

agencies. The committees shall report to the legislature no later than February 15, 1978, on statutory changes necessary to define the appropriate degree of applicability. The metropolitan agencies are authorized and encouraged to contract with the office of hearing examiners to provide hearing examiner and reporting services for any agency activity which would be a rule or a contested case as defined in section 15.0411, subdivision 3 or 4. The agency shall pay an assessment for these services as provided in section 15.052, subdivision 8. An election under this subdivision to use these services shall subject the agency, in respect to that activity, to procedures specified in the administrative procedure act and rules relating thereto. For purposes of this section, "metropolitan agency" shall mean the metropolitan council, the metropolitan airports commission, the metropolitan transit commission and the metropolitan waste control commission.

Sec. 12. Notwithstanding any other law to the contrary, the adoption of an emergency rule under authorization or direction of any chapter of Laws 1976 or 1977 with an effective date on or after July 1, 1977, shall be done in accordance with section 15.0412, subdivision 5, as amended by this act.

Sec. 13. Section 1 is effective July 1, 1978, and the remainder of this act is effective the day following final enactment.

Approved June 2, 1977.

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CHAPTER 444—S.F.No.1349

[Coded in Part]

*An act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, by adding a subdivision; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.*

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

Section 1. Minnesota Statutes 1976, Section 15.01, is amended to read:

**15.01 STATE GOVERNMENT; ORGANIZATION AND OPERATION; DEPARTMENTS OF THE STATE.** The following agencies are designated as the

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departments of the state government: the department of administration; the department of agriculture; the department of commerce; the department of corrections; the department of economic development; the department of education; the department of employment services; 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 personnel; the department of public safety; the department of public service; the department of public welfare; the department of revenue; the department of transportation; the department of veterans affairs; the department of vocational rehabilitation; and their successor departments.

Sec. 2. Minnesota Statutes 1976, Section 15.059, Subdivision 6, is amended to read:

Subd. 6. **ADVISORY TASK FORCES.** Advisory task forces created after July 1, 1975 and governed by this subdivision shall expire two years after the effective date of the act creating the advisory task force or the date of appointment of the members, whichever is later, unless a shorter term is specified in statute. Members shall not receive the ~~\$25~~ \$35 per diem specified in this section but shall receive expenses in the same manner and amount as state employees. 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.

Sec. 3. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

**[15.059] 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.

Sec. 4. Minnesota Statutes 1976, Section 16.71, Subdivision 1, is amended to read:

**16.71 STATE EMPLOYEES SUGGESTION BOARD.** Subdivision 1. **MEMBERSHIP.** *Within the office of the commissioner of administration is created and established the state employees suggestion board, herein called the board, composed of seven members, appointed by the governor with the advice and consent of the senate, each of whom is a state officer or employee. The board shall annually elect a member to be chairman.*

Sec. 5. Minnesota Statutes 1976, Section 16.71, Subdivision 1a, is amended to read:

Subd. 1a. **TERMS, COMPENSATION, REMOVAL, VACANCIES.** The membership terms, ~~compensation~~ expenses, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575. Members shall not receive the daily compensation provided by section 15.0575.

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Sec. 6. Minnesota Statutes 1976, Section 121.02, Subdivision 1, is amended to read:

**121.02 STATE BOARD OF EDUCATION.** Subdivision 1. A state department of education is hereby created which shall be maintained under the direction of a state board of education composed of nine representative citizens of the state, at least one of whom shall reside in each congressional district in the state.

Of the nine representative citizens of the state who are appointed to the state board of education not less than three members thereof shall previously thereto have served as an elected member of a board of education of a school district however organized.

The members of the state board shall be appointed by the governor, with the advice and consent of the senate as provided in subdivision 2. One member shall be chosen annually as president, but no member shall serve as president more than three consecutive years. The state board shall hold its annual meeting on the first Tuesday in August. It shall hold meetings on dates and at places as it designates. No member shall hold any public office, or represent or be employed by any board of education or school district, public or private, and shall not voluntarily have any personal financial interest in any contract with a board of education or school district, or be engaged in any capacity where a conflict of interest may arise.

Sec. 7. Minnesota Statutes 1976, Section 125.08, is amended to read:

**125.08 TEACHERS' LICENSES, FEES.** Each application for the issuance, renewal, or extension of a license to teach shall be accompanied by a processing fee in an amount set by the board of teaching by rule; ~~which shall not be less than \$10.~~ Except as otherwise provided in this section, such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fee as set by the board shall be nonrefundable for applicants not qualifying for a license, provided however, that the fee shall be refunded by the state treasurer in those cases in which the applicant already holds a valid unexpired license.

Sec. 8. Minnesota Statutes 1976, Section 125.185, is amended by adding a subdivision to read:

Subd. 9. The board of teaching may adopt rules to implement sections 125.04 to 125.09 and 125.181 to 125.187, after approval by the state board of education.

Sec. 9. Minnesota Statutes 1976, Section 139.10, is amended by adding a subdivision to read:

Subd. 4. The board shall develop and implement a comprehensive statewide information and publicity system. In its report required under section 139.08, subdivision 5, the board shall summarize its activities pursuant to this subdivision.

Sec. 10. Minnesota Statutes 1976, Section 144A.19, Subdivision 2, is amended to read:

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Subd. 2. Membership terms, compensation of members, removal of members, the filling of membership vacancies, ~~and~~ fiscal year and reporting requirements, the provision of staff, administrative services and office space, the review and processing of complaints, the setting of board fees and other provisions relating to board operations for the board of examiners shall be as provided in ~~sections 214.07 to 214.09~~ chapter 214.

