency should give highest priority to providing in a non-English language materials that notify people of legal rights, duties, or privileges they are entitled to, and the steps they must take to obtain or maintain those rights, duties, or privileges. When notice of the availability of material explaining services available is given, orally or in writing, it should be given in English and the non-English language into which any material has been translated.

Subd. 3. **Translated materials for local offices.** A state agency is encouraged to provide its local offices with written materials in the appropriate foreign language when:

(1) the local office or facility serves a substantial number of non-English-speaking people;

(2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order a person to provide information or to give a person information; and

(3) the information asked for or given could affect the person's rights, duties, or privileges with regard to the agency's services or benefits.

Subd. 4. **Limitations.** (a) A state agency may not dismiss an employee or increase its complement to carry out the purposes of this section. A state agency need only implement this section by filling employee public contact positions made vacant by retirement or normal attrition.

(b) This section shall be implemented to the extent permissible under federal law, civil service laws governing state agencies, and collective bargaining agreements.

**History:** *1Sp1985 c 17 s 1*

### STATE EMPLOYEES PREVENTIVE HEALTH SERVICES

#### 15.45 DEFINITIONS.

Subdivision 1. For the purposes of this section and section 15.46, the terms defined in this section have the meanings given them.

Subd. 2. "Preventive health services" means services intended to:

(1) Protect state employees against health hazards in their work environment;

(2) Insure and facilitate the placement and suitability of employees, according to their physical capacities and their emotional make up, in work which they can reasonably perform with an acceptable degree of efficiency and without endangering their own health and safety or that of their fellow employees; and

(3) Encourage personal health maintenance.

Subd. 3. [Repealed, 1987 c 186 s 16]

**History:** *1963 c 766 s 1; 1977 c 305 s 45; 1991 c 199 art 2 s 2*

#### 15.46 PREVENTIVE HEALTH SERVICES FOR STATE AND COUNTY EMPLOYEES.

The commissioner of the department of employee relations may establish and operate a program of preventive health services for state employees and shall provide the staff, equipment, and facilities necessary to do so. The commissioner shall develop these services in accordance with the accepted practices of and standards for occupational preventive health services in the state of Minnesota. Specific services must be directed to the work environment and to the health of the employee in relation to the job. The commissioner shall cooperate with the department of health as well as other private and public community agencies providing health, safety, employment, and welfare services. A county may establish and operate a program of preventive health and employee recognition services for county employees and may provide necessary staff, equipment, and facilities and may expend funds as necessary to achieve the objectives of the program.

**History:** *1963 c 766 s 2; 1977 c 305 s 45; 1986 c 444; 1987 c 186 s 2; 1991 c 128 s 1; 1991 c 292 art 2 s 1*

15.47 [Repealed, 1987 c 186 s 16]

## COSTS AND ATTORNEY FEES

**15.471 DEFINITIONS.**

Subdivision 1. **Terms defined.** For purposes of this section and sections 15.471 to 15.475, the terms defined in this section have the meanings given them.

Subd. 2. **Administrative law judge.** "Administrative law judge" means the official assigned to conduct a contested case hearing under chapter 14.

Subd. 3. **Contested case.** "Contested case" means a proceeding defined in section 14.02, subdivision 3, in which the position of the state is represented by counsel. It does not include a contested case to establish or fix a rate or grant or renew a license.

Subd. 4. **Expenses.** "Expenses" means the costs incurred by the party in the litigation, including:

- (1) filing fees;
- (2) subpoena fees and mileage;
- (3) transcript costs and court reporter fees;
- (4) expert witness fees;
- (5) photocopying and printing costs;
- (6) postage and delivery costs; and
- (7) service of process fees.

Subd. 5. **Fees.** "Fees" means the reasonable attorney fees or reasonable fees charged by a person not an attorney who is authorized by law or rule to represent the party and may include reasonable charges by the party, the party's employee, or agent. The amount of fees must be based upon prevailing market rates for the kind and quality of the services furnished, subject to the following limitations:

(a) In a court action, an expert witness may not be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States.

(b) In a contested case proceeding, an expert witness may not be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the state agency involved.

(c) Attorney or agent fees may not be awarded in excess of \$100 per hour unless the court or administrative law judge determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.

Subd. 6. **Party.** (a) Except as modified by paragraph (b), "party" means a person named or admitted as a party, or seeking and entitled to be admitted as a party, in a court action or contested case proceeding, or a person admitted by an administrative law judge for limited purposes, and who is:

(1) an unincorporated business, partnership, corporation, association, or organization, having not more than 50 employees at the time the civil action was filed or the contested case proceeding was initiated; and

(2) an unincorporated business, partnership, corporation, association, or organization whose annual revenues did not exceed \$4,000,000 at the time the civil action was filed or the contested case proceeding was initiated.

(b) "Party" also includes a partner, officer, shareholder, member, or owner of an entity described in paragraph (a), clauses (1) and (2).

(c) "Party" does not include a person providing services pursuant to licensure or reimbursement on a cost basis by the department of health or the department of human services, when that person is named or admitted or seeking to be admitted as a party in a matter which involves the licensing or reimbursement rates, procedures, or methodology applicable to those services.

Subd. 7. **State.** "State" means the state of Minnesota or an agency or official of the state acting in an official capacity.

Subd. 8. **Substantially justified.** "Substantially justified" means that the state's

position had a reasonable basis in law and fact, based on the totality of the circumstances before and during the litigation or contested case proceeding.

*History: 1986 c 377 s 1; 1988 c 469 art 1 s 1*

#### **15.472 FEES AND EXPENSES; CIVIL ACTION OR CONTESTED CASE PROCEEDING INVOLVING STATE.**

(a) If a prevailing party other than the state, in a civil action or contested case proceeding other than a tort action, brought by or against the state, shows that the position of the state was not substantially justified, the court or administrative law judge shall award fees and other expenses to the party unless special circumstances make an award unjust.

(b) The court or administrative law judge may reduce the amount to be awarded under this section, or deny an award, to the extent that the prevailing party during the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of an administrative law judge under this section must be made a part of the record containing the final decision of the agency and must include written findings and conclusions.

(c) This section does not preclude a party from recovering costs, disbursements, fees, and expenses under other applicable law.

*History: 1986 c 377 s 2; 1988 c 469 art 1 s 1*

#### **15.473 PAYMENT OF COSTS AND FEES.**

**Subdivision 1. Civil action.** A judgment against the state in a civil action for fees and expenses under section 15.472 must be paid from funds of the agency.

