

# MINNESOTA STATUTES 1975 SUPPLEMENT

## DEPARTMENTS OF STATE IN GENERAL 15.012

### CHAPTER 15. DEPARTMENTS OF STATE IN GENERAL

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#### 15.01 Departments of the state.

The following agencies are designated as the departments of the state government: the department of administration; the department of aeronautics; the department of agriculture; the department of commerce; the department of corrections; the department of economic development; the department of education; the department of employment services; the department of finance; the department of health; the department of highways; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of personnel; the department of public safety; the department of public service; the department of public welfare; the department of revenue; and the department of veterans affairs.

[1975 c 271 s 1]

#### 15.012 State agencies; designation by type.

A state agency hereafter created by law shall be named according to the following:

(a) An agency in the executive branch, other than a department, whose primary purpose is to perform prescribed official or representative functions shall be designated a "board". To be classified as a board, an agency must have at least one of the following powers: (i) the power to perform administrative acts, which may include the expenditure of state money, (ii) the power to issue and revoke licenses or certifications, (iii) the power to make rules, or (iv) the power to adjudicate contested cases and appeals.

(b) An agency in the executive branch whose primary purpose is to advise state officers, departments, boards, or other agencies shall be designated a "committee". To be classified as a committee, an agency must have none of the powers available to boards other than the power to compensate its members.

(c) A committee of which at least one half of the members are required to be certain officers or representatives of specified businesses, occupations, industries, political subdivisions, organizations, or other groupings of persons other than geographical regions shall be designated a "council".

(d) An agency in the legislative branch composed exclusively of members of the legislature shall be designated a "legislative commission".

(e) An agency in the executive branch other than a department whose primary purpose is to issue bonds for the financing, ownership and

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development of facilities within the state shall be designated an "authority".

[1975 c 271 s 2]

### 15.0411 Definitions.

Subdivision 1. For the purposes of sections 15.0411 to 15.052 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 15.052 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) Minnesota Corrections Authority and Pardon Board, (d) the Department of Employment Services, (e) the Director of Mediation Services, (f) the workmen's compensation division in the department of labor and industry, (g) the workmen's compensation commission, or (h) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to the Minnesota municipal commission.

Subd. 3. "Rule" includes every agency statement of general applicability and future effect, including the amendment, suspension, or repeal thereof, made to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include (a) rules 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 of the division of game and fish published in accordance with section 97.53; or (c) rules relating to weight limitations on the use of highways when the substance of such rules is indicated to the public by means of signs; or (d) opinions of the attorney general.

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.

[1975 c 380 s 1]

### 15.0412 Rules, procedures.

Subdivision 1. Each agency shall adopt, amend, suspend or repeal its rules in accordance with the procedures specified in sections 15.0411 to 15.052, and only pursuant to authority delegated by law and in full compliance with its duties and obligations.

Subd. 2. To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the process whereby the public may obtain information or make submissions or requests. The commissioner of administration shall annually publish these descriptions in the state register.

Subd. 3. Each agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties. Procedures concerning only internal management which do not directly affect the rights of or procedures available to the public need not be adopted as rules.

Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a hearing at least 30 days prior to the date set for the 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 and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption. The agency shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the agency by

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law or rule. After allowing written material to be submitted and recorded in the hearing record for 20 days after the public hearing ends, the hearing examiner assigned to the hearing shall proceed to write a report as provided for in section 15.052, subdivision 3, which report shall be completed as promptly as possible. The report shall be available to all affected persons upon request for at least ten days before the agency takes any final action on the rule. If the agency adopts the rule, it shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to form and legality. The attorney general shall, within 20 days, 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. A rule shall become effective after it has been subjected to all requirements described in this subdivision and 20 days after its publication in the state register unless a later date is required by statutes or specified in the rule. Any rule adopted after July 1, 1976 which is not published in the state register shall be of no effect.

Subd. 5. Where statutes governing the agency permit the agency to exercise emergency powers, or when the agency is compelled to act by court order or a federal law or rule, emergency rules may be established without compliance with the provisions of subdivision 4. These rules are to be effective for not longer than 75 days and may be reissued or continued in effect for an additional 75 days, but may not immediately be reissued thereafter without following the procedure of subdivision 4. Emergency rules shall be published in the state register as soon as practicable.

