

CHAPTER 136F

MINNESOTA STATE COLLEGES AND UNIVERSITIES

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136F.12 FOND DU LAC CAMPUS.

Subdivision 1. **Unique missions.** The Fond du Lac campus has a unique mission among two-year colleges to serve the lower division general education needs in Carlton and south St. Louis Counties, and the education needs of American Indians throughout the state and especially in northern Minnesota. The campus has a further unique mission to provide programs in support of its federal land grant status. Accordingly, while the college is governed by the Board of Trustees, its governance is accomplished in conjunction with the board of directors of Fond du Lac Tribal College.

Subd. 2. **Selected programs.** Notwithstanding section 135A.052, subdivision 1, to better meet the education needs of Minnesota's American Indian students, and in furtherance of the unique missions provided in subdivision 1, Fond du Lac Tribal and Community College may offer a baccalaureate program in elementary education, as approved by the Board of Trustees of the Minnesota State Colleges and Universities, and the board of directors of Fond du Lac Tribal and Community College.

Subd. 3. **Bargaining unit assignment.** Notwithstanding section 179A.10, subdivision 2, the state university instructional unit shall include faculty who teach upper division courses at the Fond du Lac Tribal and Community College.

History: 2003 c 133 art 2 s 18

136F.13 Subdivision 1. [Repealed, 2003 c 133 art 4 s 9]

Subd. 2. [Repealed, 1Sp2001 c 1 art 2 s 29; 2003 c 133 art 4 s 9]

136F.40 APPOINTMENT OF PERSONNEL.

[For text of subd 1, see M.S.2002]

Subd. 2. **Contracts.** (a) The board may enter into a contract with the chancellor, a vice-chancellor, or a president, containing terms and conditions of employment. The terms of the contract must be authorized under a plan approved under section 43A.18, subdivision 3a.

(b) Notwithstanding section 43A.17, subdivision 11, or other law to the contrary, a contract under this section may provide a liquidated salary amount or other compensation if a contract is terminated by the board prior to its expiration.

(c) Notwithstanding section 356.24 or other law to the contrary, a contract under this section may contain a deferred compensation plan made in conformance with section 457(f) of the Internal Revenue Code.

History: 2003 c 133 art 4 s 1

136F.45 ANNUITIES.

Subdivision 1. **Purchase.** (a) At the request of an employee, the board may negotiate and purchase an individual custodial account under section 403(b)(7) of the Internal Revenue Code, for an employee for retirement or other purposes from a company licensed to do business in Minnesota, and may allocate a portion of the compensation otherwise payable to the employee as salary for the purpose of paying the entire contribution due or to become due under the account. The allocation shall be made in a manner that will qualify the custodial account contributions, or portions thereof, for the benefit afforded under section 403(b)(7) of the current federal Internal

Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own the account and the employee's rights thereunder shall be nonforfeitable except for failure to pay contributions.

(b) At its discretion, and in the same manner provided in paragraph (a), the board may negotiate and purchase individual custodial accounts under section 403(b)(7) of the Internal Revenue Code, for employees of the higher education services office as defined in section 136A.03. Participation under this paragraph must be in accordance with any applicable federal law.

[For text of subd 1a, see M.S.2002]

Subd. 2. Deposits; payment. All amounts so allocated shall be deposited in an account established by the board. Payment of custodial account contributions shall be made when due or in accordance with the salary agreement entered into between the employee and the board. The money in the account is not subject to the budget, allotment, and incumbrance system provided for in chapter 16A.

[For text of subs 3a and 4, see M.S.2002]

History: 2003 c 133 art 4 s 2,3

136F.56 [Repealed, 2003 c 133 art 4 s 9]

136F.581 PURCHASES AND CONTRACTS.

Subdivision 1. Authority for purchases and contracts. The board and the colleges and universities are subject to the provisions of section 471.345. In addition to the contracting authority under this chapter, the Board of Trustees may utilize any contracting options available to the commissioner of administration under chapter 16A, 16B, or 16C.

Subd. 2. Policies and procedures. The board shall develop policies for purchases and contracts that are consistent with the authority granted in subdivision 1. The policies and procedures shall be developed through the system and campus labor management committees and shall include provisions requiring the system and campuses to determine that they cannot use available staff before contracting with additional outside consultants or services. In addition, each college and university, in consultation with the office of the chancellor, shall develop procedures for those purchases and contracts that can be accomplished by a college and university without board approval. The board policies must allow each college and university the local authority to enter into contracts for construction projects of up to \$250,000 and to make other purchases of up to \$50,000, without receiving board approval. The board may allow a college or university local authority to make purchases over \$50,000 without receiving board approval.

[For text of subs 3 and 4, see M.S.2002]

History: 2003 c 133 art 4 s 4,5

136F.582 [Repealed, 2003 c 133 art 4 s 9]

136F.59 TECHNICAL EQUIPMENT.

Subd. 2. [Repealed, 2003 c 133 art 4 s 9]

Subd. 3. Office of Technology. The Office of the Chancellor and the campuses shall cooperate with the Office of Technology in its responsibility to coordinate information and communications technology development throughout the state.

History: 2003 c 133 art 4 s 6

136F.60 COLLEGE AND UNIVERSITY SITES; ACQUISITION.

[For text of subs 1 and 2, see M.S.2002]

Subd. 3. Easements. (a) The board may grant permanent or temporary easements over, under, or across any land under its jurisdiction for reasonable purposes determined by the board as provided in paragraphs (b) and (c).

(b) The board may grant a revocable easement or permit under this paragraph. An easement or permit is revocable by written notice given by the board if at any time its continuance will conflict with a public use of the land over, under, or upon which it is granted, or for any other reason. The notice must be in writing and is effective 90 days after the notice is sent by certified mail to the last known address of the holder of record of the easement. If the address of the holder of the easement or permit is not known, it expires 90 days after the notice is recorded in the office of the county recorder of the county in which the land is located. Upon revocation of an easement or permit, the board may allow a reasonable time to vacate the premises affected.

(c) State land subject to an easement or permit granted by the board remains subject to sale or lease, and the sale or lease does not revoke the permit or easement granted.

[For text of subd 4, see M.S.2002]

History: 2003 c 133 art 4 s 7

136F.65 ACCEPTANCE OF FEDERAL MONEY.

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

History: 2003 c 133 art 4 s 8