**Subd. 2. Contested case proceeding.** Fees and other expenses awarded in a contested case proceeding under section 15.472 must be paid by the agency over which the party prevails from funds of the agency.

*History: 1986 c 377 s 3; 1988 c 469 art 1 s 1*

#### **15.474 PROCEDURE FOR AWARD OF FEES; CONTESTED CASE.**

**Subdivision 1. Applications.** The chief administrative law judge shall by rule establish uniform procedures for the submission and consideration of applications for an award of fees and expenses in a contested case proceeding. If a court reviews the underlying decision of the contested case under sections 14.63 to 14.68, an award for fees and expenses may be made only under subdivision 3.

**Subd. 2. Appeal.** A party dissatisfied with the fee determination made under subdivision 1 may petition for leave to appeal to the court having jurisdiction to review the merits of the underlying decision of the contested case. If the court denies the petition for leave to appeal, no appeal may be taken from the denial. If the court grants the petition, it may modify the determination only if it finds that the failure to make an award, or the calculation of the amount of the award, was an abuse of discretion.

**Subd. 3. Judicial review.** (a) In awarding fees and expenses under subdivision 1 to a prevailing party in an action for judicial review of a contested case under sections 14.63 to 14.68, the court shall include in that award fees and expenses to the extent authorized in section 15.472.

(b) Fees and expenses awarded under this subdivision may be paid in accordance with section 15.473, subdivision 2.

*History: 1986 c 377 s 4; 1988 c 469 art 1 s 1*

#### **15.475 REPORTS ON AWARDS.**

The state court administrator and the chief administrative law judge shall report annually to the legislature on the amount of fees and expenses awarded under section 15.472 during the preceding fiscal year in court actions and contested case proceedings. The reports shall describe the number, nature, and amount of the awards, the claims

involved in the controversy, and any other relevant information that may aid the legislature in evaluating the scope and impact of the awards. State agencies shall provide the chief administrative law judge with information needed to comply with this section.

*History: 1986 c 377 s 5; 1988 c 469 art 1 s 1*

### CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

#### 15.50 CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD.

**Subdivision 1. Purpose, members, officers.** (a) The legislature finds that the purposes of the board are to (1) preserve and enhance the dignity, beauty and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof; (3) develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

(b) The capitol area architectural and planning board, herein referred to as the board, consists of ten members. The lieutenant governor shall be a member of the board. Four members shall be appointed by the governor; three members, one of whom shall be a resident of the district planning council area containing the capitol area, shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. The speaker of the house shall appoint a member of the house of representatives and the president of the senate shall appoint one senator to be members of the board. Each person appointed to the board shall qualify by taking the oath of office.

(c) The lieutenant governor is the chair of the board. The attorney general is the legal advisor to the board. The board may elect a vice-chair who may preside at meetings in the absence of the lieutenant governor and such other officers as it may deem necessary to carry out its duties.

(d) The board shall select an executive secretary to serve the board. It may employ such other officers and employees as it may deem necessary all of whom shall be in the classified service of the state civil service. The board may contract for professional and other similar service on such terms as it may deem desirable.

**Subd. 2. Capitol area plan.** (a) The board shall prepare, prescribe, and from time to time, after a public hearing, amend a comprehensive use plan for the capitol area, called the area in this subdivision, which consists of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the center line of the Arch-Pennsylvania freeway and the center line of Marion Street, thence southerly along the center line of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the center line of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the center line of Summit Avenue to the center line of the new West Kellogg Boulevard, thence southerly along the east line of the new West Kellogg Boulevard, to the center line of West Seventh Street, thence northeasterly along the center line of West Seventh Street to the center line of the Fifth Street ramp, thence northwesterly along the center line of the Fifth Street ramp to the east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street,

thence southerly to the south line of Eleventh Street, thence easterly along the south line of Eleventh Street to the west line of Cedar Street, thence southeasterly along the west line of Cedar Street to the center line of Tenth Street, thence northeasterly along the center line of Tenth Street to the center line of Minnesota Street, thence northwesterly along the center line of Minnesota Street to the center line of Eleventh Street, thence northeasterly along the center line of Eleventh Street to the center line of Jackson Street, thence northwesterly along the center line of Jackson Street to the center line of the Arch-Pennsylvania freeway extended, thence westerly along the center line of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. If construction of the labor interpretive center does not commence prior to December 31, 1998, at the site recommended by the board, the boundaries of the capitol area revert to their configuration as of 1992.

Under the comprehensive plan, or a portion of it, the board may regulate, by means of zoning rules adopted under the administrative procedure act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person may undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, obtaining a zoning permit from the board, and receiving a written certification from the board specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of Saint Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when it requests reports for its planning purpose.

(c) No public building, street, parking lot, or monument, or other construction may be built or altered on any public lands within the area unless the plans for the project conform to the comprehensive use plan as specified in paragraph (d) and to the requirement for competitive plans as specified in paragraph (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under paragraph (e) may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan must show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas, open spaces, monuments, and other memorials; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement may be made to public lands or buildings in the area without the written approval of the board.

(e) The board shall secure by competitions plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition that may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. A competition must be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects.

Designs selected become the property of the state of Minnesota, and the board may award one or more premiums in each competition and may pay the costs and fees that may be required for its conduct. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided the plans have been considered by the advisory committee described in paragraph (h). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) Notwithstanding paragraph (e), an architectural competition is not required for the design of any light rail transit station and alignment within the capitol area. The board and its advisory committee shall select a preliminary design for any transit station in the capitol area. Each stage of any station's design through working drawings must be reviewed by the board's advisory committee and approved by the board to ensure that the station's design is compatible with the comprehensive plan for the capitol area and the board's design criteria. The guideway and track design of any light rail transit alignment within the capitol area must also be reviewed by the board's advisory committee and approved by the board.

(g) Of the amount available for the light rail transit design, adequate funds must be available to the board for design framework studies and review of preliminary plans for light rail transit alignment and stations in the capitol area.

(h) The board may not adopt any plan under paragraph (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee may not be contestants under paragraph (e). The comments and criticism must be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose, the committee must be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the data are developed or in the process of preparation, whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area, and a copy of any data prepared by any public employee or agency must be filed with the board promptly upon completion.

The board may employ stenographic or technical help that may be reasonable to assist the committee to perform its duties.

When so directed by the board, the committee may serve as, and any member or members of the committee may serve on, the jury or as professional advisor for any architectural competition, and the board shall select the architectural advisor and jurors for any competition with the advice of the committee.

The city of Saint Paul shall advise the board.