Subd. 6. When an agency seeks to obtain information or opinions in preparing to propose the adoption, amendment, suspension, or repeal of a rule from sources outside of the agency, the agency shall publish notice of its action in the state register and shall afford all interested persons an opportunity to submit data or views on the subject of concern in writing or orally. Such notice and any written material received by the agency shall become a part of the hearing record to be submitted to the attorney general under subdivision 4.

[1975 c 380 s 2; 1975 c 413 s 1]

### **15.0413 Effect of adoption of rules; publication; appropriation.**

Subdivision 1. Every rule approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law 20 days after its publication in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.

Subd. 2. Each rule hereafter amended, suspended, or repealed shall become amended, suspended, or repealed 20 days after the new or amended rule or notice of suspension or repeal is published in the state register unless a later date is required by statute or specified in the rule.

Subd. 3. Rules hereafter promulgated, amended, suspended, or repealed of any state officer, board, commission, bureau, division, department, or tribunal other than a court, having statewide jurisdiction and authorized by law to make rules, but excluded from the definition of "agency" in section 15.0411 shall have the force and effect of law if they are filed in the office of the secretary of state in the same manner as rules of an agency are so filed and if they are submitted to the commissioner of administration in a manner he shall prescribe and published in the state register. This subdivision, however, shall not apply to rules of the regents of the University of Minnesota.

Subd. 4. [Repealed, 1975 c 380 s 22]

Subd. 5. [Repealed, 1975 c 380 s 22]

Subd. 6. [Repealed, 1975 c 380 s 22]

[1975 c 380 s 3-5]

### **15.0415 Petition for adoption of rule.**

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Any interested person may petition an agency requesting the adoption, suspension, amendment or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receipt of such a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to section 15.0412. The attorney general shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

[1975 c 380 s 6]

### 15.0421 Proposal for decision in contested case.

In all contested cases the decision of the officials of the agency who are to render the final decision shall not be made until the report of the hearing examiner as required by section 15.052, has been made available to parties to the proceeding for at least ten days 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.

[1975 c 380 s 7]

### 15.046 [Repealed, 1975 c 61 s 26]

(NOTE: Section 15.046 was also amended by Laws 1975, Chapter 380, Section 8, to read as follows:

"15.046 [PUBLICATION ADVISORY BOARD.] There is hereby created a publication advisory board which shall consist of the secretary of state, the attorney general, the director of the legislative reference library, the revisor of statutes, and the chief hearing officer. 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 chairman and a secretary from its members. The board shall meet, from time to time, upon the call of the chairman. The board shall advise the commissioner of administration on matters relating to the publication of the state register and the manual of state agency rules.")

### 15.047 Manual of state agency rules, publication.

Subdivision 1. The commissioner of administration shall publish a manual of state agency rules, which shall include all agency rules currently in effect. The manual shall be so designed as to allow for economic publication and distribution and efficient use.

[1975 c 380 s 9]

(NOTE: Section 15.047, Subdivision 1, was also amended by Laws 1975, Chapter 61, Section 8, to read as follows:

"15.047 [REGULATIONS.] Subdivision 1. The commissioner of administration shall prescribe regulations for carrying out the provisions of sections 15.047 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 15.047 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.")

[For text of subd 2, see M.S.1974]

### 15.048 Effect of publication of rules or orders.

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The publication of a rule or order in the state register raises a rebuttable presumption that:

- (1) The rule or order was duly adopted, issued, or promulgated;
- (2) The rule or order was duly filed with the secretary of state and available for public inspection at the day and hour endorsed thereon; and
- (3) The copy of the rule or order published in the state register is a true copy of the original.

[1975 c 380 s 10]

### 15.049 Judicial notice taken.

Judicial notice shall be taken of material published in the state register.

[1975 c 380 s 11]

### 15.05 Publication account.

An administrative rules and state register publication account is created in the state treasury. All receipts from the sale of rules and the state register shall be deposited in the account. All funds in the administrative rules and state register publication account in the state treasury are appropriated annually to the commissioner of administration to carry out the provisions of sections 15.047 and 15.051.

