

STATE DEPARTMENTS AND AGENCIES

ADMINISTRATION

CHAPTER 15

DEPARTMENTS OF STATE IN GENERAL

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NOTE: Governor as state agent for federal funds, see sections 4.07 and 4.075.

ADMINISTRATIVE PROCEDURE ACT

15.01 DEPARTMENTS AND AGENCIES OF THE STATE. The following departments and agencies of the state government are hereby created and established, to be designated and known, respectively, as follows: the executive council; the department of administration; the department of agriculture; the department of civil service; the department of commerce; the department of natural resources; the department of education; the department of health; the department of highways; the department of labor and industry; the department of public examiner; and the department of taxation. All of these departments and all officials and agencies of the state government shall be subject to the provisions and limitations of Laws 1939, Chapter 431.

[1925 c 426 art 1 s 1; 1939 c 431 art 1 s 1; 1939 c 441 s 1; 1961 c 113 s 2; 1969 c 1129 art 3 s 1] (53-1, 53-1a)

NOTE: Department of Public Safety, see Chapter 299A.

15.015 TRANSFER OF FUNCTIONS UNDER GOVERNMENT REORGANIZATION ACT OF 1969, EFFECT. Subdivision 1. Any department or other administrative agency to which the functions, powers, and duties of a previously existing department or other agency are by Laws 1969, Chapter 1129 assigned and transferred shall be deemed and held to constitute a continuation of the former department or agency as to matters within the jurisdiction of the former department or agency, and not a new authority for the purpose of succession to all rights, powers, duties and

obligations of the former department or agency as constituted at the time of such assignment or transfer except as otherwise provided by Laws 1969, Chapter 1129, with the same force and effect as if such functions, powers and duties had not been assigned or transferred. Provided, however, all portions of the department of public safety's budget which incorporates expenditures from the highway user tax distribution fund shall be subject to the approval of the commissioner of highways prior to the submission of such budget to the commissioner of administration.

Subd. 2. Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to the passage of Laws 1969, Chapter 1129 by a department or other agency, the functions, powers, and duties whereof are by Laws 1969, Chapter 1129 assigned and transferred to another department or agency, and still pending at the time of the passage of Laws 1969, Chapter 1129, may be conducted and completed by the new department or agency in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the former department or agency prior to said transfer.

Subd. 3. Except as otherwise provided in Laws 1969, Chapter 1129, the head of a department or other agency whose functions, powers, and duties are by Laws 1969, Chapter 1129 assigned and transferred to another department or agency shall transfer and deliver to such other department or agency all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control. The head of such other department or agency to which such assignment or transfer is made is hereby authorized to take possession of said property.

Subd. 4. All unexpended funds appropriated to any department, board or other agency for the purposes of any of its functions, powers, or duties which are transferred by Laws 1969, Chapter 1129 to another department, commission or agency, are hereby transferred to such department or agency. Where unexpended funds appropriated to any department, board or agency for the purposes of any of its functions, powers, or duties are changed by Laws 1969, Chapter 1129 so that the functions, powers, or duties are in more than one department, commission, or agency, the commissioner of administration shall allocate the appropriation between the state departments, commissions, or agencies concerned.

Subd. 5. Except as otherwise provided in Laws 1969, Chapter 1129, all persons in the classified service of the state and employed by any department, board or agency for the purposes of any of its functions, powers or duties which are transferred by Laws 1969, Chapter 1129 to another department, commission or agency, are hereby transferred to such other department, commission or agency. The positions of all persons in the unclassified service of the state and employed by any department, board or agency for the purposes of any of its functions, powers, or duties which are transferred by Laws 1969, Chapter 1129 to another department, commission or agency, are hereby abolished. Notwithstanding the provisions of Minnesota Statutes 1967, Section 43.20, any person in the unclassified service whose position is abolished hereunder may be employed as a provisional appointee for not to exceed 12 months following the date of the abolishment of his position.

Subd. 6. The commissioner or other head of a state department created pursuant to Laws 1969, Chapter 1129 may have an official seal which he may use to authenticate his official acts, but no official act of the commissioner or other state head is invalidated if not authenticated with the official seal.

[1969 c 1129 art 10 s 1]

15.02 PRESENT POWERS TRANSFERRED. Except as otherwise herein provided, all the powers, duties, and functions conferred by law upon and required to be performed by the several state departments, bureaus, divisions, and other administrative agencies mentioned in Laws 1939, Chapter 431, at the time of its passage shall hereafter be exercised, performed, and administered by the commissioners of the several departments and the boards, commissions, and agencies therein specified.

[1939 c 431 art 8 s 4] (53-1e)

15.03 EXISTING POWERS CONTINUED. All now existing powers, duties, and functions heretofore exercised by any department, division, bureau, or other agency abolished by Laws 1939, Chapter 431, or by the chief of any such division, bureau, or agency, shall be exercised by the head of the department or by the agency to which the same are herein assigned.

[1939 c 431 art 8 s 5] (53-1f)

15.04 POWERS CONTINUED. Any department or other administrative

agency to which the functions, powers, and duties of a previously existing department or other agency are by Laws 1939, Chapter 431, assigned and transferred shall be deemed and held to constitute a continuation of the former department or agency as to matters within the jurisdiction of the former department or agency, and not a new authority, for the purpose of succession to all rights, powers, duties, and obligations of the former department or agency as constituted at the time of such assignment or transfer, except as otherwise provided by Laws 1939, Chapter 431, with the same force and effect as if such functions, powers, and duties had not been assigned or transferred.

[1939 c 431 art 8 s 8] (53-1i)

15.041 [Repealed, 1957 c 806 s 13]

15.0411 DEFINITIONS. Subdivision 1. For the purposes of sections 15.0411 to 15.0422 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 statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. Sections 15.0411 to 15.0422 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) Adult Corrections Commission and Pardon Board, (d) the Youth Conservation Commission, (e) the Department of Manpower Services, (f) the Director of Mediation Services, (g) the department of labor and industry, (h) workmen's compensation commission.

Subd. 3. "Rule" includes every regulation, including the amendment, suspension, or repeal thereof, adopted by an agency, whether with or without prior hearing, 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 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) regulations relating to weight limitations on the use of highways when the substance of such regulations is indicated to the public by means of signs.

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.

[1957 c 806 s 1; 1959 c 263 s 3; 1961 c 136 s 1; 1963 c 633 s 1; Ex1967 c 1 s 6; 1969 c 9 s 6; 1969 c 567 s 3; 1969 c 1129 art 2 s 1, art 3 s 1]

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.