(i) The comprehensive plan for the area must be developed and maintained in close cooperation with the commissioner of trade and economic development, the planning department and the council for the city of Saint Paul, and the board of the arts, and no plan or amendment of a plan may be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts and without a public hearing with opportunity for public testimony.

(j) The board and the commissioner of administration, jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance, and cleanliness of the public and ceremonial areas of the state capitol building. The board shall consult with and receive advice from the director of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed under this paragraph are binding upon the commissioner of administration. The provisions of sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45 do not apply to this paragraph.



(k) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program. The board shall report any changes to the comprehensive plan adopted by the board to the committee on governmental operations and gambling of the house of representatives and the committee on governmental operations and reform of the senate and upon request shall provide testimony concerning the changes. The board shall also provide testimony to the legislature on proposals for memorials in the capitol area as to their compatibility with the standards, policies, and objectives of the comprehensive plan.

(l) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase, or eminent domain proceedings any real property situated in the area described in this section, and it may also acquire an interest less than a fee simple interest in the property, if it finds that the property is needed for future expansion or beautification of the area.

(m) The board is the successor of the state veterans service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and amendments to it.

(n) The board shall meet at the call of the chair and at such other times as it may prescribe.

(o) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs, of which a part that the commissioner of administration and commissioner of veterans affairs may mutually determine must be on the first floor above the ground, and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available, to other state departments and agencies as the commissioner may deem desirable.

**Subd. 2a. Membership terms, compensation, removal, vacancies.** The membership terms, compensation, removal of members and filling of vacancies on the board shall be as provided in section 15.0575.

**Subd. 3. Administrative and planning expenses.** With the exception of the administrative and planning expenses of the board for federally funded capital expenditures, the board's administrative and planning expenses shall be borne by the state. If federal money is available for capital expenditures, the board's administrative and planning expenses must be reimbursed to the state upon receipt of that money. State agencies and other public bodies considering capitol area projects shall consult with the board prior to developing plans for capital improvements or capital budget proposals for submission to the legislature and governor. These public agencies shall provide adequate funds for the board's review and planning purposes if the board determines its review and planning services are necessary. The expenses of the board for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by the state shall be borne by the state. The expenses of any other public body for such expenditures shall be borne by the body concerned. The city of Saint Paul may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, chapter 315, and acts amendatory thereof for capital improvements contained in the city's approved capital improvement budget. The budget is to be adopted in accordance with provisions contained in the city charter.

**Subd. 4. [Repealed, 1974 c 580 s 18]**

**Subd. 5. Appropriations.** The moneys appropriated to the board are subject to the requirements of budget and allotment as prescribed by chapter 16A. Except for budgeting and allotting the board shall be subject to none of the provisions of chapter 16A or 16B.

Subd. 6. **Land conveyances.** (a) The city of Saint Paul shall have the power to convey without compensation therefor to the state any property owned by it within the boundaries of the capitol area pursuant to the plan adopted by the board; and the state shall have the authority to transfer to the city of Saint Paul without compensation any property acquired by it for the purposes of Laws 1969, chapter 1150, which lies within the street lines of the streets to be established as a part of the city's portion of said plan.

(b) The tax-forfeited lands which are held by the state in trust for the several taxing subdivisions of the state and which are within the boundaries of the capitol area as fixed by the plan recommended to the governor by the governor's advisory committee or by the plan adopted by the board as provided in Laws 1969, chapter 1150, shall not, except as provided in this subdivision, be subject to sale or repurchase under any act, now in effect or hereafter enacted unless it shall be expressly provided in such act that the provisions of Laws 1969, chapter 1150, shall be superseded, modified or repealed.

The following procedure shall be used with respect to the tax-forfeited lands within the boundaries of the capitol area:

(1) When the state gains custody of the tax-forfeited lands in the capitol area which are to be held in trust for taxing subdivisions of the state, the Ramsey county board of commissioners shall compile a list of these lands after the fee ownership has been recorded in the county recorder's office and submit the list to the board. The list shall include a property description of the tax-forfeited parcel and a listing of the buildings or structures thereon.

(2) Within 90 calendar days after receipt of the Ramsey county board of commissioners' list, the board, at its discretion, may: (i) direct the commissioner of revenue to release the tax-forfeited parcel from the trust for the taxing subdivision of the state, which action shall vest unencumbered title to the property in the name of the state; or (ii) authorize the parcel to be disposed of pursuant to chapter 282, provided that the parcel be thereafter utilized in accord with a portion or all of the standards, policies or guidelines in the board's comprehensive use plan. All conveyances of property under subclauses (i) and (ii) shall be subject to any restrictive easements which the board may determine to be necessary for implementation of the comprehensive plan. Any parcel which became tax-forfeited before February 28, 1982 shall be conveyed pursuant to this section without compensation.

(3) If the board fails to act within the prescribed 90-day period, the tax-forfeited parcel's disposition shall be governed by chapter 282.

(4) Unless and until the commissioner of revenue releases a tax-forfeited parcel from the trust for the taxing subdivision and during the aforementioned 90-day waiting period, the Ramsey county board of commissioners is authorized to maintain the parcel to minimize risks to persons and property contiguous to the parcel. If the parcel is conveyed from the trust to the state, the commissioner of administration shall assume these maintenance responsibilities.

(c) [Repealed, 1974 c 435 art 6 s 1]

(d) The commissioner of revenue shall, upon application by the board, release any lands referred to in clause (b) from the trust in favor of the taxing subdivisions of the state. Upon the execution of such release, the commissioner shall certify the fact of such release to the county auditor of Ramsey county. The forms of such release and certificate shall be prescribed by the attorney general.

(e) Neither any member of the board, nor any person employed or retained by the board shall have any financial interest, direct or indirect, in any business enterprise or activity, or in the construction or maintenance of facilities for such enterprise or activity, within the capitol area for which approval of the board is in any way required by law. Any person violating the provisions of this paragraph shall be guilty of a gross misdemeanor.

(5) At any time after acquiring a tax-forfeited parcel of property pursuant to the provisions of this subdivision, the board may direct the commissioner of administration to convey the parcel of property by quitclaim deed to the city of Saint Paul housing

and redevelopment agency. The conveyance of property shall be without compensation and shall be subject to any restrictive easements which the board may determine to be necessary for implementation of the comprehensive plan.