[1975 c 380 s 15]

### 15.051 State register.

**Subdivision 1. Purpose.** The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective upon such publication. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

**Subd. 2. Publication.** The commissioner of administration shall publish the state register whenever he deems necessary, except that no material properly submitted to him for publication shall remain unpublished for more than ten working days.

The state register shall have a distinct and permanent masthead with the title "state register" and the words "state of Minnesota" prominently displayed. All issues of the state register shall be numbered and dated.

[For text of subd 3, see M.S.1974]

**Subd. 4. Cost; distribution.** When an agency properly submits a rule, proposed rule, notice, or other material to the commissioner of administration, the commissioner shall then be accountable for the publication of the same in the state register. The commissioner of administration shall require each agency which requests the publication of rules, proposed rules, notices, or other material in the state register to pay its proportionate cost of the state register unless other funds are provided and are sufficient to cover the cost of

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the state register.

The state register shall be offered for public sale at a location centrally located as determined by the commissioner of administration and at a price as the commissioner of administration shall determine. The commissioner of administration shall further provide for the mailing of the state register to any person, agency, or organization if so requested, provided that reasonable costs are borne by the requesting party. The supply and expense appropriation to any state agency is deemed to include funds to purchase the state register. Ten copies of each issue of the state register, however, shall be provided without cost to the legislative reference library and ten copies to the state law library.

[1975 c 380 s 12-14]

## 15.052 Office of hearing examiners.

Subdivision 1. A state office of hearing examiners is created. The office shall be under the direction of a chief hearing examiner, who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. The chief hearing examiner shall appoint additional hearing examiners to serve in his office as necessary to fulfill the duties prescribed in this section. All hearing examiners shall be in the classified service except that the chief hearing examiner shall be in the unclassified service, but may be removed from his position only for cause. Additionally, all hearing examiners shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Subd. 2. When regularly appointed hearing examiners are not available, the chief hearing examiner may contract with qualified individuals to serve as hearing examiners for specific assignments. Such temporary hearing examiners shall not be employees of the state and shall be remunerated for their service at a rate not to exceed \$150 per day.

Subd. 3. All hearings of state agencies required to be conducted under this chapter shall be conducted by a hearing examiner assigned by the chief hearing examiner. In assigning hearing examiners to conduct such hearings, the chief hearing examiner shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. Only hearing examiners learned in the law shall be assigned to contested case hearings. It shall be the duty of the hearing examiner to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a fair and impartial manner; and (4) make a report on each proposed agency action in which the hearing examiner functioned in an official capacity, stating his findings of fact and his conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

Subd. 4. The chief hearing examiner shall promulgate rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings and contested case hearings. Such procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief hearing examiner to determine whether or not a new hearing is

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required because of substantial changes or failure of the agency to meet the requirements of section 15.0412, subdivision 4.

Subd. 5. The office of hearing examiner shall maintain a court reporter system. Unless the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at any hearing which takes place under this chapter and may additionally be utilized as a chief hearing examiner directs.

Court reporters shall be in the classified service and all initial appointments to the position of court reporter shall be filled by individuals who acted in this capacity for individual state agencies prior to the enactment of this section.

Subd. 6. In consultation with the commissioner of administration the chief hearing examiner shall assess agencies the cost of services rendered to them in the conduct of hearings. All agencies shall include in their budgets provisions for such assessments.

Subd. 7. A state office of hearing examiner account is hereby created in the state treasury. All receipts from services rendered by the state office of hearing examiner shall be deposited in the account, and all funds in the account shall be annually appropriated to the state office of hearing examiner for carrying out the duties specified in this section.

Subd. 8. The chief hearing examiner may enter into contracts with political subdivisions of the state and such political subdivisions of the state may contract with the chief hearing examiner for the purpose of providing hearing examiners and reporters for administrative proceedings. For such services there shall be an assessment in the manner provided in subdivision 6.

Subd. 9. In consultation and agreement with the chief hearing examiner, the commissioner of administration shall, pursuant to authority vested in him by section 16.13, transfer from state agencies, such employees as he deems necessary to the state office of hearing examiners. Such action shall include the transfer of any state employee currently employed as a hearing examiner, if the employee qualifies under this section.

