

by chapter 202A. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

Sec. 2. Minnesota Statutes 1976, Section 202A.65, Subdivision 3, is amended to read:

Subd. 3. **NOMINATING PETITIONS, TIME FOR FILING.** In all cases other than those provided in subdivision 2, nominating petitions shall be filed ~~not later than the seventh day~~ during the filing period preceding the election at which the vacancy is to be filled.

Sec. 3. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved March 23, 1978.

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**CHAPTER 592-H.F.No.85**

[Coded]

*An act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state; providing for publication of agency vacancies; appropriating money.*

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

Section 1. ~~[15.0597]~~ **APPOINTMENTS TO MULTI-MEMBER 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 or other similar multi-member agency created by statute and having statewide jurisdiction; and (2) the metropolitan council, metropolitan transit commission, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan waste control commission, 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; provided that "agency" shall 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 chairman of an existing agency, or the  
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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:

- (a) The name of the agency, its mailing address, and telephone number;
- (b) The legal authority for the creation of the agency and the name of the person appointing agency members;
- (c) The powers and duties of the agency;
- (d) The number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;
- (e) The dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;
- (f) The compensation of members, and appropriations or other funds available to the agency;
- (g) The regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;
- (h) The roster of current members, including mailing addresses and telephone numbers; and
- (i) A breakdown of the membership showing distribution by county and legislative 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.

**Subd. 3. PUBLICATION OF AGENCY DATA.** The secretary of state shall provide for periodic 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. Beginning in 1979, the compilation may be published together with the agency descriptions required by section 15.0412, subdivision 2. 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 and for sale. The chairman of an agency who does not submit data required by this section or section 15.0412, subdivision 2, or who does not notify the secretary of a vacancy in his 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 chairman of an agency, in respect to vacancies in existing agencies, or the appointing authority, in respect to newly created agency positions, shall notify the secretary of a vacancy within 15 days after the occurrence of the vacancy. Every 15 days the secretary shall prepare a list of all vacancies in state agencies, together with a list of the vacancies scheduled to occur within the next 45 days as a result of the expiration of membership terms or the creation of new agency

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positions. This listing shall be published in the next available issue of the state register, and 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.

**Subd. 5. NOMINATIONS FOR VACANCIES.** Any person may nominate himself to be appointed to an agency vacancy by completing an application on a form prepared and distributed by the secretary. Any person or group of persons may, on a similar 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 application form shall permit the nominating person at his discretion to indicate the nominee's sex, political party preference or lack thereof, race and national origin. If a person submits an application at the behest of or upon the suggestion of an appointing authority, the person shall so indicate on the application form. The secretary shall, upon 15 days after publication of a vacancy in the state register or upon 15 days prior to a scheduled vacancy, whichever date occurs first, 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 he is required to submit copies to the appointing authority, he shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application or upon appointment and, if required, advice and consent by the senate to a vacancy, whichever occurs first. 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.

**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. The appointing authority shall issue a public announcement and inform the secretary of the name of the person the appointing authority intends to appoint to fill the agency vacancy at least five days before the date of appointment. 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. If the appointment requires the advice and consent of the senate, the secretary shall, prior to consideration by the senate of the appointment, supply the president of the senate with a copy of the application, together with a copy of any documents which the appointee is required by virtue of his appointment to submit to the ethical practices board. With respect to the ethical practices board, the secretary shall also submit a copy of the application and documents to the speaker of the house of

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representatives prior to consideration of the appointment by the house of representatives.

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:

(a) Vacancies occurring in the preceding year;

(b) The number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;

(c) Breakdowns by county, legislative 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

(d) The number of vacancies filled from applications submitted by (1) the appointing authorities for the positions filled, (2) nominating persons and self-nominees who submitted applications at the behest of or upon the suggestion of appointing authorities, and (3) all others.

Sec. 2. [15.0597] [Subd. 8.] **TRANSFER OF ADMINISTRATIVE FUNCTIONS.** If the commissioner of administration with the approval of the governor determines that the administration of the open appointment process provided for in this act more properly belongs in another agency of the state, he may, on or after July 1, 1981, transfer this function to that agency by reorganization order.

Sec. 3. **APPROPRIATION.** There is appropriated from the general fund to the secretary of state for the period ending June 30, 1979, the sum of \$5,000 for the administration of this act.

Sec. 4. **EFFECTIVE DATE.** This act is effective the day after final enactment in respect to all vacancies occurring after July 1, 1978.

Approved March 28, 1978.

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#### CHAPTER 593-H.F.No.316

*An act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.*

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

Section 1. Minnesota Statutes 1976, Section 573.02, Subdivision 1, is amended to read:

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