

in section 56.10. All moneys collected by the commissioner under this chapter shall be turned over by him to the state treasurer and credited by the treasurer to the general fund of the state.

Every applicant shall also prove, in form satisfactory to the commissioner, that he or it has available for the operation of the business at the location specified in the application, liquid assets of at least \$25,000.

Sec. 2. Minnesota Statutes 1974, Section 56.08, is amended to read:

**56.08 ANNUAL LICENSE FEE.** Every licensee shall, on or before the 20th day of each December, pay to the commissioner the sum of ~~\$100~~ **\$150** as an annual license fee for the next succeeding calendar year.

Sec. 3. **EFFECTIVE DATE.** This act is effective July 1, 1975.

Approved June 4, 1975.

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## CHAPTER 380—H.F.No.702

[Coded in Part]

*An act relating to state administrative procedures; redefining certain terms; prescribing a method for the adoption, amendment, suspension or repeal of rules; providing for the publication of a manual of state agency rules; providing for the publication of the state register; creating an office of hearing examiners; appropriating money; amending Minnesota Statutes 1974, Sections 15.0411; 15.0412; 15.0413, Subdivisions 1, 2 and 3; 15.0415; 15.0421; 15.046; 15.047; Subdivision 1; 15.048; 15.049; 15.051, Subdivisions 1 and 2, and by adding a subdivision; 16.80, Subdivision 1; and Chapters 5, by adding a section; and 15, by adding sections; and Laws 1974, Chapter 344, Section 9; repealing Minnesota Statutes 1974, Section 15.0413, Subdivisions 4, 5 and 6.*

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

Section 1. Minnesota Statutes 1974, Section 15.0411, is amended to read:

**15.0411 STATE GOVERNMENT; STATE ADMINISTRATIVE PROCEDURE; HEARING EXAMINERS; APPROPRIATION; DEFINITIONS.** Subdivision 1. For the purposes of sections 15.0411 to ~~15.0422~~ **15.051** and section 16 of this act the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a court, having a

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statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. Sections 15.0411 to ~~15.0422~~ 15.051 and section 16 of this act do not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in Laws 1951, Chapter 694, Title III, Sections 301 to 307, (c) Minnesota Corrections Authority and Pardon Board, (d) the Department of Employment Services, (e) the Director of Mediation Services, (f) the workmen's compensation division in the department of labor and industry, (g) the workmen's compensation commission, or (h) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to the Minnesota municipal commission.

Subd. 3. "Rule" includes every ~~regulation~~ agency statement of general applicability and future effect, including the amendment, suspension, or repeal thereof, ~~adopted by an agency, whether with or without prior hearing, made~~ to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include (a) ~~regulations~~ rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; or (b) ~~rules and regulations relating to the management, discipline, or release of any person committed to any state penal institution; or~~ (c) rules of the division of game and fish published in accordance with Minnesota Statutes, section 97.53; or (d) ~~(c)~~ regulations ~~rules~~ relating to weight limitations on the use of highways when the substance of such ~~regulations~~ rules is indicated to the public by means of signs; or (d) opinions of the attorney general.

Subd. 4. "Contested Case" means a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing.

Sec. 2. Minnesota Statutes 1974, Section 15.0412, is amended to read:

15.0412 RULES, PROCEDURES. Subdivision 1. ~~In addition to other rule-making powers or requirements provided by law each agency may adopt rules governing the formal or informal procedures prescribed or authorized by sections 15.0411 to 15.0422. Such rules shall include rules of practice before the agency and may include forms and instructions. For the purpose of carrying out the duties and powers imposed upon and granted to it, an agency may promulgate reasonable substantive rules and regulations and may amend, suspend or repeal the same; but such action shall not exceed the powers vested in the agency by statute. Each agency shall adopt, amend, suspend or repeal its rules in accordance with the procedures specified in sections 15.0411 to 15.051 and section 16 of this act, and only pursuant to authority delegated by law and in full compliance with its duties and obligations.~~

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Subd. 2. To assist interested persons dealing with it, each agency shall, so far as deemed practicable, supplement its rules with descriptive statements of its procedures, which shall be kept current in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the process whereby the public may obtain information or make submissions or requests. The commissioner of administration shall annually publish these descriptions in the state register .

