

Sections 1 to 121, 123, 124, 126, 129 to 138, 140, 141, and 143 are effective July 1, 1981. Sections 125, 127, 128, 139, and 142 are effective January 1, 1984. Section 122 is effective January 1, 1985 1987.

Sec. 61. **REPEALER.**

Minnesota Statutes 1982, sections 5.11; 51A.03, subdivision 5; 62C.06, subdivision 4; 308.15, subdivision 3; and 507.31, subdivision 2 are repealed.

Approved May 2, 1984

CHAPTER 619 — S.F.No. 1736

An act relating to education; creating the Minnesota educational computing corporation as a public corporation; transferring assets of the Minnesota educational computing consortium to the corporation; amending Minnesota Statutes 1983 Supplement, section 3.732, subdivision 1; 10A.01, subdivision 18; 15A.081, subdivision 1; 135A.07, subdivision 2; 352D.02, subdivision 1; and proposing new law coded as Minnesota Statutes, chapter 119; repealing Minnesota Statutes 1982, section 120.83; Minnesota Statutes 1983 Supplement, sections 120.801; 120.802; 120.803; 120.804; 120.805; 120.806; and 120.81.

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

Section 1. **[119.01] MINNESOTA EDUCATIONAL COMPUTING CORPORATION, PURPOSE.**

The purpose of the Minnesota educational computing corporation is to provide cost-effective computing and technology related products and services to the educational programs of educational institutions and agencies in Minnesota and elsewhere. The legislature recognizes that computers are a major factor in the operation of educational institutions, both in terms of cost and in importance as an instructional tool. Furthermore, the legislature has historically supported the development of curricula for Minnesota educational institutions that include educational computing materials. While it is important that educational institutions be able to join together to gain economies in purchasing power, it is equally important that computer software and documentation be created, and that instructional and administrative computing services be provided to meet the needs of Minnesota educational institutions. The purpose of the public corporation known as the Minnesota educational computing corporation is to meet these needs.

The legislature intends to establish autonomy for the Minnesota educational computing corporation from state support, with the goal of limiting direct legislative funding of Minnesota educational computing corporation services.

Sec. 2. **[119.02] DEFINITIONS.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. The following terms, for the purposes of sections 1 to 9, have the meanings given to them in this section.

Subd. 2. "Consortium" means the Minnesota educational computing consortium originally created pursuant to section 471.59.

Subd. 3. "Minnesota educational institutions" means Minnesota school districts or a combination of school districts, area vocational-technical institutions, the department of education, community colleges, state universities, and the University of Minnesota.

Subd. 4. "MECC" or "Corporation" means the public corporation known as the Minnesota educational computing corporation created by section 3.

Sec. 3. [119.03] MINNESOTA EDUCATIONAL COMPUTING CORPORATION, CREATION, AND TRANSFER.

The Minnesota educational computing corporation is created to further the public purpose in section 1. All of the assets and obligations of the consortium including name, copyrights, logos, fund balances, equipment, accounts receivable, and contractual rights and obligations are transferred to MECC.

Sec. 4. [119.04] BOARD OF DIRECTORS.

Subdivision 1. APPOINTMENT. The governor shall appoint a nine-member board of directors. The terms of the directors shall be four years. The terms shall be staggered so that the governor appoints three members in the first year and two each in the second, third, and fourth years of the governor's term. Board members shall be knowledgeable about the use of computing in elementary, secondary, and higher education or the business community. Membership terms end on June 30 of the respective year. If there is a vacancy on the board, the governor shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Subd. 2. POWERS. The board of directors has the authority to engage in all activities which carry out the public purpose expressed in section 1 and which are consistent with sections 1 to 9. This authority includes but is not limited to acquiring, leasing, and disposing of real and personal property, establishing banking relationships, borrowing funds, establishing policies relating to personnel and compensation of personnel, and purchasing insurance. The board of directors shall employ and set the compensation for the chief officer of MECC within the limits established for the commissioner of finance in section 15A.081, subdivision 1, who shall direct and carry on the work of MECC and assignments of the board. The board may establish by-laws and elect an executive committee.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The board of directors does not have the power to form a subsidiary or to sell or offer for sale all or substantially all of the assets or any of the ownership of MECC.

Sec. 5. [119.05] DUTIES OF CORPORATION.

Subdivision 1. PRODUCTS. Notwithstanding any other law to the contrary, MECC shall provide its services and products at cost, including overhead, to Minnesota educational institutions.

Subd. 2. SERVICES TO OTHERS. MECC may provide its products and services to other than Minnesota educational institutions. To further the public purpose expressed in section 1, MECC shall establish prices based on market considerations. These prices shall not be less than prices to Minnesota educational institutions. MECC may purchase products and services developed by Minnesota educational institutions using resources of the institutions.