Sec. 11. Minnesota Statutes 1976, Section 144A.21, Subdivision 1, is amended to read:

**144A.21 ADMINISTRATOR LICENSES.** Subdivision 1. A nursing home administrator's license shall not be transferable ~~and shall be valid until June 30 of the second year following its issuance or until it is earlier surrendered, suspended or revoked.~~

Sec. 12. Minnesota Statutes 1976, Section 144A.251, is amended to read:

**144A.251 MANDATORY PROCEEDINGS.** In addition to its discretionary authority to initiate proceedings under ~~sections~~ section 144A.24 and ~~144A.25~~ chapter 214, the board of examiners shall initiate proceedings to suspend or revoke a nursing home administrator license or shall refuse to renew a license if within the preceding two year period the administrator was employed at a nursing home which during the period of his employment incurred the following number of uncorrected violations, which violations were in the jurisdiction and control of the administrator and for which a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

Sec. 13. Minnesota Statutes 1976, Section 214.04, Subdivision 3, is amended to read:

Subd. 3. The executive secretary of each health related and non-health related board shall be the chief administrative officer for the board but he shall not be a member of the board. He shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive secretaries and other employees of the following boards shall be hired by the board, and the executive secretaries shall be in the unclassified civil service: dentistry; medical examiners; nursing; pharmacy; accountancy; architecture, engineering, land surveying and landscape architecture; barber examiners; cosmetology; electricity; and teaching. The executive secretaries serving the remaining boards shall be hired by those boards, and shall be in the unclassified civil service except for part time executive secretaries, who are not required to be in the unclassified service. Boards not requiring a full-time executive secretary may employ such services on a part-time basis. To the extent practicable the sharing of part-time executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive secretaries of the boards and employees of the attorney general, shall be classified civil service employees of the

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department servicing the board. To the extent practicable the commissioner shall insure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 14. Minnesota Statutes 1976, Section 214.04, is amended by adding a subdivision to read:

Subd. 4. Two or more health related licensing boards or two or more nonhealth related licensing boards may hold joint rule making proceedings on proposed rules relating to similar subject matters.

Sec. 15. Minnesota Statutes 1976, Section 214.06, Subdivision 1, is amended to read:

214.06 FEES; LICENSE RENEWALS. Subdivision 1. Notwithstanding any law to the contrary, the board of health as authorized by section 214.13, all health related licensing boards and all non-health related licensing boards may by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium. Examination fees, if any, shall be set by rule so that the total amount of annual examination fee income approximately meets the anticipated cost of administering the examinations during the fiscal biennium. All fees received shall be deposited with the state treasurer and credited to the general fund.

Sec. 16. Minnesota Statutes 1976, Section 238.04, Subdivision 2, is amended to read:

Subd. 2. Members shall be appointed by the governor with the advice and consent of the senate. No more than four members shall be from the same political party.

Sec. 17. Minnesota Statutes 1976, Section 363.04, Subdivision 4, is amended to read:

Subd. 4. COMMITTEE, MEMBERSHIP, APPEALS. There is hereby established within the department a ~~state board of human rights~~ advisory committee. ~~The board committee shall serve in an advisory capacity to the commissioner. The board committee shall consist of 24 15 members to be appointed by the governor; by and with the advice and consent of the senate. Members of the board shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the board committee. At least three members of the board shall be lawyers admitted to practice law within this state. The governor shall designate from time to time one of the members of the board as chairman. The board shall hear appeals as provided in section 363.06.~~

Sec. 18. Minnesota Statutes 1976, Section 363.04, Subdivision 4a, is amended to read:

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Subd. 4a. **TERMS; COMPENSATION; REMOVAL; VACANCIES.** The membership terms, compensation, removal of members, and filling of vacancies on the board committee shall be as provided in section ~~15.0575~~ 15.059.

Sec. 19. Minnesota Statutes 1976, Section 363.04, Subdivision 5, is amended to read:

Subd. 5. **PROGRAMS AND POLICIES.** The board committee shall from time to time recommend programs and policies to the commissioner so as to enable him to better carry out the terms and provisions of this chapter.

Sec. 20. Laws 1976, Chapter 222, Section 207, Subdivision 2, is amended to read:

Subd. 2. No later than ~~January 3~~ September 1, 1977, the commissioner of administration shall prepare and submit to the appropriate standing committees of the legislature a report recommending an economical and effective method for the providing of staff and administrative services to the licensing boards. The boards and the commissioners of health, commerce, labor and industry, education, and personnel shall assist the commissioner, and the commissioner shall solicit and evaluate the suggestions of the boards and their staffs. The report shall recommend staffing and structural changes within the relevant departments designed to improve the performance of regulatory activities of the departments and to insure the delivery of services and assistance to the boards within the jurisdiction of each department. The report shall comment upon the effectiveness of the staffing pilot program provided in subdivision 3 and shall recommend whether the program should be expanded or discontinued.

Sec. 21. Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4, 144A.25, and 214.05, are repealed.

Sec. 22. This act is effective July 1, 1977.

Approved June 2, 1977.

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#### CHAPTER 445—S.F.No.1395

*An act relating to education; public television; altering the calculation of matching funds required by public stations; creating a legislative commission on public broadcasting; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.*

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

Section 1. Minnesota Statutes 1976, Section 139.18, Subdivision 1, is amended to read:

139.18 **EDUCATION; PUBLIC TELEVISION; GRANTS.** Subdivision 1. The Changes or additions indicated by underline deletions by ~~strikeout~~