Subd. 3. Prior to the adoption of any rule authorized by law, or the suspension, amendment or repeal thereof, unless the agency follows the procedure of subdivision 4, the adopting agency shall publish notice of its intended action in the state register as described in section 15.051 and afford interested persons opportunity to submit data or views orally or in writing. Each agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties. Procedures concerning only internal management which do not directly affect the rights of or procedures available to the public need not be adopted as rules.

Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, following the giving of at least 30 days prior to the hearing of notice of the intention to hold such hearing, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register as described in section 15.051 . Every rule hereafter proposed by an administrative agency, before being adopted, must be based upon a showing of need for the rule, and shall be submitted as to form and legality, with reasons therefor, to ~~The~~ notice in the state register shall include the full text of the rule proposed for adoption. The agency shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the agency by law or rule. After allowing written material to be submitted and recorded in the hearing record for 20 days after the public hearing ends, the hearing examiner assigned to the hearing shall proceed to write a report as provided for in section 16, subdivision 3 of this act, which report shall be completed as promptly as possible. The report shall be available to all affected persons upon request for at least ten days before the agency takes any final action on the rule. If the agency adopts the rule, it shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to form and legality. The attorney general ; ~~who shall~~ , within 20 days, shall either approve or disapprove the rule. If he approves the rule, he shall promptly file it in the office of the secretary of state. If he disap-

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proves the rule, he shall state in writing his reasons therefor, and the rule shall not be filed in the office of the secretary, nor published. ~~If he fails to approve or disapprove any rule with the 30-day period, the agency may file the rule in the office of the secretary of state and publish the same.~~ A rule shall become effective after it has been subjected to all requirements described in this subdivision and 20 days after its publication in the state register as ~~described in section 15.061~~ unless a later date is required by statutes or specified in the rule. Any rule adopted after July 1, ~~1975-1976~~ which is not published in the state register shall be of no effect.

Subd. 5. Where statutes governing the agency permit the agency to exercise emergency powers, or when the agency is compelled to act by court order or a federal law or rule, emergency rules and regulations may be established without compliance with the provisions of subdivision 4. These rules are to be effective for not longer than ~~60-75~~ 75 days and may ~~not immediately~~ not immediately be reissued or continued in effect for an additional 75 days, but may not immediately be reissued thereafter without following the procedure of subdivision 4. Emergency rules ~~or regulations~~ shall be published in the state register as soon as practicable.

Subd. 6. When an agency seeks to obtain information or opinions in preparing to propose the adoption, amendment, suspension, or repeal of a rule from sources outside of the agency, the agency shall publish notice of its action in the state register and shall afford all interested persons an opportunity to submit data or views on the subject of concern in writing or orally. Such notice and any written material received by the agency shall become a part of the hearing record to be submitted to the attorney general under subdivision 4.

Sec. 3. Minnesota Statutes 1974, Section 15.0413, Subdivision 1, is amended to read:

**15.0413 EFFECT OF ADOPTION OF RULES; PUBLICATION; APPROPRIATION.** Subdivision 1. Every rule ~~or regulation~~ approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law ~~upon 20 days~~ 20 days after its publication in the state register ~~and upon its further filing in the office of the commissioner of administration.~~ Standards or statements of policy or interpretations of general application and future effect shall not have the effect of law ~~unless they are adopted as a rule in the manner prescribed in section 15.0412.~~ This section does not apply to opinions of the attorney general unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.

Sec. 4. Minnesota Statutes 1974, Section 15.0413, Subdivision 2, is amended to read:

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Subd. 2. Each rule hereafter ~~adopted~~, amended, suspended, or repealed shall become ~~effective~~ amended, suspended, or be repealed upon ~~publication of 20 days after~~ the new or amended rule or notice of suspension or repeal is published in the state register as provided in ~~section 15.051~~ and upon their filing in the office of the secretary of state and the further filing in the office of the commissioner of administration unless a later date is required by statute or specified in the rule. ~~The secretary of state shall endorse on each rule the time and date of filing and the commissioner of administration shall do likewise. The commissioner of administration shall maintain a permanent record of all dates of publication of the rules.~~

Sec. 5. Minnesota Statutes 1974, Section 15.0413, Subdivision 3, is amended to read:

Subd. 3. Rules ~~and regulations~~ hereafter promulgated, amended, suspended, or repealed of ~~each any~~ state officer, board, commission, bureau, division, department, or tribunal other than a court, having statewide jurisdiction and authorized by law to make rules ~~and regulations~~, but ~~not defined as an excluded from the definition of "agency"~~ in section 15.0411 shall ~~not~~ have the force and effect of law unless if they are filed in the office of the ~~commissioner of administration~~ secretary of state in the same manner as rules ~~and regulations~~ of an agency are so filed and ~~unless if they are submitted to the commissioner of administration in a manner he shall prescribe and published in the state register. This subdivision, however, shall not apply to rules and regulations of the regents of the University of Minnesota.~~

Sec. 6. Minnesota Statutes 1974, Section 15.0415, is amended to read:

**15.0415 PETITION FOR ADOPTION OF RULE.** Any interested person may petition an agency requesting the adoption, suspension, amendment or repeal of any rule. ~~Each agency may~~ The petition shall be specific as to what action is requested and the need for the action. Upon receipt of such a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to section 15.0412. The attorney general shall prescribe by rule the form for such all petitions under this section and the may prescribe further procedure procedures for their submission, consideration, and disposition.

Sec. 7. Minnesota Statutes 1974, Section 15.0421, is amended to read:

**15.0421 PROPOSAL FOR DECISION IN CONTESTED CASE.** ~~Whenever in a~~ In all contested case a majority of the officials of the agency who are to render the final decision have not heard or read the evidence, ~~cases~~ the decision; ~~if adverse to a party of the officials of the agency who are to render the final decision shall not be made until~~

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the report of the hearing examiner as required by section 16 of this act, has been made available to parties to the proceeding other than the agency itself, shall not be made until a proposal for decision, including the statement of reasons therefor, has been served on the parties, for at least ten days and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of the officials who are to render the decision.

Sec. 8. Minnesota Statutes 1974, Section 15.046, is amended to read:

**15.046 PUBLICATION ADVISORY BOARD.** There is hereby created a publication advisory board which shall consist of the ~~commissioner of administration, the~~ secretary of state, and the attorney general, the director of the legislative reference library, the revisor of statutes, and the chief hearing officer. Each member may designate one of his assistants to act in his stead as a member of the board. Such designation shall be filed in the office of the secretary of state. The board shall select a chairman and a secretary from its members. The board shall meet, from time to time, upon the call of the ~~commissioner of administration or his duly designated assistant-chairman.~~ The board shall advise the commissioner of administration on matters relating to the publication of the state register and the manual of state agency rules.

Sec. 9. Minnesota Statutes 1974, Section 15.047, Subdivision 1, is amended to read:

**15.047 MANUAL OF STATE AGENCY RULES, PUBLICATION.** Subdivision 1. ~~The publication board shall prescribe regulations for carrying out the provisions of sections 15.046 to 15.049. Among other things, such regulations shall provide for:~~

(1) ~~periodic publication of all rules and regulations filed with the secretary of state in accordance with sections 15.046 to 15.049;~~

(2) ~~the selection, compilation and publication of such orders of administrative agencies as it may deem necessary;~~

(3) ~~a uniform manner and form for the preparation, printing and indexing of regulations and compilations to the end that all regulations and compilations be published uniformly at the earliest practicable date;~~

(4) ~~the commissioner of administration shall prepare the compilation and indexing of the rules and regulations for publication.~~

The commissioner of administration shall publish a manual of state agency rules, which shall include all agency rules currently in effect. The manual shall be so designed as to allow for economic publication and distribution and efficient use.

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Sec. 10. Minnesota Statutes 1974, Section 15.048, is amended to read:

**15.048 EFFECT OF PUBLICATION OF RULES OR ORDERS.** The ~~filling~~ or publication of a rule ; ~~regulation~~; or order in the state register raises a rebuttable presumption that:

(1) The rule or ~~regulation-order~~ was duly adopted, issued, or promulgated;

(2) The rule or ~~regulation-order~~ was duly filed with the secretary of state and available for public inspection at the day and hour endorsed thereon; and

(3) The copy of the rule or ~~regulation-order~~ published in the state register is a true copy of the original ~~rule or regulation~~; and

(4) ~~All requirements of sections 15.046 to 15.049 and regulations prescribed thereunder relative to such regulations have been complied with .~~

Sec. 11. Minnesota Statutes 1974, Section 15.049, is amended to read:

**15.049 JUDICIAL NOTICE TAKEN.** Judicial notice ~~of any rule, regulation, or order duly filed or published under the provisions of sections 15.046 to 15.049~~ shall be taken of material published in the state register .