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.

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, as far as practicable, publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views orally or in writing.

Subd. 4. No rule shall be adopted by any agency subsequent to the effective date of sections 15.0411 to 15.0422 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, 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. 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 attorney general, who, 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 disapproves 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 within the 20-day period, the agency may file the rule in the office of the secretary of state and publish the same.

Subd. 5. Where statutes governing the agency permit the agency to exercise emergency powers, 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 days and may not immediately be reissued or continued in effect thereafter without following the procedure of subdivision 4.

[1957 c 806 s 2]

15.0413 EFFECT OF ADOPTION OF RULES; PUBLICATION; APPROPRIATION. Subdivision 1. Every rule or regulation filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law 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. The secretary of state shall keep a permanent register of rules filed with that office open to public inspection.

Subd. 2. Each rule hereafter adopted, amended, or repealed shall become effective or be repealed upon filing the new or amended rule or notice of repeal 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.

Subd. 3. Rules and regulations hereafter promulgated, amended or repealed of each 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 "agency" in section 15.0411 shall not have the effect of law unless they are filed in the office of the commissioner of administration in the same manner as rules and regulations of an agency are so filed. This subdivision, however, shall not apply to rules and regulations of the regents of the University of Minnesota.

Subd. 4. Rules and regulations heretofore promulgated by an agency or a state officer, board, commission, bureau, division, department, or tribunal other than a court, including those governmental bodies referred to in subdivision 3, shall not have the effect of law unless filed in such form as the commissioner of administration shall prescribe on or before July 1, 1964 in the office of the commissioner of administration.

Subd. 5. Not later than January 1, 1965 and annually thereafter but not later than January 1 of each year the commissioner of administration shall arrange for publication and distribution of all rules and regulations in such form and at such prices to be charged as he may determine. No such published rules and regulations shall be distributed without charge except to the official depositories of state publications. The appropriation to any agency for supplies and expenses shall be deemed to include sufficient moneys for its purchase of necessary published rules and regulations.

Subd. 6. An administrative rules publication account is hereby created in the state treasury. All receipts from the sale of rules and regulations authorized by this section shall be deposited in such account. The sum of \$26,000 is appropriated from the general fund in the state treasury to such account. All moneys in the administrative rules publication account in the state treasury are appropriated annually to the commissioner of administration to carry out the terms and provisions of this section.

[1957 c 806 s 3; 1963 c 822 s 1; 1969 c 399 s 1]

15.0414 [Repealed, 1963 c 822 s 4]

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 prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

[1957 c 806 s 5]

15.0416 DETERMINATION OF VALIDITY OF RULE. The validity of any rule may be determined upon the petition for a declaratory judgment thereon, addressed to the district court where the principal office of the agency is located, when it appears that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment may be rendered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

[1957 c 806 s 6]

15.0417 RULE DECLARED INVALID. In proceedings under section 15.0416 the court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.

[1957 c 806 s 7]

15.0418 CONTESTED CASE; HEARING, NOTICE. In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The agency shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purposes of rehearing or court review. If a transcript is requested, the agency may, unless otherwise provided by law, require the party requesting to pay the reasonable costs of preparing the transcript. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default. Each agency may adopt appropriate rules of procedure for notice and hearing in contested cases.

[1957 c 806 s 8]

15.0419 EVIDENCE IN CONTESTED CASES. Subdivision 1. In contested cases agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial and repetitious evidence.

Subd. 2. All evidence, including records and documents (except tax returns and tax reports) in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence (except tax returns and tax reports) shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

Subd. 3. Every party or agency shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

Subd. 4. Agencies may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified in writing either before or during hearing, or by reference in preliminary reports or otherwise, or by oral statement in the record, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. Agencies may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[1957 c 806 s 9]

15.042 [Repealed, 1957 c 806 s 13]

15.0421 PROPOSAL FOR DECISION IN CONTESTED CASE. Whenever in a contested case a majority of the officials of the agency who are to render the final decision have not heard or read the evidence, the decision, if adverse to a party 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, 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.

[1957 c 806 s 10]

15.0422 DECISIONS, ORDERS. Every decision and order adverse to a party of

the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying statement of reasons together with a certificate of service shall be delivered or mailed upon request to each party or to his attorney of record.

[1957 c 806 s 11]

15.0423 REVIEW OF LICENSING OR REGISTRATION PROCEEDINGS, STAY. Subdivision 1. Where an appeal is taken or certiorari proceeding is instituted to determine the right of a board or other administrative agency to revoke or refuse to issue or reissue a license or registration which expires upon a specified date, the term of such license or registration shall not expire until 30 days after final determination of such appeal or certiorari proceeding.

Subd. 2. This section does not alter, change or affect the determination made by the board or other administrative agency, or by the reviewing court, as to the suspension, revocation or denial of the license or registration during the pendency of the appeal or certiorari proceeding.

[1963 c 565 s 1, 2]

15.0424 JUDICIAL REVIEW OF AGENCY DECISIONS. Subdivision 1. **Application.** Any person aggrieved by a final decision in a contested case of any agency as defined in Minnesota Statutes, Section 15.0411, Subdivision 2 (including those agencies excluded from the definition of "agency" in section 15.0411, subdivision 2, but excepting the tax court, the workmen's compensation commission sitting on workmen's compensation cases, the department of manpower services, the director of mediation services, and the department of public service), whether such decision is affirmative or negative in form, is entitled to judicial review thereof, but nothing in this section shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo provided by law now or hereafter enacted. The term "final decision" as herein used shall not embrace a proposed or tentative decision until it has become the decision of the agency either by express approval or by the failure of an aggrieved person to file exceptions thereto within a prescribed time under the agency's rules.

Subd. 2. **Petition, service.** (a) Proceedings for review shall be instituted by serving a petition thereof personally or by registered mail upon the agency or one of its members or upon its secretary or clerk and by filing such petition in the office of the clerk of district court for the county wherein the agency has its principal office or the county of residence of the petitioners, all within 30 days after the agency shall have served such decision and any order made pursuant thereto by mail on the parties of record therein; subject, however, to the following:

(1) In the case of a tentative or proposed decision which has become the decision of the agency either by express approval or by a failure by an aggrieved person to file exceptions within a prescribed time under the agency's rules, such 30-day period shall not begin to run until the latest of the following events shall have occurred: (a) such decision shall have become the decision of the agency as aforesaid; (b) such decision, either before or after it has become the decision of the agency, shall have been served by mail by such agency on the parties of record in such proceeding.