Subd. 7. **Advertising.** No advertising devices may be erected after June 10, 1969, within the boundaries of the capitol area unless done so pursuant to reasonable rules of the board. "Advertising device" means any billboard, sign, poster, display or other device visible to and primarily intended to advertise or to attract, and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith. Advertising devices to advertise a business conducted on the premises where the advertising device is located may be permitted and erected in accordance with reasonable rules established by the board. Advertising devices which do not meet the requirements of the rules may be ordered by the board to be removed. The owner of the advertising device and the owner of the real property involved shall be paid just compensation for their interests affected.

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Subd. 8. [Repealed, 1974 c 580 s 18]

Subd. 9. **Capital budget requests.** For capital budget requests in the capitol area as defined in subdivision 2, paragraph (a), the commissioner of administration shall consult with the capitol area architectural and planning board regarding building sites and design standards.

**History:** *Ex1967 c 13 s 13; 1969 c 399 s 1; 1969 c 1150 s 1-6; 1971 c 25 s 9,10; 1971 c 926 s 1-3; 1973 c 501 s 1; 1973 c 582 s 3; 1974 c 580 s 4-7; 1975 c 271 s 6; 1976 c 134 s 6,7; 1976 c 234 s 6; 1976 c 239 s 129,130; 1977 c 410 s 2; 1980 c 614 s 47,48; 1981 c 301 s 5; 1981 c 356 s 89,248; 1Sp1981 c 4 art 2 s 2; 1982 c 422 s 1; 1982 c 424 s 130; 1983 c 289 s 115 subd 1; 1983 c 305 s 11; 1985 c 248 s 70; 1Sp1985 c 13 s 90; 1Sp1985 c 15 s 31; 1986 c 444; 1987 c 312 art 1 s 26 subd 2; 1989 c 335 art 1 s 57; 1990 c 426 art 1 s 7,8; 1991 c 345 art 1 s 49,50; 1993 c 144 s 1; 1993 c 369 s 37; 1994 c 632 art 4 s 18*

## INTERCHANGE OF GOVERNMENT EMPLOYEES

### 15.51 DECLARATION OF POLICY.

The state of Minnesota recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation.

**History:** *Ex1967 c 46 s 1*

### 15.52 DEFINITIONS.

Subdivision 1. **Application.** For the purposes of sections 15.51 to 15.57 the following words and phrases have the meanings ascribed to them in this section.

Subd. 2. **Sending agency.** "Sending agency" means any department, political subdivision or agency of the federal government or a state government which sends any employee thereof to another government agency under sections 15.51 to 15.57.

Subd. 3. **Receiving agency.** "Receiving agency" means any department, political subdivision or agency of the federal government or a state government which receives an employee of another government agency under sections 15.51 to 15.57.

**History:** *Ex1967 c 46 s 2; 1969 c 1140 s 1,2*

### 15.53 AUTHORITY TO INTERCHANGE EMPLOYEES.

Subdivision 1. **No interchange except as authorized.** No department, agency, politi-

cal subdivision or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, the state, or another state, as a sending or receiving agency except in accordance with sections 15.51 to 15.57.

**Subd. 2. Period of assignment.** The period of individual assignment or detail under an interchange program shall not exceed 24 months, nor shall any person be assigned or detailed for more than 24 months during any 36-month period, except when the assignment or detail is made to coincide with an unclassified appointment under section 15.06. Details relating to any matter covered in sections 15.51 to 15.57 may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

**Subd. 3. Political subdivisions.** A state department or agency must report to the department of employee relations an interchange with a political subdivision in which it is participating either as a sending or receiving agency. The report must include identification of the political subdivision, the length of the individual assignment, and the duties of the individual assignment.

**History:** *Ex1967 c 46 s 3; 1969 c 1140 s 3; Ex1971 c 48 s 11 subd 1; 1990 c 594 art 1 s 42; 1991 c 269 art 1 s 1*

#### 15.54 STATUS OF EMPLOYEES OF THIS STATE.

**Subdivision 1. Employees considered on regular work assignments.** Employees of a sending agency participating in an exchange of personnel as authorized in section 15.53 may be considered during such participation to be on detail to regular work assignments of the sending agency.

**Subd. 2. Salary and benefits.** Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

**Subd. 3. Personal injury.** Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that act for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

**History:** *Ex1967 c 46 s 4; 1986 c 444*

#### 15.55 TRAVEL EXPENSES OF EMPLOYEES OF THIS STATE.

A sending agency in this state may, in accordance with the travel rules of such agency, pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but shall not pay the travel expenses of such employees incurred in connection with their work assignments at the receiving agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment or detail. Such per diem allowance shall be in lieu of, but not to exceed, the travel expense allowable under the plan adopted by the commissioner of employee relations pursuant to section 43A.18, subdivision 2.

**History:** *Ex1967 c 46 s 5; 1977 c 347 s 7; 1980 c 617 s 47; 1981 c 210 s 48; 1985 c 248 s 70*

#### 15.56 STATUS OF EMPLOYEES OF OTHER GOVERNMENTS.

**Subdivision 1. Status of employees.** When any unit of government of this state acts as a receiving agency, employees of the sending agency who are assigned under authority of sections 15.51 to 15.57 may be considered to be on detail to the receiving agency.

Subd. 2. **Application of appointment laws or rules.** Appointments of persons so assigned may be made without regard to the laws or rules governing the selection of employees of the receiving agency. Such person shall be in the unclassified service of the state.

Subd. 3. **Not considered employees.** Employees who are detailed to the receiving agency shall not by virtue of such detail be considered to be employees thereof, except as provided in subdivision 4. The salary and supervision of the duties of such employees during the period of detail may be governed by agreement between the sending agency and the receiving agency.

Subd. 4. **Personal injury.** Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that act for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

Subd. 5. **Contracts between agencies.** Sending and receiving agencies may contract for the services of interchanged employees and by contract arrange for the method and amount of payment for employees and other terms of their employment, so far as not governed by sections 15.51 to 15.57. Any interchange of employees contemplated by a department, agency, or instrumentality of the state which is subject to the provisions of chapter 16, shall be submitted for review to the commissioner of administration before arrangements are entered into for such interchange.

Subd. 6. **Consultants.** Consultants who are not full-time employees may be paid by both the sending and receiving agencies, but not for the same work. Sections 15.51 to 15.57 shall not affect the method of paying or employing persons for full-time or part-time service in the military service of the state or the United States.