Subd. 3. REPORTS. MECC shall annually report to the governor and the chair of the house and senate education committees, and the house appropriations and senate finance committee on the financial and programmatic condition of MECC activities. MECC shall submit its biennial budget to the commissioner of finance by October 1 of each even-numbered year. MECC shall annually report to the legislative commission on employee relations regarding its personnel structure, compensation plans, and all other issues related to its employees.

Sec. 6. [119.06] APPLICATION OF OTHER LAW.

Subdivision 1. NONPUBLIC DATA. MECC product programming source code and all material relating to product and service development and distribution is "trade secret information" for purposes of classification under section 13.37, subdivision 2.

Subd. 2. CLOSED MEETINGS. The board of directors may hold a closed meeting to receive, discuss, or take action on any material or subject relating to "trade secret information."

Subd. 3. EMPLOYEE RETIREMENT AND INSURANCE. The department of employee relations shall accept MECC employees in retirement plans and group life, health, and dental insurance plans provided MECC and its employees apply and fully pay the premiums and contributions of these plans. For a period of 90 days after the effective date of this section, employees of the consortium who are members of the Minnesota state retirement system or the teachers retirement association shall be entitled to transfer their accumulated employer and employee contributions, not including interest, from those funds to the state unclassified employees retirement program under chapter 352D. For purposes of coverage under section 352D.02, subdivision 1, MECC employees transferring under this section shall be considered to be unclassified employees of the state.

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Subd. 4. UNEMPLOYMENT INSURANCE AND WORKERS' COMPENSATION. As a result of MECC's activities as an employer, MECC shall reimburse the appropriate fund an amount equivalent to the amount of benefits or extended benefits for unemployment insurance claims pursuant to chapter 268, and shall procure workers' compensation insurance to cover its employees including those who have elected to be covered in accordance with section 176.011, subdivision 9, paragraph (5).

Subd. 5. CONTRACTING LAW. Section 471.345, establishing uniform contracting provisions for several political subdivisions of the state, does not apply to MECC.

Subd. 6. ETHICAL PRACTICES. Members of the board of directors and the chief officer of MECC shall file statements of economic interest with the ethical practices board as if they were public officials.

Sec. 7. [119.07] MINNESOTA EDUCATIONAL INSTITUTIONS; POWERS.

Minnesota educational institutions are not required to use any MECC products or services. Any Minnesota educational institution may designate MECC as its purchasing agent for computer hardware, software, and development of software. Minnesota educational institutions are authorized, notwithstanding the requirements of sections 16.07, 123.37, or 471.345, to contract directly with the corporation for the development of computer programs and documentation, and for instructional and management computing services for educational institutions.

Sec. 8. [119.08] PURCHASE OF ANNUITIES FOR EMPLOYEES.

Subdivision 1. At the request of an employee, MECC may negotiate and purchase an individual annuity contract from a company licensed to do business in the state of Minnesota for an employee for retirement or other purposes and may allocate a portion of the compensation otherwise payable to the employee as salary for the purpose of paying the entire premium due or to become due under such contract. The allocation shall be made in a manner which will qualify the annuity premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and his rights thereunder shall be nonforfeitable except for failure to pay premiums.

Sec. 9. [119.09] DISSOLUTION.

In the event of the dissolution of MECC for any reason the state of Minnesota, upon action by the governor, after consultation with the legislative advisory commission, shall have the option to require return of all the assets of MECC to the state in exchange for the assumption of all outstanding obligations of MECC.

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Sec. 10. Minnesota Statutes 1983 Supplement, section 3.732, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions and officers in the executive branch of the state of Minnesota and includes but is not limited to the ~~Minnesota Educational Computing Consortium~~, Minnesota Housing Finance Agency, the Minnesota Higher Education Coordinating Board, the Minnesota Higher Education Facilities Authority, the Armory Building Commission, the State Zoological Board, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors or employees of the state, members of the Minnesota national guard, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation, but does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or United States Code, title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983.

(3) "Scope of his office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned to him by competent authority.