(2) In case a request for rehearing or reconsideration shall have been made within the time permitted and in conformity with the agency's rules, such 30-day period shall not begin to run until service of the order finally disposing of the application for rehearing or reconsideration, but nothing herein shall be construed as requiring that an application for rehearing or reconsideration be filed with and disposed of by the agency as a prerequisite to the institution of a review proceeding under this section.

(b) The petition shall state the nature of the petitioner's interest, the facts showing the petitioner is aggrieved and is affected by the decision, and the ground or grounds upon which the petitioner contends that the decision should be reversed or modified. The petition may be amended by leave of court although the time for serving the same has expired. The petition shall be entitled in the name of the person serving the same as petitioner and the name of the agency whose decision

is sought to be reviewed as respondent. Copies of the petition shall be served, personally or by registered mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made; and for the purpose of such service the agency upon request shall certify to the petitioner the names and addresses of all such parties as disclosed by its records, which certification shall be conclusive. The agency and all parties to the proceeding before it shall have the right to participate in the proceedings for review. The court in its discretion may permit other interested parties to intervene.

(c) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance stating his position with reference to the affirmance, vacation, reversal or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general and shall be filed, together with proof of service thereof, with the clerk of the reviewing court within ten days after such service. Service of all subsequent papers or notices in such proceedings need be made only upon the petitioner, the named respondent, the attorney general, and such other persons as have served and filed the notice as herein provided, or have been permitted to intervene in said proceedings as parties thereto by order of the reviewing court.

Subd. 3. Stay of decision; stay of other appeals. The filing of the petition shall not stay the enforcement of the agency decision; but the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper. When an appeal from a final decision is commenced under this section in any district court of this state, any other later appeal under this section from such final decision involving the same subject matter shall be stayed until final decision of the first appeal.

Subd. 4. Transmittal of record. Within 30 days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

Subd. 5. New evidence, hearing by agency. If, before the date set for hearing, application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

Subd. 6. Procedure on review. The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs. Except as otherwise provided all proceedings shall be conducted according to the rules of civil procedure.

[1963 c 809 s 1; 1965 c 698 s 3; Ex1967 c 1 s 6; 1969 c 567 s 3; 1969 c 1129 art 2 s 1; 1971 c 25 s 67]

15.0425 SCOPE OF JUDICIAL REVIEW. In any proceedings for judicial review by any court of decisions of any agency as defined in Minnesota Statutes, Section 15.0411, Subdivision 2 (including those agencies excluded from the definition of agency in section 15.0411, subdivision 2) the court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the agency; or

- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Unsupported by substantial evidence in view of the entire record as submitted; or
- (f) Arbitrary or capricious.

[1963 c 809 s 2]

15.0426 APPEALS TO SUPREME COURT. An aggrieved party may secure a review of any final order or judgment of the district court under section 15.0424 or section 15.0425 by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from orders or judgments of the district court in other civil cases.

[1963 c 809 s 3]

15.043 [Repealed, 1957 c 806 s 13]

15.044 [Repealed, 1957 c 806 s 13]

15.045 [Repealed, 1955 c 603 s 4]

15.046 PUBLICATION BOARD. There is hereby created a publication board which shall consist of the commissioner of administration, the secretary of state, and the attorney general. 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 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.

[1945 c 590 s 2]

15.047 REGULATIONS. 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.

Subd. 2. Rules and regulations published pursuant to this section may be sold by the commissioner of administration in the manner provided by Minnesota Statutes, Sections 648.42 to 648.44.

Subd. 3. [Repealed, 1963 c 822 s 4]

[1945 c 590 s 3; 1955 c 603 s 1-3; 1963 c 822 s 3]

NOTE: See also section 16.80.

15.048 EFFECT OF PUBLICATION OF RULES OR ORDERS. The filing or publication of a rule, regulation, or order raises a rebuttable presumption that:

- (1) The rule or regulation was duly adopted, issued, or promulgated;
- (2) The rule or regulation was duly filed with the secretary of state and available for public inspection at the day and hour endorsed thereon;
- (3) The copy of the rule or regulation 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.

[1945 c 590 s 4]

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.

[1945 c 590 s 5]

15.055 PUBLIC EMPLOYEES NOT TO PURCHASE MERCHANDISE FROM STATE AGENCIES; EXCEPTIONS; PENALTY. No department or agency of the state, or any political subdivision thereof, or member or officer, acting in such capacity, of any town or county board or council of any village or city, or any purchasing agent or purchasing agency of the state, or any political subdivision thereof, shall sell or procure for sale or have in its possession or under its control for sale to any employee of the state, or of any political subdivision thereof, any article, material, product, or merchandise of whatsoever nature, except used passenger motor vehicles and trucks owned by the state, and except an

article, material, product, or merchandise the sale or distribution of which is, or may hereafter be, specifically authorized by law or ordinance. Used passenger motor vehicles and trucks owned by the state and not needed for public purposes may be sold to an employee of the state at public auction or by sealed bid, providing the employee is the highest responsible bidder. A state employee may buy only one such vehicle or truck in any 12 month period. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor. Each act prohibited by this section shall constitute a separate violation and offense thereunder.

[1941 c 58 s 1, 2; 1971 c 836 s 8]

15.056 [Repealed, 1965 c 45 s 73]

15.057 PUBLICITY REPRESENTATIVES. No state department, bureau or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except the highway department, the department of economic development, the game and fish division, the division of manpower services, and the state agricultural society shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This act shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

[1965 c 901 s 54; 1967 c 299 s 9; 1967 c 475 s 1; 1969 c 567 s 3]

15.06 POWERS OF DEPARTMENT HEADS. Except as otherwise expressly provided by law, the commissioner or head of any state department or agency shall have the following powers:

(1) To designate a division director or other subordinate as his deputy, to serve as such at his pleasure, with full authority to act for him, but subject to his control; and in case of a vacancy in the office of such commissioner or head, such deputy shall discharge the necessary duties of the office until the vacancy be filled;

(2) To delegate to any of his subordinate officers or employees the exercise of such of his powers or duties as he may deem advisable, subject to his control; provided, that every such delegation shall be made by written order, filed with the secretary of state;

(3) To appoint all subordinate officers and employees in his department or agency and to prescribe their duties and fix their compensation; provided, that all departments and agencies hereunder shall be subject to the provisions of any civil service law now or hereafter enacted, so far as applicable;

(4) With the approval of the commissioner of administration, to establish within his department or agency such bureaus or subdivisions as he may deem advisable in the interest of economy and efficiency; and

(5) To prescribe rules and regulations, not inconsistent with law, for the conduct of his department or agency and other matters within the scope of the functions thereof, including the custody and preservation of books, records, papers, documents, and other property, and the certification of copies of papers and documents; provided, that every rule or regulation affecting any person or agency, other than a member of the department or agency concerned, shall be filed with the secretary of state.