**History:** *Ex1967 c 46 s 6; 1969 c 1140 s 4,5; 1975 c 276 s 1; 1985 c 248 s 70; 1986 c 444*

### 15.57 TRAVEL EXPENSES OF EMPLOYEES OF OTHER GOVERNMENTS.

A receiving agency in this state may, in accordance with the travel rules of such agency, pay travel expenses of persons assigned thereto under sections 15.51 to 15.57 during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

**History:** *Ex1967 c 46 s 7; 1985 c 248 s 70*

### 15.58 AGREEMENTS BETWEEN FEDERAL AND RECEIVING AGENCIES.

Notwithstanding the provisions of sections 15.51 to 15.57, a receiving agency in this state participating in an interchange of employees under the Intergovernmental Personnel Act of 1970 may enter into a written agreement with a federal agency. Such agreement may provide for the state agency to pay all or a portion of the salary and fringe benefits of the federal employee assigned. Such payments may be made directly to the employee or as reimbursement to the federal agency.

**History:** *Ex1971 c 48 s 11 subd 2*

### 15.59 EMPLOYEE INTERCHANGE BETWEEN STATE AND PRIVATE INDUSTRY.

In addition to the interchange of government employees, any department, political subdivision or agency of state government and private industry may serve as sending and receiving agencies as provided in section 15.52, and interchange employees pursuant to the requirements of sections 15.53 to 15.57.

**History:** *1974 c 320 s 1*

## GENERAL

**15.61 UNEMPLOYED AND UNDEREMPLOYED; EMPLOYMENT BY STATE AND OTHER GOVERNMENTAL UNITS.**

Subdivision 1. The state of Minnesota, its departments, agencies, and instrumentalities, and any county, city, town, school district or other body corporate and politic, may employ unemployed and underemployed persons as defined in the federal Emergency Employment Act of 1971, as amended, and Comprehensive Employment and Training Act of 1973, as amended, pursuant to the terms of those acts.

Subd. 2. The provisions of Minnesota Statutes 1969, sections 197.455 to 197.48 and 43A.11 and any other law or ordinance relating to preference in employment and promotion of persons having served in the armed services, the provisions of any law, rule, or regulation, the provisions of any city charter or any ordinance or resolution, or the provisions of any other law or statute in conflict with the provisions of the federal Emergency Employment Act of 1971, as amended, and Comprehensive Employment and Training Act of 1973, as amended, shall not be applicable to the employment of the persons specified in subdivision 1.

**History:** *Ex1971 c 25 s 1; 1974 c 511 s 15; 1975 c 2 s 1; 1975 c 271 s 6; 1981 c 210 s 54; 1Sp1981 c 4 art 1 s 16; 1983 c 312 art 7 s 17; 1987 c 384 art 2 s 4*

**15.62 ATHLETIC LEAVE OF ABSENCE.**

Subdivision 1. For the purposes of this section, the terms defined in this subdivision shall have the meanings here given them:

(a) "public employee" has the meaning given it in section 179A.03;

(b) "team" includes any group leader, coach, official or athlete who comprise the official delegation of the United States to world or olympic competition.

Subd. 2. A public employee who qualifies as a member of a United States team for athletic competition on the world championship, Pan American, or Olympic team in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official training camp and competition combined or 90 calendar days a year, whichever is less.

Subd. 3. If the public employee granted the leave is an employee of a school district, university system or other political subdivision, the state shall reimburse the employer for the actual cost to the employer of employing a substitute.

**History:** *1977 c 354 s 1; 1979 c 208 s 1; 1984 c 462 s 27; 1984 c 544 s 3; 1984 c 642 s 8; 1Sp1985 c 17 s 2*

**15.71 PUBLIC CONTRACTS; SECURITY FOR COMPLETION OF PERFORMANCE; DEFINITIONS.**

Subdivision 1. For the purposes of sections 15.71 to 15.74 unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.

Subd. 2. "Public contract" means any purchase, lease or sale by a public agency of personal property, public improvements or services, other than agreements which are exclusively for personal services.

Subd. 3. "Public agency" or "public contracting agency" means any agency of the state of Minnesota or any of its political subdivisions authorized by law to enter into public contracts.

Subd. 4. "Public improvement" means any construction of improvements on real property or highways by or for a public agency.

Subd. 5. "Retainage" means the difference between the amount earned by the contractor on a public contract and the amount paid on the contract by the public contracting agency.

**History:** *1980 c 464 s 1*

**15.72 PROGRESS PAYMENTS ON PUBLIC CONTRACTS; RETAINAGE.**

Subdivision 1. Unless the terms of the contract provide otherwise, a public contracting agency shall make progress payments on a public contract for a public improvement monthly as the work progresses. Payments shall be based upon estimates of work completed as approved by the public contracting agency. A progress payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

Subd. 2. A public contracting agency may reserve as retainage from any progress payment on a public contract for a public improvement an amount not to exceed five percent of the payment. A public agency may reduce the amount of the retainage and may eliminate retainage on any monthly contract payment if, in the agency's opinion, the work is progressing satisfactorily.

**History:** 1980 c 464 s 2

**15.73 ALTERNATIVE FORM OF RETAINAGE.**

Subdivision 1. At the option of the contractor, retainage shall be paid to the contractor in accordance with this section.

Subd. 2. The contractor may deposit bonds or securities with the public contracting agency or in any bank or trust company to be held in lieu of cash retainage for the benefit of the public contracting agency. In that event the public agency shall reduce the retainage in an amount equal to the value of the bonds and securities and pay the amount of the reduction to the contractor. Interest on the bonds or securities shall be payable to the contractor as it accrues.

Subd. 3. Bonds and securities deposited or acquired in lieu of retainage, as permitted by subdivision 2, shall be of a character approved by the state treasurer, including but not limited to:

- (a) Bills, certificates, notes or bonds of the United States;
- (b) Other obligations of the United States or its agencies;
- (c) Obligations of any corporation wholly owned by the federal government; or
- (d) Indebtedness of the Federal National Mortgage Association.

Subd. 4. If the public agency incurs additional costs as a result of the exercise of the option described in this section, the agency may recover the costs from the contractor by reducing the final payment due under the contract. As work on the contract progresses, the agency shall, upon demand, inform the contractor of all accrued costs.

**History:** 1980 c 464 s 3

**15.74 EXCEPTIONS TO APPLICATION.**

Sections 15.71 to 15.73 apply to all public contracts except those contracts in which receipt of federal financing is conditioned on adherence to terms and conditions which are inconsistent with sections 15.71 to 15.73.

**History:** 1980 c 464 s 4

**15.75 CONTRACTS WITH REGIONAL ORGANIZATIONS.**

Subdivision 1. **Purpose.** The purpose of this section is to promote efficient and effective delivery of government services throughout greater Minnesota by encouraging state agencies to cooperate in the provision of services with a system of regional organizations that have the capacity to coordinate state resources with resources of local government units.