Sec. 12. Minnesota Statutes 1974, Section 15.051, Subdivision 1, is amended to read:

**15.051 STATE REGISTER.** Subdivision 1. **PURPOSE.** The commissioner of administration shall publish a state register containing all notices for hearings concerning rules ~~or regulations~~ , giving time, place and purpose of the hearing and the full text of the action being proposed . Further, the register shall contain all rules ~~or regulations~~ , amendments ~~thereof~~, ~~suspensions~~, or ~~repeals thereof~~ , as adopted under-pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective upon such publication. The commissioner ~~may~~shall further publish any official notices in the register which he deems to be of significant interest to the public-a state agency requests him to publish . Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

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The commissioner of administration ~~shall ascertain that may organize and distribute the content~~ contents of the register ~~is clearly ordered by the four~~ according to such categories described in this subdivision in order ~~to~~ as will provide economic publication and distribution and will offer easy access to this information by any interested party.

Sec. 13. Minnesota Statutes 1974, Section 15.051, Subdivision 2, is amended to read:

Subd. 2. **PUBLICATION.** The commissioner of administration shall publish the state register whenever he deems necessary, except that no notice for hearings or adopted rules or changes thereof, or executive order material properly submitted to him for publication shall remain unpublished for more than ten calendar working days.

The state register shall have a distinct and permanent masthead with the title "state register" and the words "state of Minnesota" prominently displayed. All issues of the state register shall be numbered and dated.

Sec. 14. Minnesota Statutes 1974, Section 15.051, is amended by adding a subdivision to read:

Subd. 4. **COST; DISTRIBUTION.** When an agency properly submits a rule, proposed rule, notice, or other material to the commissioner of administration, the commissioner shall then be accountable for the publication of the same in the state register. The commissioner of administration shall require each agency which requests the publication of rules, proposed rules, notices, or other material in the state register to pay its proportionate cost of the state register unless other funds are provided and are sufficient to cover the cost of the state register.

The state register shall be offered for public sale at a location centrally located as determined by the commissioner of administration and at a price as the commissioner of administration shall determine. The commissioner of administration shall further provide for the mailing of the state register to any person, agency, or organization if so requested, provided that reasonable costs are borne by the requesting party. The supply and expense appropriation to any state agency is deemed to include funds to purchase the state register. Ten copies of each issue of the state register, however, shall be provided without cost to the legislative reference library and ten copies to the state law library.

Sec. 15. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

**[15.05] PUBLICATION ACCOUNT.** An administrative rules and state register publication account is created in the state treasury. All receipts from the sale of rules and the state register shall be deposited

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in the account. All funds in the administrative rules and state register publication account in the state treasury are appropriated annually to the commissioner of administration to carry out the provisions of sections 15.047 and 15.051.

Sec. 16. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

**[15.052] OFFICE OF HEARING EXAMINERS.** Subdivision 1. A state office of hearing examiners is created. The office shall be under the direction of a chief hearing examiner, who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. The chief hearing examiner shall appoint additional hearing examiners to serve in his office as necessary to fulfill the duties prescribed in this section. All hearing examiners shall be in the classified service except that the chief hearing examiner shall be in the unclassified service, but may be removed from his position only for cause. Additionally, all hearing examiners shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Subd. 2. When regularly appointed hearing examiners are not available, the chief hearing examiner may contract with qualified individuals to serve as hearing examiners for specific assignments. Such temporary hearing examiners shall not be employees of the state and shall be remunerated for their service at a rate not to exceed \$150 per day.

Subd. 3. All hearings of state agencies required to be conducted under this chapter shall be conducted by a hearing examiner assigned by the chief hearing examiner. In assigning hearing examiners to conduct such hearings, the chief hearing examiner shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. Only hearing examiners learned in the law shall be assigned to contested case hearings. It shall be the duty of the hearing examiner to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a fair and impartial manner; and (4) make a report on each proposed agency action in which the hearing examiner functioned in an official capacity, stating his findings of fact and his conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

Subd. 4. The chief hearing examiner shall promulgate rules to

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govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings and contested case hearings. Such procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief hearing examiner to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of section 15.0412, subdivision 4.

Subd. 5. The office of hearing examiner shall maintain a court reporter system. Unless the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at any hearing which takes place under this chapter and may additionally be utilized as a chief hearing examiner directs.