[1939 c 431 art 8 s 6] (53-1g)

15.061 CONSULTANT SERVICES. Notwithstanding the provisions of any other law, state departments and agencies may, with the approval of the commissioner of administration, use salary appropriations to contract for consultant services in connection with the operation of the departments and agencies. Such contracts shall not be subject to the competitive bidding requirements of chapter 16.

[1969 c 1139 s 64]

15.063 BIENNIAL REPORTS; SUBMISSION. Notwithstanding any law to the contrary, the biennial reports required to be submitted to the legislature by various departments and agencies shall be submitted by November 15 of each even numbered year.

[Ex1971 c 3 s 63]

15.07 INFORMATION FURNISHED. Whenever in Laws 1939, Chapter 431, power is vested in a department or an official to inspect, examine, secure data or

information, or to procure assistance from another department, a duty is hereby imposed upon the department upon which the demand is made to make such power effective, and to furnish such data or information or the opportunity for inspection and examination.

[1939 c 431 art 8 s 2] (53-1c)

15.08 AUDITOR, COMMISSIONER OF ADMINISTRATION; ACCESS TO RECORDS. The state auditor and the commissioner of administration and their designated agents shall have free access to the records of all state departments and agencies, and may issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents, and papers; and may administer oaths to witnesses or take their affirmation. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents or papers material in the matter under consideration, after having been lawfully required by order or subpoena, any judge of the district court in any county of the state where the order or subpoena was made returnable, on application of the state auditor or commissioner of administration, as the case may be, shall compel obedience or punish disobedience as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court.

[1939 c 431 art 8 s 3] (53-1d)

15.09 COURT PROCEEDINGS CONTINUED. Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to the passage of Laws 1939, Chapter 431, by a department or other agency, the functions, powers, and duties whereof are thereby assigned and transferred to another department or agency, and still pending at the time of its passage, may be conducted and completed by the new department or agency in the same manner and under the same terms and conditions and with the same effect as though they were undertaken or commenced and were conducted or completed by the former department or agency prior to the transfer.

[1939 c 431 art 8 s 9] (53-1j)

15.10 RECORDS DELIVERED TO DEPARTMENT HEADS. The head of a department or other agency whose functions, powers, and duties are by Laws 1939, Chapter 431, assigned and transferred to another department or agency, shall transfer and deliver to such other department or agency all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control, and shall also transfer thereto any or all employees engaged in the exercise of such functions, powers, or duties. The head of such other department or agency to which such assignment or transfer is made is hereby authorized to take possession of the property, and shall take charge of the employees and shall employ them in the exercise of their respective functions, powers, and duties transferred as aforesaid, without reduction of compensation; subject to change or termination of employment or compensation as may be otherwise provided by law.

[1939 c 431 art 8 s 10] (53-1k)

15.11 [Repealed, 1961 c 561 s 17]

15.12 [Repealed, 1961 c 561 s 17]

15.13 SALARIES; BONDS; POLITICAL ACTIVITIES. The salaries of the commissioners, directors, and all employees shall be chargeable against the appropriations of their respective departments. Each commissioner shall devote his entire time to the duties of his office and shall not participate in any political campaign or be a candidate for any public office. Except as otherwise provided, each commissioner shall give a corporate surety bond of \$10,000 to the state for the faithful discharge of his official duties. The cost of all bonds of officers and employees hereunder shall be charged to the appropriations for their respective departments or agencies.

[1939 c 431 art 8 s 1] (53-1b)

15.14 APPLICATION. Except as hereinbefore otherwise provided, the provisions and limitations of Laws 1939, Chapter 431, shall be applicable to and shall govern each and every department, bureau, commission, board, agency, and institution of the state government, including state colleges, state hospitals, and other state institutions, wherever located, and all elected or appointed officers, officials, and employees of the state government. No provision of any subsequent act shall be construed as inconsistent with the provisions of Laws 1939, Chapter 431, or

shall operate to limit or abrogate the effect of any provisions thereof or to remove any person, officer, or agency from the operation thereof unless and except only so far as it may be expressly provided in such subsequent act that the provisions of Laws 1939, Chapter 431, shall not be applicable, or shall be superseded, modified, amended, or repealed.

[1939 c 431 art 8 s 15; 1957 c 576 s 1, 2] (53-1p)

15.15 EXEMPTIONS FROM APPLICATION. The provisions and limitations of Laws 1939, Chapter 431, shall not be applicable to the regents of the university, nor to any persons, institutions, or employees under their jurisdiction, nor to the professional and regulatory examining and licensing boards enumerated in Mason's Minnesota Statutes of 1927, Chapter 35, the 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 35, Laws 1943, Chapter 474, and Laws 1951, Chapter 672; provided, their books and accounts shall be subject to examination by the public examiner at any time, as in the case of other state agencies.

[1939 c 431 art 8 s 13; 1949 c 48 s 1; 1953 c 129 s 5] (53-1n)

15.16 TRANSFER OF LANDS BETWEEN DEPARTMENTS. Subdivision 1. **Agreement.** In order to facilitate the transfer of the control of state owned lands between state departments of government and avoid the necessity of condemning state lands by a department of government of the state, any department of the state government of the State of Minnesota may acquire the control of state lands for public purposes from the department of state government having such lands under its control and supervision, upon such terms and conditions as may be mutually agreed upon by the heads of the interested state departments.

Subd. 2. **Executive council to determine terms.** In the event the heads of such departments are unable to agree as to the terms and conditions of a transfer of control of these state lands the executive council, upon application of a state department having the power to acquire lands for public purposes, shall determine the terms and conditions and may order the transfer of the control of state lands to the department so requesting.

Subd. 3. **Auditor and treasurer to transfer funds.** The state auditor and the state treasurer are hereby authorized and directed to transfer funds between state departments to effect the terms and conditions to transfer the control of real estate as hereinbefore provided.

Subd. 4. **Attorney general to prescribe form of transfer.** The transfer of control of real estate as hereinbefore provided shall be made on such transfer documents as the attorney general shall prescribe and all such transfer documents shall be permanently filed in the office of the state auditor.