Subd. 2. **Authority.** A state agency may contract with a system of regional organizations in greater Minnesota for delivery of services not currently delivered at the regional level on behalf of the state agency.

Subd. 3. **Designation of service delivery area.** For the purposes of this section, the service delivery areas of the system are the challenge grant regions designated under section 116N.08, subdivision 2.

**Subd. 4. Designation of regional organization.** The system of regional organizations that may provide services for state agencies in service delivery areas are as established in paragraphs (a) to (d).

(a) If a service delivery area is identical to the region designated under section 462.385, the regional development commission established under section 462.387 shall perform the services.

(b) If a service delivery area contains more than one region designated under section 462.385, services must be performed on the basis of contractual agreements among all regional development commissions in the service delivery area.

(c) If a service delivery area is only partially served by active regional development commissions, state funds for the service must first be offered to potential service providers in the area not served by an active commission. If no provider agrees to provide the service, an active commission or other regional entity in the area not served by an active commission, may, on the basis of an agreement with local units of government in the service delivery area, perform the services.

(d) If a service delivery area does not contain an active regional development commission, state funds for the service must first be offered to potential service providers in the area. If no provider agrees to provide the service, a state agency may enter into an agreement with another regional entity to provide services. In this case, the regional entity providing services shall create an advisory committee which includes elected officials of counties, cities, and towns in the region.

(e) This subdivision does not limit the authority of a state agency to enter into contractual agreements for services with other agencies or with local units of government.

**Subd. 5. Agreements with department of trade and economic development.** The commissioner of trade and economic development may enter into agreements with regional entities established under subdivision 4 to prepare plans to ensure coordination of the department's business development, community development, trade and tourism functions with programs of local units of government and other public and private development agencies in the regions. The plans will identify regional development priorities and serve as a guide for the implementation of the department's programs in the regions.

**History:** 1993 c 139 s 1

- 15.771 [Renumbered 13.69, subdivision 1]
- 15.772 [Renumbered 13.45]
- 15.773 [Renumbered 13.36]
- 15.774 [Renumbered 13.57]
- 15.775 [Renumbered 13.39]
- 15.776 [Renumbered 13.80]
- 15.777 [Renumbered 13.83]
- 15.778 [Renumbered 13.73]
- 15.779 [Renumbered 13.70, subd. 2]
- 15.781 [Renumbered 13.41]
- 15.782 [Renumbered 13.53]
- 15.783 [Renumbered 13.31]
- 15.784 [Renumbered 13.51]
- 15.785 [Renumbered 13.38]
- 15.786 [Renumbered 13.54]
- 15.787 [Renumbered 13.66]
- 15.788 [Renumbered 13.67]
- 15.789 [Renumbered 13.65]
- 15.791 Subdivision 1. [Renumbered 13.82, subdivision 1]



- Subd. 2. [Renumbered 13.82, subd. 2]
- Subd. 3. [Renumbered 13.82, subd. 3]
- Subd. 4. [Renumbered 13.82, subd. 4]
- Subd. 5. [Renumbered 13.82, subd. 5]
- Subd. 6. [Renumbered 13.82, subd. 7]
- Subd. 7. [Renumbered 13.82, subd. 8]
- Subd. 8. [Renumbered 13.82, subd. 9]
- Subd. 9. [Renumbered 13.82, subd. 10]
- Subd. 10. [Renumbered 13.82, subd. 11]

15.792 [Renumbered 13.69, subd. 2]

### 15.793 EXTENSION OF CERTAIN TEMPORARY CLASSIFICATIONS.

Court services data, criminal history data, and corrections and detention data classified by temporary classifications granted prior to January 1, 1981, pursuant to section 13.06, shall retain their temporary classification until July 1, 1982.

*History: 1981 c 311 s 38,39; 1982 c 545 s 24*

- 15.801 [Renumbered 13.87]
- 15.802 [Renumbered 13.85]
- 15.803 [Renumbered 13.84]
- 15.804 [Renumbered 13.55]
- 15.805 [Renumbered 13.72, subd. 2]
- 15.806 [Renumbered 13.50]
- 15.811 [Renumbered 13.56]

### 15.85 DISCIPLINE FOR RACIAL HARASSMENT.

It is the policy of this state that each public employee has the right to work in an environment free from harassment based on race or disability and that any public employee who harasses another public employee because of disability, race, creed, color, or national origin will be subject to disciplinary action, including discharge.

*History: 1989 c 96 s 1*

### 15.86 STATE AGENCY ACTIONS.

Subdivision 1. **Statement of zero tolerance of violence.** In furtherance of the state policy in section 1.50, by January 1, 1993, each house of the legislature, each state agency, and each public corporation created in statute must adopt a goal of zero tolerance of violence. Each agency is encouraged to develop a plan that describes how the agency will:

(1) seek to eliminate any potential for violence in and around the agency workplace; and

(2) seek to eliminate any potential for violence by affecting the attitudes and behavior of people that the agency serves or regulates.

Agency statements and any plans must be filed with the legislative reference library, where they will be available for public inspection.

Subd. 2. **Workplace plans.** An agency plan for eliminating potential for violence in and around the workplace may include:

(1) elimination of sexual harassment, as defined in section 363.01, subdivision 41; and

(2) assuring that areas in and around the workplace, such as parking facilities and areas between the workplace and parking facilities, are designed and operated in a manner that provides for the safety of employees and guests.

Subd. 3. **Client plans.** An agency plan for eliminating violence by affecting atti-

tudes and behavior of persons that the agency serves or regulates may include, but is not limited to, the following:

- (1) educational programs;
- (2) incorporating the policy of zero tolerance of violence into the agency's direct service and regulatory programs; and
- (3) attempting to assure that persons and businesses receiving grants from or providing goods or services to the agency adopt zero tolerance of violence policies.

Subd. 4. **Liability.** This section does not create any civil liability on the part of the state of Minnesota.

**History:** 1992 c 452 s 2

## PERFORMANCE REPORTING

### 15.90 PURPOSE.

The purposes of sections 15.90 to 15.92 are:

- (1) to generate information so that the legislature can determine the extent to which state programs are successful;
- (2) to develop clear goals and priorities for state programs;
- (3) to strengthen accountability to Minnesotans by providing a record of state government's performance in providing effective and efficient services; and
- (4) to create appropriate incentives and systems that will allow and encourage the best work by state employees.

**History:** 1993 c 192 s 39

### 15.91 PERFORMANCE REPORTING FOR AGENCIES OF STATE GOVERNMENT.

Subdivision 1. **Definition.** For purposes of sections 15.90 to 15.92, "agency" means a department or agency, as designated in section 15.01 and the pollution control agency.

