

A copy of the certification that the inmate is no longer in need of care for his mental illness shall be transmitted to the corrections board. The corrections board shall give serious consideration to the aforementioned certification for purposes of their supervision over the inmate upon his release.

Subd. 6. **TRANSFER UPON EXPIRATION OF SENTENCE.** If the sentence of a person who has been adjudicated to be mentally ill and committed to the psychiatric unit established under this section should expire before he recovers and is discharged therefrom, and, in the judgment of the chief medical officer of the unit, he requires further hospitalization for his mental illness, he shall be transferred by the commissioner of corrections to a state hospital designated by the commissioner of welfare, there to be detained as in the case of other mentally ill persons under judicial commitment.

Subd. 7. **COSTS.** The costs of the commitment proceedings under this section shall be borne by the state.

Subd. 8. **DEFINITION.** For the purposes of this section, the words defined in section 253A.02 have the meanings given them in that section.

Sec. 2. **APPROPRIATIONS.** The sum of \$10,000 is appropriated from the general fund to the commissioner of corrections for the purpose of paying the costs specified in subdivision 7.

Approved March 28, 1978.

CHAPTER 708-S.F.No.1364

An act relating to the state civil service; requiring a statewide affirmative action program and agency plans; providing for expanding eligible lists so as to include protected group members; amending Minnesota Statutes 1976, Section 43.15.

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

Section 1. Minnesota Statutes 1976, Section 43.15, is amended to read:

43.15 AFFIRMATIVE ACTION; DISCRIMINATION FORBIDDEN. Subdivision 1. STATEWIDE AFFIRMATIVE ACTION PROGRAM. In order to assure that positions in the state civil service are equally accessible to all qualified persons, and in order to eliminate the underutilization of qualified members of protected groups, the commissioner of personnel shall adopt and periodically revise as necessary a statewide affirmative action program covering all agencies in the executive branch. The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service and to whom may be delegated the preparation, revision and implementation of the program. The statewide program and any revisions thereto shall be adopted as rules but individual agency affirmative action plans adopted pursuant to the statewide program shall not be adopted as rules. As used in this section, "protected group" means a group consisting of

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females, handicapped persons, or members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.

Subd. 2. CONTENT OF STATEWIDE PROGRAM. The statewide affirmative action program shall consist of at least the following:

(a) a statement of general goals and policies to be followed in the state civil service in respect to affirmative action;

(b) forms, procedures, standards and assumptions to be used by state agencies in the preparation of their agency affirmative action plans;

(c) goals and timetables which the state civil service as a whole will be expected to meet;

(d) periodic reporting requirements whereby the head of each agency will be required to report to the governor and the legislature on the implementation of his agency's plan.

Subd. 3. AGENCY AFFIRMATIVE ACTION PLANS. The head of each agency in the executive branch shall prepare and implement an affirmative action plan consistent with subdivisions 1 and 2. Prior to implementation, the plan shall be submitted to the commissioner for approval or modification. Annually, or more often if necessary, the plan shall be updated and resubmitted to the commissioner.

Subd. 4. AFFIRMATIVE ACTION OFFICERS. Within each agency the agency head shall appoint an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. To the extent possible consistent with complement and budget restrictions, the affirmative action officer shall devote full time to affirmative action-related activities. The officer shall report directly to the agency head on affirmative action matters. The commissioner of personnel shall implement periodic training programs for affirmative action officers and shall provide the officers with necessary technical assistance.

Subd. 5. EXPANSION OF ELIGIBLE LISTS TO MEET AFFIRMATIVE ACTION GOALS. When the commissioner of personnel determines that a disparity exists between the agency's work force and its approved affirmative action plan, the commissioner shall insure to the extent possible that members of the protected group for which the disparity exists are included on that portion of the eligible list of persons to be considered for appointment, which list is hereinafter referred to as the "appointment list". Notwithstanding any contrary provision of chapter 43, when a position is to be filled by open competitive examination and fewer than three individuals of a protected group for which a disparity has been determined to exist appear on the appointment list, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist have been added to the appointment list. Notwithstanding any contrary provision of chapter 43, when a position is to be filled by examination other than open competitive examination and fewer

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than one-third of the individuals on an appointment list are members of the protected group for which a disparity has been determined to exist, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that persons from all the protected groups for which a disparity has been determined to exist comprise one-third of the appointment list or until an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist have been added to the appointment list, whichever comes first. Notwithstanding any provision of this subdivision to the contrary, no person shall be added to an appointment list as a result of this subdivision if that person received a score of less than 70 on the applicable test.

Subd. 6. DISCRIMINATION PROHIBITED. No discrimination shall be exercised, threatened, or promised by any person in the civil service against, or in favor of, any applicant, eligible, or employee in the civil service because of his political or religious opinions or affiliations, or age, race, sex, or disability. Implementation of subdivisions 1 to 5 shall not be deemed a violation of this subdivision or a violation of any provisions of chapters 43 or 363, nor shall this section be construed to deny a veteran a credit afforded him pursuant to section 43.30.

Sec. 2. TEMPORARY PROVISIONS. This act supersedes and replaces executive orders of the governor relating to affirmative action and equal employment opportunity. Notwithstanding the foregoing, a statewide affirmative action program in effect on the effective date of this act and agency affirmative action plans adopted pursuant to that statewide program, shall be and remain effective until superseded, amended or repealed pursuant to this act.

Sec. 3. EFFECTIVE DATE. This act is effective July 1, 1978.

Approved March 28, 1978.

CHAPTER 709-S.F.No.1450

[Coded in Part]

An act relating to economic development; creating an operating unit within the department of economic development relating to small businesses; creating an advisory task force; requiring reports and recommendations; transferring the administration of laws relating to community development corporations; amending Minnesota Statutes, 1977 Supplement, Section 362.41, Subdivision 5; and Minnesota Statutes 1976, Chapter 362, by adding a section.

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

Section 1. POLICY. The purpose of this act is to create a highly visible structure within the department of economic development having as its sole function the servicing of small businesses. The legislature intends by this act to begin a comprehensive analysis of methods to coordinate and expand activities of state agencies relating to the promotion

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