[1941 c 387 s 1-4]

15.17 OFFICIAL RECORDS. Subdivision 1. **Must be kept.** All officers and agencies of the state, and all officers and agencies of the counties, cities, villages, and towns, shall make and keep all records necessary to a full and accurate knowledge of their official activities. All such public records shall be made on paper of durable quality and with the use of ink, carbon papers, and typewriter ribbons of such quality as to insure permanent records. Every public officer, and every county officer with the approval of the county board, is empowered to record or copy records by any photographic, photostatic, microphotographic, or micro-filming device, approved by the Minnesota historical society, which clearly and accurately records or copies them, and such public officer or such county officer may make and order that such photographs, photostats, microphotographs, microfilms, or other reproductions, be substituted for the originals thereof, and may direct the destruction or sale for salvage or other disposition of the originals from which the same were made. Any such photographs, photostats, microphotographs, microfilms, or other reproductions so made shall for all purposes be deemed the original recording of such papers, books, documents and records so reproduced when so ordered by any officer with the approval of the county board, and shall be admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of any such photograph, photostat, microphotograph, microfilm, or other reproduction, or any enlargement or reduction thereof, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. **Responsibility for records.** The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's public records, which shall include written or printed books, papers, letters, contracts,

documents, maps, plans, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each such agency, and of the chief administrative officer thereof, to carefully protect and preserve public records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. Delivery to successor. Every legal custodian of public records, at the expiration of his term of office or authority, or on his death his legal representative, shall deliver to his successor in office all public records in his custody; and the successor shall receipt therefor to his predecessor or his legal representative and shall file in his office a signed acknowledgment of the delivery. Every public officer shall demand from his predecessor in office, or his legal representative, the delivery of all public records belonging to his office.

Subd. 4. Accessible to public. Every custodian of public records shall keep them in such arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records, provided that a suitable means for public inspection of the records is provided by the agency maintaining the records. Except as otherwise expressly provided by law, he shall permit all public records in his custody to be inspected, examined, abstracted, or copied at reasonable times and under his supervision and regulation by any person; and he shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law.

[1941 c 553 s 1-4; 1957 c 28 s 1, 2]

15.18 DISTRIBUTION OF PUBLICATIONS. Except as provided in Minnesota Statutes, Sections 5.08, 16.02, and 648.39, when any department, agency, or official of the state issues for public distribution any book, document, journal, map, pamphlet, or report copies thereof shall be delivered immediately as follows:

Four copies to the Minnesota Historical Society;

One copy to the general library of the University of Minnesota, and may, upon request of the librarian, deliver additional copies;

Two copies to the state library, and such additional copies as the state librarian deems necessary for exchange with other libraries, with other states, with the United States, and with governments of foreign countries;

One copy to the public library of any city of the first class;

One copy to the library of each state college as defined in Minnesota Statutes, Chapter 136.

[1947 c 365 s 1; 1963 c 179 s 1]

15.181 TRAVEL EXPENSES. Notwithstanding the provisions of any law to the contrary, the head of any state department or agency may advance, from appropriations, the estimated cost of meals, lodging and registration fees to an officer or employee who is to travel out of the state on official business. The commissioner of administration shall prepare such rules and regulations that he may deem the public interest shall require.

[Ex 1967 c 48 s 80]

15.19 [Repealed, 1969 c 265 s 2]

15.191 IMPREST CASH FUNDS. Subdivision 1. **Emergency disbursements.** Imprest cash funds for the purpose of making minor disbursements, and providing for change, may be established by state departments or agencies from existing appropriations in the manner prescribed by this section.

Subd. 2. Approval. Before an imprest cash fund is established an application showing the need therefor shall be presented to the public examiner who shall fix the amount of the fund for the department or agency. Upon the approval of the application by the commissioner of administration, the imprest cash fund is established and the commissioner shall notify the applicant.

Subd. 3. Warrant against designated appropriation. Imprest cash funds established under this section shall be created by warrant drawn against the appropriation designated by the state auditor.

[1969 c 265 s 1]

15.21-15.23 [Obsolete by 1957 c 936, see sections 15A.02 to 15A.15.]

15.31 STATE EMPLOYEES, LIABILITY INSURANCE, PAYMENT OF PREMIUMS. The state shall pay premiums on insurance policies insuring its employees against liability from claims for bodily injuries, death or property damage made

upon such employees while operating state owned vehicles in the performance of, in connection with or incidental to their duties as state employees. Payment of such premiums shall be made from funds appropriated or otherwise available to the various departments and agencies of the state. The payment of such premiums shall not impose upon the state any liability whatsoever for the payment of damages as a result of a claim against the state employee.

[1958 c 676 s 1]

15.315 LEGAL COUNSEL FOR STATE EMPLOYEES. Upon written request of any state employee and upon a determination by the attorney general that the employee was acting within the scope of his employment, the attorney general shall provide legal counsel at the expense of the state for any state employee other than an elected official against whom claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of such employee. Upon written request of any state employee and upon a determination by the attorney general that the employee was acting within the scope of his employment the employee shall have private legal counsel of his own choosing from the time of the commencement of any litigation provided that such private attorney shall be paid only reasonable attorney's fees from state funds. The provision or reimbursement of counsel under this provision shall not be construed to render the state liable for its torts, except as may otherwise be provided by law; or for reimbursement of costs of counsel provided to the employee pursuant to the contract obligation of another or otherwise than under this provision; or for payment of any judgments or any other costs or disbursements in connection therewith, where the judgment, cost, or disbursement is against the employee and not against the state.

[1971 c 847 s 1]

15.35 [Repealed, 1965 c 780 s 9]

15.36 [Repealed, 1965 c 780 s 9]

15.37 [Repealed, 1967 c 103 s 10]

15.375 UNITED FUND PAYROLL DEDUCTIONS. Subdivision 1. As used in this section, "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare, and service purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organization in communities where an organization known as the United Fund is not organized.

Subd. 2. The state auditor, upon the written request of a state officer or employee, may deduct each payroll period from the salary or wages of the officer or employee the amount specified therein for payment to the United Fund, and issue his warrant therefor to the United Fund.