Court reporters shall be in the classified service and all initial appointments to the position of court reporter shall be filled by individuals who acted in this capacity for individual state agencies prior to the enactment of this section.

Subd. 6. In consultation with the commissioner of administration the chief hearing examiner shall assess agencies the cost of services rendered to them in the conduct of hearings. All agencies shall include in their budgets provisions for such assessments.

Subd. 7. A state office of hearing examiner account is hereby created in the state treasury. All receipts from services rendered by the state office of hearing examiner shall be deposited in the account, and all funds in the account shall be annually appropriated to the state office of hearing examiner for carrying out the duties specified in this section.

Subd. 8. The chief hearing examiner may enter into contracts with political subdivisions of the state and such political subdivisions of the state may contract with the chief hearing examiner for the purpose of providing hearing examiners and reporters for administrative proceedings. For such services there shall be an assessment in the manner provided in subdivision 6.

Subd. 9. In consultation and agreement with the chief hearing examiner, the commissioner of administration shall, pursuant to authority vested in him by Minnesota Statutes, Section 16.13, transfer from state agencies, such employees as he deems necessary to the state office of hearing examiners. Such action shall include the transfer of any

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state employee currently employed as a hearing examiner, if the employee qualifies under this section.

Sec. 17. Minnesota Statutes 1974, Section 16.80, Subdivision 1, is amended to read:

**16.80 CENTRAL SERVICES REVOLVING FUND.** Subdivision 1. There is appropriated to the commissioner of administration annually all moneys in the central services revolving fund in the state treasury, which fund is hereby created. The following enumerated items are hereby transferred to and deposited in such revolving fund:

The balances of moneys heretofore appropriated and originating with:

\$5,000 from the state institutions contingent fund (in 1918) for the purposes of Laws 1917, Chapter 174.

\$5,000 from the state institutions contingent fund (in 1920) for the purposes of Laws 1917, Chapter 174.

\$15,000 by Laws 1941, Chapter 548, Section 22(5).

\$20,000 by Extra Session Laws 1951, Chapter 1, Section 24(3).

\$17,500 by Laws 1957, Chapter 929, Section 17(6) and fees of the commissioner of administration for copies of documents and records appropriated by Minnesota Statutes, Section 16.026.

\$10,000 from the general contingent fund to the state department revolving fund on June 7, 1960.

\$30,000 for the Minnesota administrative rules revolving fund by Minnesota Statutes, Section 15.047, Subdivision 3.

\$1,500 for a revolving fund for republishing the official state capitol guide books and history by Laws 1937, Chapter 396.

\$250,000 for a state department revolving fund by Laws 1957, Chapter 929, Section 17(11).

Deposits for postage obligations appropriated by Minnesota Statutes, Section 16.56.

All fees prescribed by Laws 1955, Chapter 847, and other provisions of the law not inconsistent therewith for the rendering of the services therein provided shall be deposited in the state treasury by the collecting department or agency and credited to the central services revolving fund.

All moneys in the state treasury credited to the central services

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revolving fund and any moneys which may hereafter be deposited therein are hereby appropriated annually to the commissioner of administration for the following purposes:

- (a) The operation of a central store and equipment service;
- (b) The operation of a central duplication and reproduction service;
- (c) The purchase of postage and related items, and the refund of postage deposits, necessary to the operation of a central mailing service;
- (d) The operation of a documents service as prescribed by section 16.026;
- ~~(e) The publication of administrative rules and regulations as prescribed by section 16.047;~~
- ~~(f) The publication of the official state capitol guide books and history as prescribed by Laws 1937, Chapter 396, as amended;~~
- ~~(g)-(f) The performing of services for any other state department or agency in conformity with Laws 1957, Chapter 929, Section 17(11).~~

The portions of the central services revolving fund utilized for computer services and heretofore transferred to the computer services revolving fund in the state treasury in accordance with the provisions of Extra Session Laws 1967, Chapter 48, Section 20, Subdivision 13, Clause c shall continue to be part of such computer services revolving fund. All moneys in the computer services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of computer services.

The remaining portions of the central services revolving fund heretofore transferred to the general services revolving fund in the state treasury at the time the computer services revolving fund was established shall continue to be part of such general services revolving fund. All moneys in the general services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of publications and central services.