Subd. 2. **Performance reports.** (a) Each agency shall develop a performance report for the major programs that it provides or administers. The report shall include each of the following items or an explanation of why an item does not apply to the agency or its individual programs:

- (1) a statement of the mission, goals, and objectives of the agency including those set forth in statute;
- (2) measures of the output and outcome of the program;
- (3) identification of priority and other populations served by the programs under current law and how those populations are expected to change within the period of the report;
- (4) plans for how outcome information can be used as an incentive for improving state programs and program outcomes;
- (5) requests for statutory flexibility needed to reach outcome goals;
- (6) proposals and cost estimates for collecting new outcome information; and
- (7) other information that may be required to explain the past and projected performance of state programs.

The objectives required under clause (1): (i) must be simple declarative statements of intent; (ii) should carry benchmarks for accomplishment; and (iii) should be specific enough so citizens can measure progress year to year.

(b) Each agency shall issue a first annual report by September 1, 1994, and annual updated reports no later than September 1 of each year beginning in 1995. A report must cover a period of four years previous and two years in the future from the date that it is required to be issued, including previous forecasts versus actual measures.

(c) Each agency shall send a copy of each report issued to the governor, the speaker of the house of representatives, the president of the senate, the legislative commission on planning and fiscal policy, the legislative auditor, the commissioner of finance, and two copies to the legislative reference library.

(d) The legislative auditor shall review the drafts and give comments to agencies and the legislature before September 1, 1994, and shall review and give comments on annual reports on a rotating biennial schedule.

(e) State agency reports shall be compiled as required in this paragraph. The commissioner of finance, in consultation with the commissioner of administration, the legislative commission on planning and fiscal policy, and the finance committees and divisions of the house of representatives and senate, shall:

(1) develop forms and instructions and coordinate training for the use of the agencies in the preparation of their reports;

(2) work with individual agencies to determine acceptable measures of staff workload, unit costs, output, and outcome for use in reports; and

(3) request any needed additional information concerning any agency report submitted.

Each agency shall include citizens, agency clients, consumer and advocacy groups, worker participation committees, managers, elected officials, and contractors in its planning.

*History: 1993 c 192 s 40; 1994 c 632 art 3 s 18*

#### **15.92 WORKER PARTICIPATION COMMITTEES.**

(a) In the development of outcome measures and incentive programs, each agency shall create a committee including representatives of employees and employers. The committee must be given adequate time to perform the functions prescribed in paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members representing bargaining units.

(b) A committee established under paragraph (a) shall:

(1) identify other employer and employee issues related to improving the delivery of the agency's program and services;

(2) identify barriers to the effective and efficient delivery of services;

(3) participate in the development of the agency's outcome measures and incentive programs; and

(4) meet as desired for the purpose of developing solutions to problems shared by employees and employer within the agency.

*History: 1993 c 192 s 41*

#### **15.95 GOVERNMENT INFORMATION ACCESS COUNCIL.**

Subdivision 1. **Membership.** The government information access council consists of the following members:

(1) all Minnesota residents who are members of the president's national information infrastructure advisory group;

(2) two commissioners of state agencies, appointed by the governor;

(3) one person appointed by the University of Minnesota board of regents;

(4) one person appointed by the higher education board;

(5) one representative of public television, appointed by the Minnesota public television association;

(6) one representative aligned with the Minnesota equal access network, appointed by the board of the network;

(7) one member appointed by the telephone company providing access to the largest number of customers within the state;

(8) one corporate executive from a company that is a member of the Minnesota business partnership, selected by the partnership;

(9) one representative of the citizens league, appointed by the league;

(10) one member of the intergovernmental information systems advisory council, appointed by the council;

(11) one member appointed by the Minnesota AFL-CIO;

(12) one member of American Federation of State, County, and Municipal Employees, council 6, appointed by the executive board of council 6;

(13) one member of the joint media committee, appointed by the committee;

(14) one member representing each of the following groups, appointed by the members of the council appointed under clauses (1) to (13): telephone companies, the cable television industry, and librarians who manage government information;

(15) four additional members representing diverse communities, or private citizens with unique perspectives regarding information policy, appointed by the members of the council appointed under clauses (1) to (14);

(16) one person representing a telecommunication carrier providing interexchange service to the largest number of customers within the state, appointed by the members of the council appointed under clauses (1) to (14);

(17) one member representing a public utility regulated under chapter 216B, appointed by the members of the council appointed under clauses (1) to (14); and

(18) one member representing nonprofit cable communication access centers serving community populations, appointed by members of the council appointed under clauses (1) to (14).

One member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the subcommittee on committees of the committee on rules and administration; one member of the house of representatives, appointed by the minority leader; and one member of the senate, appointed by the minority leader shall serve as members of the council without votes.

**Subd. 2. Terms; compensation.** Members serve at the pleasure of the appointing authority, and shall be appointed by September 1, 1994. Members receive compensation and expense reimbursement as provided by section 15.059, subdivision 3.

**Subd. 3. Chair; meetings.** The governor shall designate the chair of the council from among its members. The chair shall schedule meetings at least quarterly. The chair must report any council recommendations or actions to the legislature, the governor, and affected state agencies, as appropriate, within one week of making the recommendation or taking the action. All meetings of the council, the executive committee, and work groups are subject to section 471.705.

**Subd. 4. Executive committee; work groups.** (a) The council must establish and appoint an executive committee. The executive committee consists of the following members of the council: one person who is a member of the president's national information infrastructure advisory group, the University of Minnesota representative, the higher education board representative, the telephone company representative appointed under subdivision 1, clause (7), the Minnesota business partnership representative, the librarian representative, one citizen representative, the AFL-CIO representative, and one other member of the council, designated by the council. The executive committee must meet at least monthly. It must recommend organization of other committees or work groups. The executive committee must develop agenda items for the full council.

(b) The council may establish other committees or work groups. Each committee or work group may include up to two persons who are not members of the council.