[1965 c 766 s 1]

15.38 CERTAIN STATE PROPERTY INSURED BY CONSERVATOR OF RURAL CREDIT; STATE PRISON ALSO INSURED. No public funds shall be expended on account of any insurance upon state property against loss or damage by fire or tornado, nor shall any state officer or board contract for or incur any indebtedness against the state on account of any such insurance, except that the commissioner of corrections is authorized in his discretion to insure the State of Minnesota against loss by fire or tornado to the state prison at Stillwater, or the contents thereof, in any insurance companies licensed to do business in this state, in such an amount as he may from time to time determine and to pay the premiums therefor from the revolving fund of the institution; except also that the conservator of rural credit is authorized, in his discretion, to insure in such companies the State of Minnesota against loss by fire or tornado of buildings upon real estate acquired by him and in such amounts as he may from time to time determine and to pay the premiums therefor from the rural credit expense fund.

[1919 c 256 s 1; 1929 c 78 s 1; 1953 c 593 s 2; 1959 c 263 s 2] (3599)

15.39 MANPOWER SERVICES DEPARTMENT BUILDINGS. Subdivision 1. Notwithstanding the provisions of section 15.38, or any other law to the contrary, the commissioner of the department of manpower services of the state of Minnesota may insure the state of Minnesota against loss by fire, flood, windstorm, or tornado to state owned buildings occupied by said department, in any insurance companies

licensed to do business in this state in such an amount as he may from time to time determine and to pay premiums therefor from federal funds granted for the administration of the department of manpower services.

Subd. 2. The commissioner is hereby authorized to requisition from the manpower services administration fund any amount necessary to pay premiums for the insurance specified in subdivision 1 and moneys in the amount necessary are hereby appropriated for that purpose.

[1961 c 515 s 1, 2; 1969 c 567 s 3]

15.40 LACK OF CARE IN KEEPING PROPERTY SAFE FROM FIRE LOSS, NONFEASANCE IN OFFICE. Every state officer, board, or other authority having the control of any state buildings or property shall keep the same at all times as safe from fire loss as is reasonably possible. Failure of any state officer, board, or authority having control over any state property to keep the same as safe from fire loss as is reasonably possible shall constitute nonfeasance in office and be grounds for removal.

[1919 c 256 s 4] (3602)

15.41 CONSTRUCTION PERMITS, REQUISITES. Subdivision 1. Every agency of the State of Minnesota and every political subdivision thereof shall specify on every construction permit the name and address of the applicant therefor, and the general contractor thereon if there be one. This information shall be a matter of public record, and available to any interested person during business hours.

Subd. 2. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

[1957 c 125 s 1, 2]

15.415 CORRECTIONS IN TRANSACTIONS, WAIVER. In any instance where a correction concerning any state department or agency transaction involves an amount less than the administrative cost of making the correction, the correction shall be waived unless it is possible at a relatively nominal expense to include the correction in a later transaction. If the amount of any correction is less than \$2 it shall be prima facie evidence that the cost of the correction would exceed the amount involved.

[1971 c 390 s 1]

15.42 CITATION. Sections 15.01 to 15.41, may be cited as the Administrative Procedure Act.

[1969 c 599 s 1]

STATE EMPLOYEES PREVENTIVE HEALTH SERVICES

15.45 DEFINITIONS. Subdivision 1. For the purposes of sections 15.45 to 15.47, the terms defined in this section have the meanings given them.

Subd. 2. "Preventive health services" means services intended to:

(1) Protect state employees against health hazards in their work environment;

(2) Insure and facilitate the placement and suitability of employees, according to their physical capacities and their emotional make up, in work which they can reasonably perform with an acceptable degree of efficiency and without endangering their own health and safety or that of their fellow employees; and

(3) Encourage personal health maintenance.

Subd. 3. "Board" means the state board of health.

[1963 c 766 s 1]

15.46 PREVENTIVE HEALTH SERVICES FOR STATE EMPLOYEES. The board may establish and operate a program of preventive health services for state employees, and shall provide such staff, equipment, and facilities as are necessary therefor. The board shall develop these services in accordance with and limited to the accepted practices of and standards for occupational preventive health services in the state of Minnesota. Specific services shall be directed to the work environment and to the health of the employee in relation to his job. The board shall cooperate with private and public community agencies providing health, safety, employment, and welfare services.

[1963 c 766 s 2]

15.47 TRANSFER OF POWERS AND DUTIES. All the powers and duties now vested in or imposed upon the commissioners of administration and highways relating to emergency first aid stations and other employee health services estab-

lished and operated by such commissioners are hereby transferred to, vested in, and imposed upon the state board of health. All the powers and duties of the commissioners of administration and highways in relation thereto are abolished.

[1963 c 766 s 4]

CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION

15.50 CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION.

Subdivision 1. (a) The legislature finds that the purposes of the commission are to (1) preserve the dignity and beauty of the capitol and the buildings immediately adjacent to it; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary; (3) develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

(b) A capitol area architectural and planning commission, herein referred to as the commission, consisting of seven members is hereby created. The governor shall be a member of the commission. Three members shall be appointed by the governor, at least two of whom shall not be residents of Ramsey county, by and with the advice and consent of the senate; three members shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. Each person appointed to the commission shall qualify by taking the oath of office.

(c) The term of all appointed members of the commission is four years, except that one of the members first appointed by the governor and one of the members first appointed by the mayor shall be appointed for terms of two years. Thereafter the terms of such appointees shall be for four years. Vacancies in any office shall be filled by the appointing authority and for the unexpired term. The term of the first members of the commission shall commence on July 1, 1967.

(d) The governor is the chairman of the commission. The attorney general is the legal advisor to the commission. The commission may elect a vice chairman who may preside at meetings in the absence of the governor and such other officers as it may deem necessary to carry out its duties.

(e) The commission shall select an executive secretary to serve the commission. It may employ such other officers and employees as it may deem necessary all of whom shall be in the classified service of the state civil service. The commission may contract for professional and other similar service on such terms as it may deem desirable.

(f) The members of the commission shall serve without compensation, but each shall be reimbursed for his expenses incurred in the performance of his duties.

Subd. 2. (a) The commission shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capital area, herein called the area which shall initially consist of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southwesterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. Pursuant to the comprehensive plan, or any portion thereof, the commission may regulate, by means of zoning regulations adopted pursuant to the administrative procedures act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. The violation of such zoning regulations shall be a misdemeanor. The commission may, at its option, proceed to abate any such violation by injunction. The commission and the city of St. Paul shall cooperate in assuring that the

area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the commission and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the commission with regard to the physical structural needs of the state. He shall make studies and report the results to the commission when they request him to do so for their planning purpose.

(c) No public building, street, parking lot, or monument, or other construction shall be built or altered on any public lands within the area unless the plans for the same conforms to the comprehensive use plan as specified in clause (d) and to the requirement for competitive plans as specified in clause (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or of any new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the commission. The commissioner of administration shall consult with the commission regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan shall show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas and open spaces; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement shall be made to public lands or buildings in the area save with the written approval of the commission.