Sec. 11. Minnesota Statutes 1983 Supplement, section 10A.01, subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) member of the legislature;
- (b) constitutional officer in the executive branch and his chief administrative deputy;
- (c) member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;
- (d) commissioner, deputy commissioner or assistant commissioner of any state department as designated pursuant to section 15.01;
- (e) individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;

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- (f) executive director of the state board of investment;
- (g) executive director of the Indian affairs intertribal board;
- (h) commissioner of the iron range resources and rehabilitation board;
- (i) director of mediation services;
- (j) deputy of any official listed in clauses (e) to (i);
- (k) judge of the workers' compensation court of appeals;
- (l) hearing examiner or compensation judge in the state office of administrative hearings or hearing examiner in the department of economic security;
- (m) solicitor general or deputy, assistant or special assistant attorney general;
- (n) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research; or
- (o) member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission; ~~or~~
- (p) executive director of the Minnesota educational computing consortium.

Sec. 12. Minnesota Statutes 1983 Supplement, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

| | Salary Range Effective July 1, 1983 |
|---|---|
| Commissioner of education; | \$57,500-\$70,000 |
| Commissioner of finance; | |
| Commissioner of transportation; | |
| Commissioner of public welfare; | |
| Chancellor, community college system; | |
| Chancellor, state university system; | |
| Director, vocational technical education | |
| Executive director, state board of investment; | |

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| Commissioner of administration; | \$50,000-\$60,000 |
| Commissioner of agriculture; | |
| Commissioner of commerce; | |
| Commissioner of corrections; | |
| Commissioner of economic security; | |
| Commissioner of employee relations; | |
| Commissioner of energy and economic development; | |
| Commissioner of health; | |
| Commissioner of labor and industry; | |
| Commissioner of natural resources; | |
| Commissioner of revenue; | |
| Commissioner of public safety; | |
| Chief hearing examiner; office of administrative hearings; | |
| Director, pollution control agency; | |
| Director, state planning agency; | |
| Executive director, higher education coordinating board; | |
| Executive director, housing finance agency; | |
| Executive director, teacher's retirement association; | |
| Executive director, state retirement system; | \$40,000-\$52,500 |
| Commissioner of human rights; | |
| Director, department of public service; | |
| Commissioner of veterans' affairs; | |
| Executive director, educational computing consortium; | |
| Executive director, environmental quality board; | |
| Director, bureau of mediation services; | |
| Commissioner, public utilities commission; | |
| Member, transportation regulation board; | |
| Chairperson, waste management board; | |
| Director, zoological gardens. | |

Sec. 13. Minnesota Statutes 1983 Supplement, section 135A.07, subdivision 2, is amended to read:

Subd. 2. **EDUCATION SALARIES.** Notwithstanding Laws 1981, chapter 359, sections 4 and 5, any law enacted in the 1983 legislative session, or any other law to the contrary, the salaries of the chancellor of the state university system, the chancellor of the community college system, and the director of vocational technical education, ~~and the executive director of the Minnesota educational computing consortium~~ shall be established pursuant to section 15A.081, subdivision 1.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 14. Minnesota Statutes 1983 Supplement, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. **COVERED EMPLOYEES.** The following employees, if they are in the unclassified service of the state and are eligible for coverage under the Minnesota state retirement system, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive director shall be deemed to have exercised the option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, full-time unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

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(7) The clerk of the appellate courts appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,

(8) The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of welfare, and

(9) Any employee whose principal employment is at the state ceremonial house, and

(10) Employees of the Minnesota educational computing corporation.

Sec. 15. TRANSITION.

Subdivision 1. INITIAL BOARD OF DIRECTORS. The members of the consortium management committee shall act as the board of directors until the initial board of directors is appointed. The initial members of the board of directors shall all be appointed in 1984, but their terms shall be of varied length so that the staggered terms required by section 4 will become effective. The governor shall designate what the term of each initial member shall be.

Subd. 2. FISCAL YEAR 1985 APPROPRIATION. The appropriation of \$280,000 for fiscal year 1985 for the MECC regional instructional computing coordinators included in Laws 1983, chapter 314, article 8, section 27, subdivision 2, to the Minnesota educational computing consortium shall be transferred to the corporation for the service specified in Laws 1983, chapter 314, article 8, section 15.

Sec. 16. USE OF NAME.

The secretary of state shall record M.E.C.C., MECC, Minnesota Educational Computing Consortium, Minnesota Educational Computing Corporation, and Software Minnesota as reserved for the exclusive use by the corporation.

Sec. 17. REPEALER.

Minnesota Statutes 1982, section 120.83, is repealed; Minnesota Statutes 1983 Supplement, sections 120.801, 120.802, 120.803, 120.804, 120.805, 120.806, and 120.81 are repealed.

Sec. 18. EFFECTIVE DATE.

Sections 1 to 17 are effective the day following final enactment.

Approved May 2, 1984

CHAPTER 620 — S.F.No. 120

An act relating to local government; authorizing counties or cities to enact ordinances against trespassing under certain conditions; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 471.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.