

except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods, or to a person weighing raw and unfinished farm products transported in a single unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product.

Sec. 3. Minnesota Statutes 2000, section 169.872, is amended by adding a subdivision to read:

Subd. 1a. LIMIT ON CIVIL PENALTIES. A civil penalty for excessive weight under section 169.871 may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:34 p.m.

CHAPTER 298—H.F.No. 3196

An act relating to state government; department of administration; clarifying ethical provisions in state procurement law; authorizing the commissioner of administration to adopt rules relating to state archaeology; repealing obsolete technology authority; repealing statutory authority for the citizens council on Voyageurs National Park; amending Minnesota Statutes 2000, sections 16C.04, subdivisions 1, 2; 138.31, by adding a subdivision; 138.36, by adding a subdivision; 138.38; 138.39; 138.41, subdivision 1; repealing Minnesota Statutes 2000, sections 13.6401, subdivision 3; 16B.415; 84B.11.

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

Section 1. Minnesota Statutes 2000, section 16C.04, subdivision 1, is amended to read:

Subdivision 1. **DUTY.** An employee of the executive branch involved directly or indirectly in the acquisition or grants process, at any level, is subject to the code of ethics in section 43A.38.

Sec. 2. Minnesota Statutes 2000, section 16C.04, subdivision 2, is amended to read:

Subd. 2. **CONFLICT OF INTEREST POLICY DEVELOPMENT.** (a) The commissioner must develop policies regarding code of ethics and conflict of interest designed to prevent conflicts of interest for employees involved in the acquisition of

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goods, services, and utilities or the award and administration of grant contracts. The policies must apply to employees who are directly or indirectly involved in the acquisition of goods, services, and utilities, developing requests for proposals, evaluating bids or proposals, awarding the contract, selecting the final vendor, drafting and entering into contracts, evaluating performance under these contracts, and authorizing payments under the contract.

(b) The policies must contain a process for making employees aware of policy and laws relating to conflict of interest, and for training employees on how to avoid and deal with potential conflicts.

(c) The policies must contain a process under which an employee who has a conflict of interest or a potential conflict of interest must disclose the matter, and a process under which work on the contract may be assigned to another employee if possible.

Sec. 3. Minnesota Statutes 2000, section 138.31, is amended by adding a subdivision to read:

Subd. 15. COMMISSIONER. "Commissioner" means the commissioner of administration.

Sec. 4. Minnesota Statutes 2000, section 138.36, is amended by adding a subdivision to read:

Subd. 6. REVIEW OF LICENSE DECISIONS. Any person whose application for a license under this section has been denied or whose license has been modified, suspended, or revoked, may appeal the decision within 30 days of receiving written notice of the decision by filing a written request with the commissioner for a contested case hearing under chapter 14. If the applicant does not request a contested case hearing within 30 days after receiving written notice of the decision, the decision becomes final and the applicant may not appeal the decision.

Sec. 5. Minnesota Statutes 2000, section 138.38, is amended to read:

138.38 REPORTS OF STATE ARCHAEOLOGIST.

The state archaeologist shall consult with and keep the Indian affairs council and the director of the historical society informed as to significant field archaeology, projected or in progress, and as to significant discoveries made. Annually, and also upon leaving office, the state archaeologist shall file with the Indian affairs council and the director of the historical society commissioner a full report of the office's activities including a summary of the activities of licensees, from the effective date hereof or from the date of the last full report of the state archaeologist. Copies of the report must be sent upon completion to the Minnesota historical society and the Indian affairs council, and made available to other interested parties.

Sec. 6. Minnesota Statutes 2000, section 138.39, is amended to read:

138.39 RULES.

New language is indicated by underline, deletions by strikeout.

The director of the historical society commissioner may make and issue such adopt rules, not inconsistent with law, as may be required to carry out the provisions of sections 138.31 to 138.42. In making such rules, they shall the commissioner must consult with other agencies of the state whose activities may be affected thereby by the rules.

Sec. 7. Minnesota Statutes 2000, section 138.41, subdivision 1, is amended to read:

Subdivision 1. **WILLFUL VIOLATIONS.** Whoever willfully violates section 138.33, or willfully defaces, injures, destroys, displaces, or removes any object or data belonging to the state, or willfully interferes with evidence or work on any state site or other site for which a license has been issued, or willfully violates any other provision of sections 138.31 to 138.42, or the rules issued adopted by the director of the historical society commissioner is guilty of a gross misdemeanor.

Sec. 8. **REPEALER.**

Minnesota Statutes 2000, sections 13.6401, subdivision 3; and 16B.415, are repealed. Minnesota Statutes 2000, section 84B.11, is repealed effective July 1, 2003.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:35 p.m.

CHAPTER 299—S.F.No. 2890

An act relating to contracts; regulating public works contracts; proposing coding for new law in Minnesota Statutes, chapter 15.

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

Section 1. [15.411] PUBLIC WORKS CONTRACTS; NO DAMAGES FOR DELAY CLAUSES.

Subdivision 1. **DEFINITION.** As used in this section, the term "public works contract" means a contract of the state, or a county, city, town, school district, special district, or any other political subdivision of the state, for the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of any building, structure, highway, bridge, viaduct, pipeline, railway, public works, or any other works dealing with construction. The term includes, but is not limited to, moving, demolition, or excavation performed in conjunction with the work specified in this subdivision.

Subd. 2. **UNENFORCEABILITY.** Any clause in a public works contract that waives, releases, or extinguishes the rights of a contractor to seek recovery for costs or damages, or seek an equitable adjustment, for delays, disruption, or acceleration in performing the contract is void and unenforceable if the delay, disruption, or acceleration is caused by acts of the contracting public entity or persons acting on

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