(e) The commission shall secure by competitions, plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition, which may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. Such competition shall be conducted under rules prescribed by the commission and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected shall become the property of the state of Minnesota and the commission may award one or more premiums in each such competition and may pay such costs and fees as may be required for the conduct thereof. At the option of the commission, plans for projects estimated to cost less than \$500,000 may be approved without competition provided such plans have been considered by the architectural committee described in clause (f). Plans for projects estimated to cost less than \$200,000 and for construction of streets need not be considered by the architectural committee if in conformity with the comprehensive plan.

(f) The commission shall not adopt any plan under clause (e) hereof unless it shall first receive the comments and criticism of a committee of three architects who have been selected and appointed as follows: one by the state arts council, one by the commission, and one by the Minnesota Society of the American Institute of Architects. Members of such committee shall not be contestants under clause (e) hereof. Such comments and criticism shall be a matter of public information. Such committee shall advise the commission on all architectural and planning matters. For that purpose:

(1) Such committee shall be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the same are developed or in the process of preparation whether by the commissioner of administration, the state planning director, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the commission or not retained and engaged in any work or planning relating to the area. A copy of any such data prepared by any public employee or agency shall be filed with the commission promptly upon completion;

(2) The commission may employ such stenographic or technical help as may be reasonable to assist such committee perform its duties;

(3) When so directed by the commission; such committee may serve as, and any member or members thereof may serve on, the jury for any architectural competition. The commission shall select the architectural advisor and jurors for any competition with the advice of the committee.

(g) The comprehensive plan for the area shall be developed and maintained in close cooperation with the state planning agency and the planning department

and the council for the city of Saint Paul and the State Arts Council, and no such plan or amendment thereof shall be effective without 90 days' notice to the planning department of the city of Saint Paul and the State Arts Council.

(h) The state shall, by the attorney general upon the recommendation of the commission and within appropriations available for that purpose, acquire by gift, purchase or eminent domain proceedings any real property situated in the area described in this section and it shall also have the power to acquire an interest less than a fee simple interest in the property, if it finds that it is needed for future expansion or beautification of the area.

(i) The commission is the successor of the state veterans' service building commission, and as such may adopt regulations and may reenact the regulations adopted by its predecessor under Laws 1945, Chapter 315, and acts amendatory thereof.

(j) The commission shall meet at the call of the chairman and at such other times as it may prescribe.

(k) The members of the legislative building commission shall constitute an advisory commission to the capitol area architectural and planning commission. This architectural and planning commission may consult and confer with the advisory commission, but the advisory commission's recommendation shall be advisory only. The members of the advisory commission shall serve without compensation, but shall be reimbursed for their expenses when called upon to meet.

(l) The commissioner of administration is authorized to and shall assign quarters in the state veterans service building to (1) the department of veterans affairs of which such part as the commissioner of administration and commissioner of veterans affairs may mutually determine shall be on the first floor above the ground and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available to such other state departments and agencies as he may deem desirable.

Subd. 3. The administrative and planning expenses of the commission shall be borne equally by the state and by the city of Saint Paul, and in order to meet such expense the city may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, Chapter 315, and acts amendatory thereof, and may hold the moneys in said fund until expended in accordance herewith and when such funds have been expended such expense shall be borne by the state. The expenses of the commission for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by the state shall be borne by the state. The expenses of any other public body for such expenditures shall be borne by the body concerned.

If the moneys currently in the fund of the city of Saint Paul heretofore referred to are insufficient to meet the city's share of the administrative planning expenses of the commission, the city of Saint Paul shall have power, in addition to and exclusive of any limitation now or hereafter imposed by charter or statute upon its ability to levy taxes, to levy an ad valorem tax on all taxable property in an amount which will produce a sum equal to a levy of not more than one-half mill upon such property, including shrinkage.

Subd. 4. There is appropriated to the commission from the general fund in the state treasury the following sums of money:

(1) for competition premium purposes, \$20,000;

(2) for administrative and planning expenses, \$125,000, to be expended only if a similar sum of money is made available to the commission by the city of Saint Paul.

None of the moneys appropriated by this subdivision shall cancel, but shall be available to the commission until expended and for the purposes indicated.

Subd. 5. The moneys appropriated to the commission are subject to the requirements of budget and allotment as prescribed by Minnesota Statutes 1965, Chapter 16. Except for budgeting and allotting the commission shall be subject to none of the other provisions of said chapter 16.

Subd. 6. (a) The city of Saint Paul shall have the power to convey without compensation therefor to the state any property owned by it within the bounda-

ries of the capitol area pursuant to the plan adopted by the commission; and the state shall have the authority to transfer to the city of Saint Paul without compensation any property acquired by it for the purposes of Laws 1969, Chapter 1150, which lies within the street lines of the streets to be established as a part of the city's portion of said plan.

(b) The tax-forfeited lands which are held by the state in trust for the several taxing subdivisions of the state and which are within the boundaries of the capitol area as fixed by the plan recommended to the governor by the governor's advisory committee or by the plan adopted by the commission as provided in Laws 1969, Chapter 1150, shall not be subject to sale or repurchase under any act, now in effect or hereafter enacted unless it shall be expressly provided in such act that the provisions of Laws 1969, Chapter 1150, shall be superseded, modified or repealed.

(c) The county auditor of Ramsey county shall forthwith withdraw from sale or repurchase all lands referred to in clause (b) hereof.

(d) The commissioner of taxation shall have power upon application by the commission to release any lands referred to in clause (b) from the trust in favor of the taxing subdivisions of the state. Upon the execution of such release, the commissioner shall certify the fact of such release to the county auditor of Ramsey county. The forms of such release and certificate shall be prescribed by the attorney general.

(e) Any member of the commission, or any employee thereof, who shall be financially interested, either directly or indirectly, in the location of the approach to the capitol, or in any contract, or part thereof, for the construction of the approach, or for any work connected therewith, or for the furnishing of any supplies or material therefor or for the sale of any real property therefor, so as to receive any financial benefits therefrom, or the promise of any financial benefit therefrom, either by way of commission, rebate, bonus, division of profits, or otherwise, shall be guilty of a felony and shall be incapable of holding any office or employment under the state.