The payroll clearance revolving fund in the state treasury established at the time the computer services and general services revolving funds were established shall continue to be used for the purpose of paying the salaries and wages of officers and employees of the state government. The payments made from the payroll clearance revolving fund shall be reimbursed from the salary accounts against which the payments are a proper charge. The state treasurer may borrow from other public funds in the state treasury such sums of money as are necessary to make the payments from the payroll clearance revolving

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fund until such fund is reimbursed from the appropriate salary accounts; provided, however, that no fund shall be so impaired thereby that all proper demands cannot be met.

Except as specifically provided for by other statutory provisions, each department or agency shall reimburse the computer services and general services revolving funds for the cost of all services, supplies, materials, labor and depreciation of equipment including reasonable overhead costs which the commissioner of administration is authorized and directed to furnish a department or agency. The cost of all publications or any other materials which may be produced by the commissioner of administration and financed from the general services revolving fund shall include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration may require a department or agency to make advance payments to any of the aforesaid revolving funds sufficient to cover the department's or agency's estimated obligation for a period of at least 60 days. All such reimbursements and any other moneys received by the commissioner of administration under this section shall be deposited in the appropriate revolving fund.

Sec. 18. The commissioner of administration shall provide adequate office space and supply necessary equipment and materials to the office of hearing examiners. Where appropriate, hearing examiners shall be assigned office space within the department they most frequently serve.

Sec. 19. APPROPRIATION. Subdivision 1. There is appropriated from the general fund to the office of hearing examiners the sum of \$167,000 to be deposited in the state office of hearing examiners account and utilized for the initial costs of establishing the state office of hearing examiners. It is intended that this not be a reoccurring appropriation.

Subd. 2. The sum of \$189,000 is appropriated from the general fund to the department of administration publication account created by section 15 for the purposes specified therein.

Sec. 20. Minnesota Statutes 1974, Chapter 5, is amended by adding a section to read:

[5.21] NOTICE OF RULE HEARINGS LISTS. The secretary of state shall maintain lists of persons and associations who, pursuant to section 15.0412, subdivision 4, register their names for the purpose of receiving a notice of a rule hearing. A separate list shall be kept for each agency and shall be supplied upon request to the appropriate agency. Once each year the secretary of state shall inquire as to

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whether those persons and associations on the lists wish to maintain their names thereon and shall remove names for which there is a negative reply or no reply within 60 days.

Sec. 21. Laws 1974, Chapter 344, Section 9, is amended to read:

Sec. 9. This act is effective on July 1, ~~1975~~ 1976 .

Sec. 22. **REPEALER.** Minnesota Statutes 1974, Section 15.0413, Subdivisions 4, 5 and 6 are repealed.

Sec. 23. **EFFECTIVE DATE.** This act is effective on July 1, 1975, and the chief hearing examiner shall be appointed not more than 30 days thereafter and he may proceed to adopt rules pursuant to section 16, subdivision 4, of this act and otherwise organize his office; however, section 16, subdivision 3, and other provisions of this act requiring agency use of hearing examiners shall be effective on January 1, 1976, and provisions relating to the state register shall be effective on July 1, 1976.

Approved June 4, 1975.

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## CHAPTER 381—H.F.No.703

[Coded in Part]

*An act relating to state government; providing for methods of payment of certain salaries; expanding the duties of the commissioner; permitting insurance coverage for state employees; permitting time off in emergencies; providing for the security of personnel files; permitting pre-service trainees in excess of complement; excluding managerial employees from bargaining units; revising the personnel laws; amending Minnesota Statutes 1974, Chapter 43, by adding sections; Sections 15A.083, Subdivision 1; 16.173; 43.05, Subdivision 2; 43.09, Subdivisions 2, 2a, and 7; 43.17, Subdivision 4a; 43.20, Subdivision 4; 43.21; 43.22, Subdivisions 2 and 3; 43.224; 43.30; 43.42; 43.43; 43.47; 84.14, Subdivision 1; 179.74, Subdivision 4; 260.311, Subdivision 2; 487.02, Subdivision 1; repealing Minnesota Statutes 1974, Section 15A.071.*

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

Section 1. Minnesota Statutes 1974, Section 15A.083, Subdivision 1, is amended to read:

**15A.083 STATE GOVERNMENT; REVISION OF PERSONNEL LAWS; STATE OFFICERS AND EMPLOYEES; SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.** Subdivision 1. **ELECTIVE JUDICIAL OFFICERS.** The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

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