**Subd. 5. Duties.** The primary mission of the council is to develop principles to assist elected officials and other government decision makers in providing citizens with

greater and more efficient access to government information, both directly and through private businesses. In developing these principles, the council must consider:

(1) the most effective and efficient means to make information available to the public in a manner that is designed primarily from the perspective of the citizen;

(2) how to provide the greatest possible public access that is demand driven to the widest possible array of public government data and information maintained by state or local governments, including open access through libraries, schools, nonprofit organizations, businesses, and homes;

(3) what information should be made available free of charge directly from government agencies, in addition to information that is available for inspection free of charge under section 13.03, subdivision 3;

(4) what information should be sold, either by government agencies or through private businesses, and what factors should determine the prices that government should charge to citizens for providing information directly, and to businesses who will resell information;

(5) how government can encourage private businesses to foster the creation of new private business endeavors by making digital information available for the purpose of distributing enhanced government information services to citizens;

(6) what changes need to be made in governmental operations to assure that more government information is readily available to citizens, whether provided directly by government agencies or provided through private businesses;

(7) whether digital information should be made available on an exclusive or non-exclusive basis, and how different types of information should be treated differently for this purpose;

(8) how the state and other governmental units can protect their intellectual property rights, while making government data available to the public as required in chapter 13;

(9) the impact of data collection and dissemination practices on privacy rights of individuals;

(10) what technological changes governmental agencies need to make to facilitate electronic provision of governmental information, either directly to citizens, or to private businesses who will distribute the information; and

(11) how to avoid duplicating services available from private providers, except as necessary to achieve goals set in subdivision 7.

**Subd. 6. Other duties.** (a) The council shall:

(1) coordinate statewide efforts by units of state and local government to plan for and develop a system for providing the data and services in the manner envisioned by this section;

(2) make recommendations that facilitate coordination and assistance of demonstration projects;

(3) advise units of state and local government on provision of government data to citizens and businesses; and

(4) explore ways and means to improve citizen and business access to public data, including implementation of technological improvements.

(b) In fulfilling its duties under this subdivision, the council shall seek advice from the general public, government units, system users, professional associations, libraries, academic groups, and other institutions and individuals with knowledge of and interest in such areas as networking, electronic mail, public information data access, advanced telecommunications, and electronic transfer and storage of information.

**Subd. 7. Access to data.** The legislature determines that the greatest possible access to certain government information and data is essential to allow citizens to participate fully in a democratic system of government. The principles that the council develops must assure that certain information and data, including, but not limited to the following, will be provided free of charge or for a nominal cost associated with reproducing the information or data:

- (1) directories of government services and institutions;
- (2) legislative and rulemaking information, including public information newsletters, bill text and summaries, bill status information, rule status information, meeting schedules, and the text of statutes and rules;
- (3) official documents, releases, speeches, and other public information issued by the governor's office and constitutional officers; and
- (4) the text of other government documents and publications that the council determines are important to public understanding of government activities.

The council, on a continuing basis, shall identify and take action to ensure that identified government data are available free of charge, or for a nominal cost associated with reproducing the data.

**Subd. 8. Information institute.** The council shall also advise the legislature on issues relating to an information institute to deal with major public policy issues involving access to government information and to foster the development of private sector information industries.

**Subd. 9. Approval of state agency initiatives.** No state agency may implement a new initiative for providing electronic access to state government information unless the initiative is reviewed by the council and approved by the information policy office.

**Subd. 10. Capital investment.** No state agency may propose or implement a capital investment plan for a state office building unless:

- (1) the agency has developed a plan for increasing telecommuting by employees who would normally work in the building, or the agency has prepared a statement describing why such a plan is not practicable; and
- (2) the plan or statement has been reviewed by the council and approved by the information policy office.

**Subd. 11. Support.** The information policy office shall provide staff and other support services to the council.

**History:** 1994 c 632 art 3 s 20

## 15.96 DUTIES OF OTHER GROUPS.

(a) The groups in paragraphs (b) to (g) shall work with the government information access council in accomplishing its mission.

(b) The information policy office shall provide technical assistance to the council, and shall oversee state agency efforts to implement projects and programs in accordance with principles adopted by the council.

(c) The University of Minnesota shall continuously assess best practices and conduct other research to keep Minnesota in a leadership role in the area of access to and distribution of government information.

(d) The public utilities commission shall address changes needed in the regulatory environment to facilitate access to and distribution of government information.

(e) The governor, through the state's Washington, D.C. office, shall monitor recommendations of national advisory groups, monitor legal and regulatory developments at the federal level, and review grant proposals made by Minnesota governmental entities to federal agencies.

(f) The departments of trade and economic development and education shall immediately initiate efforts to provide greater access to and distribution of their information working through the council as envisioned by section 15.95.

(g) The department of revenue shall study how tax policy might be used to facilitate entry onto the information highway.

**History:** 1994 c 632 art 3 s 21

## 15.97 INFORMATION AND TELECOMMUNICATIONS INSTITUTE.

The legislature intends to establish an institute of telecommunications technology

applications and education. The institute must be structured as a collaboration between at least the computer science, health science, teacher education, and extension programs at the University of Minnesota, other post-secondary educational institutions in the state, Minnesota Technology, Inc., the department of trade and economic development, libraries, and other institutions and entities that have an interest in applications for and education on telecommunications and information technology. The mission of the institute will be to:

(1) engage in applied research in order to develop applications and methodologies for use of existing and expanded telecommunications and information resources and networks particularly in the areas of provision of health care, education, business, and employment communications and services; and

(2) provide technical assistance, education, and information to current and potential users of telecommunications networks and systems, including at least health care providers, teachers, employers, and employees and to advocate and promote appropriate and efficient use of the networks and systems to improve efficiency and flexibility of the networks and systems and of their users.

**History:** 1994 c 632 art 3 s 22

#### 15.98 INDOOR ICE FACILITIES.

This section applies to an indoor ice arena operated by a political subdivision, a state agency, the University of Minnesota, a state higher education institution, or any other organization that makes an arena available to the public. If the arena provides more prime ice time to groups of one gender than to groups of the other gender, the arena may not deny a request for prime ice time from the group of the underrepresented gender, provided that the group of the underrepresented gender pays the same price charged to groups of the other gender. An underrepresented gender group must be allowed up to 15 percent of prime ice time for the 1994-1995 season, up to 30 percent by the 1995-1996 season, and up to 50 percent by the 1996-1997 season. This section does not: (1) require an arena to allocate more time to any one group than is generally allocated to other groups; or (2) affect a political subdivision's ability to grant preference to groups based in the political subdivision, provided this preference is not based on gender. For purposes of this section, prime ice time means the hours of 4:00 p.m. to 10:00 p.m. Monday to Friday and 9:00 a.m. to 8:00 p.m. on Saturdays and Sundays. Any group that generates revenue as a result of tickets sold to persons in attendance at arena events must be excluded in determining if the arena provides more prime ice time to groups of one gender than the other.

**History:** 1994 c 632 art 3 s 23