Subd. 7. No advertising devices may be erected after June 10, 1969, within the boundaries of the capitol area unless done so pursuant to reasonable rules and regulations of the commission. "Advertising device" means any billboard, sign, poster, display or other device visible to and primarily intended to advertise or to attract, and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith. Advertising devices to advertise a business conducted on the premises where the advertising device is located may be permitted and erected in accordance with reasonable rules and regulations established by the commission. Advertising devices which do not meet the requirements of the rules and regulations may be ordered by the commission to be removed. The owner of the advertising device and the owner of the real property involved shall be paid just compensation for their interests affected.

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Subd. 8. Nothing in section 15.50, shall be construed as modifying, amending, or abridging the powers and duties vested in or imposed upon the commissioner of administration by the provisions of sections 16.02, subdivisions 9 and 10; and 16.23.

[*Ex1967 c 13 s 13; 1969 c 399 s 1; 1969 c 1150 s 1-6; 1971 c 25 s 9, 10; 1971 c 926 s 1-3*]

INTERCHANGE OF GOVERNMENT EMPLOYEES

15.51 DECLARATION OF POLICY. The state of Minnesota recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation.

[*Ex1967 c 46 s 1*]

15.52 DEFINITIONS. Subdivision 1. For the purposes of sections 15.51 to 15.57 the following words and phrases have the meanings ascribed to them in this section.

Subd. 2. "Sending agency" means any department, political subdivision or

agency of the federal government or a state government which sends any employee thereof to another government agency under sections 15.51 to 15.57.

Subd. 3. "Receiving agency" means any department, political subdivision or agency of the federal government or a state government which receives an employee of another government agency under sections 15.51 to 15.57.

[*Ex1967 c 46 s 2; 1969 c 1140 s 1, 2*]

15.53 AUTHORITY TO INTERCHANGE EMPLOYEES. Subdivision 1. No department, agency, political subdivision or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, the state, or another state, as a sending or receiving agency except in accordance with sections 15.51 to 15.57.

Subd. 2. The period of individual assignment or detail under an interchange program shall not exceed 24 months, nor shall any person be assigned or detailed for more than 24 months during any 36 month period. Details relating to any matter covered in sections 15.51 to 15.57 may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

[*Ex1967 c 46 s 3; 1969 c 1140 s 3; Ex1971 c 48 s 11 subd 1*]

15.54 STATUS OF EMPLOYEES OF THIS STATE. Subdivision 1. Employees of a sending agency participating in an exchange of personnel as authorized in section 15.53 may be considered during such participation to be on detail to regular work assignments of the sending agency.

Subd. 2. Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

Subd. 3. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that act for any period for which he is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

[*Ex1967 c 46 s 4*]

15.55 TRAVEL EXPENSES OF EMPLOYEES OF THIS STATE. A sending agency in this state may, in accordance with the travel regulations of such agency, pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but shall not pay the travel expenses of such employees incurred in connection with their work assignments at the receiving agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment or detail. Such per diem allowance shall be in lieu of, but not to exceed, the travel expense allowable under state travel regulations promulgated by the commissioner of administration.

[*Ex1967 c 46 s 5*]

15.56 STATUS OF EMPLOYEES OF OTHER GOVERNMENTS. Subdivision 1. When any unit of government of this state acts as a receiving agency, employees of the sending agency who are assigned under authority of sections 15.51 to 15.57 may be considered to be on detail to the receiving agency.

Subd. 2. Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency. Such person shall be in the unclassified service of the state.

Subd. 3. Employees who are detailed to the receiving agency shall not by virtue of such detail be considered to be employees thereof, except as provided in subdivision 4, nor shall they be paid a salary or wage by the receiving agency during the period of their detail. The supervision of the duties of such employees during the period of detail may be governed by agreement between the sending agency and the receiving agency.

Subd. 4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course

of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that act for any period for which he elects to receive similar benefits as an employee under the sending agency's employee compensation program.

Subd. 5. Sending and receiving agencies may contract for the services of interchanged employees and by contract arrange for the method and amount of payment for employees and other terms of their employment, so far as not governed by sections 15.51 to 15.57. Any interchange of employees contemplated by a department, agency, or instrumentality of the state which is subject to the provisions of chapter 16, shall be submitted for review to the commissioner of administration before arrangements are entered into for such interchange.

Subd. 6. Consultants who are not full time employees may be paid by both the sending and receiving agencies, but not for the same work. Sections 15.51 to 15.57 shall not affect the method of paying or employing persons for full time or part time service in the military service of the state or the United States.

[*Ex*1967 c 46 s 6; 1969 c 1140 s 4, 5]

15.57 TRAVEL EXPENSES OF EMPLOYEES OF OTHER GOVERNMENTS.

A receiving agency in this state may, in accordance with the travel regulations of such agency, pay travel expenses of persons assigned thereto under sections 15.51 to 15.57 during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

[*Ex*1967 c 46 s 7]

15.58 AGREEMENTS BETWEEN FEDERAL AND RECEIVING AGENCIES.

Notwithstanding the provisions of sections 15.51 to 15.57, a receiving agency in this state participating in an interchange of employees under the Intergovernmental Personnel Act of 1970 may enter into a written agreement with a federal agency. Such agreement may provide for the state agency to pay all or a portion of the salary and fringe benefits of the federal employee assigned. Such payments may be made directly to the employee or as reimbursement to the federal agency.

[*Ex*1971 c 48 s 11 subd 2]

EMPLOYMENT UNDER FEDERAL EMERGENCY EMPLOYMENT ACT OF 1971

15.61 UNEMPLOYED AND UNDEREMPLOYED; EMPLOYMENT BY STATE AND OTHER GOVERNMENTAL UNITS. Subdivision 1. The state of Minnesota, its departments, agencies and instrumentalities, and any county, city, village, borough, town, school district or other body corporate and politic, may employ unemployed and underemployed persons as defined in the federal Emergency Employment Act of 1971 pursuant to and in accordance with the terms of that act.

Subd. 2. The provisions of Minnesota Statutes 1969, Sections 197.45 to 197.48 and 43.30 and any other law or ordinance relating to preference in employment and promotion of persons having served in the armed services, the provisions of any civil service law, rule or regulation, the provisions of any city charter or any ordinance or resolution, or the provisions of any other law or statute in conflict with the provisions of the federal Emergency Employment Act of 1971 shall not be applicable to the employment of the persons specified in subdivision 1.

Subd. 3. The provision of any law limiting the complement of any state department or agency is not applicable to persons employed pursuant to this section and the provisions of the federal Emergency Employment Act of 1971 when such employment by a state department or agency has been approved by the commissioner of administration.

[*Ex*1971 c 25 s 1]