[1975 c 380 s 16]

(NOTE: Laws 1975, Chapter 380, Section 23, reads as follows:

"Sec. 23. [EFFECTIVE DATE.] This act is effective on July 1, 1975, and the chief hearing examiner shall be appointed not more than 30 days thereafter and he may proceed to adopt rules pursuant to section 16, subdivision 4, of this act and otherwise organize his office; however, section 16, subdivision 3, and other provisions of this act requiring agency use of hearing examiners shall be effective on January 1, 1976, and provisions relating to the state register shall be effective on July 1, 1976.")

### 15.058 Licensing board members, compensation, terms, removal, reports.

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements for those agencies in the executive branch other than departments whose primary functions include licensing, certification or registration of persons in specified professions or occupations shall be as provided in sections 214.07 to 214.09.

[1975 c 136 s 76]

### 15.059 Advisory councils and committees.

**Subdivision 1. Application.** The terms, compensation and removal of members, and the expiration date of an advisory council or committee shall be governed by this section whenever specifically provided by law. As used in this section "council or committee" shall mean all advisory boards, councils, committees and commissions whose provisions are governed by this section.

**Subd. 2. Membership terms.** The terms of the members of the advisory councils and committees shall be four years. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of the members shall end on the first Monday in January one year after the terms of the other members. If there is an odd number of

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members, the smallest possible majority of the members shall have terms coterminous with the governor. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories as specified in statute have two or more members each, the appointing authority shall appoint as nearly as possible one half of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify. If a successor has not been appointed by the July 1 after the scheduled end of a member's term, the term of the member for whom a successor has not been appointed shall be extended until the first Monday in January four years after the scheduled end of the term.

**Subd. 3. Compensation.** Members of the advisory councils and committees shall be compensated at the rate of \$25 per day spent on council or committee activities plus expenses in the same manner and amount as state employees. Members who are state employees or employees of political subdivisions shall not receive the \$25 per day, but they shall suffer no loss in compensation or benefits from the state or political subdivision as a result of their services on the council or committee. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source.

**Subd. 4. Removal.** A member may be removed by the appointing authority at any time (1) for cause after notice and hearing, or (2) after missing three consecutive meetings. The chairman of the advisory council or committee shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the council or committee shall notify the member in writing that he may be removed if he misses the next meeting.

**Subd. 5. Expiration date.** Unless an earlier date is specified by law, the existence of each advisory council and committee governed by this section shall terminate on June 30, 1983.

**Subd. 6. Advisory task forces.** Advisory task forces created after July 1, 1975 and governed by this subdivision shall expire two years after the effective date of the act creating the advisory task force or the date of appointment of the members, whichever is later, unless a shorter term is specified in statute. Members shall not receive the \$25 per diem specified in this section but shall receive expenses in the same manner and amount as state employees. Members appointed to these advisory task forces shall serve until the expiration date of the advisory task force and may be removed pursuant to subdivision 4.

[1975 c 315 s 1]

## 15.162 Collection, security and dissemination of records; definitions.

Subdivision 1. As used in sections 15.162 to 15.168 the terms defined in this section have the meanings given them.

**Subd. 2. "Commissioner"** means the commissioner of the department of administration.

**Subd. 2a. "Confidential data on individuals"** means data which is not public but is (a) expressly made confidential by law as to the individual subject of that data; (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency; (c) data which supplies the basis for the diagnosis of the medical or psychiatric condition of an individual as determined by a licensed physician.

**Subd. 3. "Data on individuals"** includes all records, files and processes which contain any data in which an individual is or can be identified and which is kept or intended to be kept on a permanent or temporary basis. It includes that collected, stored, and disseminated by manual, mechanical, electronic or any other means. Data on individuals includes data classified as



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public, private or confidential.

Subd. 4. "Individual" means a natural person. In the case of a minor individual under the age of 18, "individual" shall mean a parent or guardian acting in a representative capacity, except where such minor individual indicates otherwise.

Subd. 5. "Political subdivision" includes counties, municipalities, school districts and any boards, commissions, districts or authorities created pursuant to local ordinance. It includes any nonprofit corporation which is a community action agency organized to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency.

Subd. 5a. "Private data on individuals" means data which is not public but which by law is accessible to the individual subject of that data.

Subd. 5b. "Public data on individuals" means data which is accessible to the public in accordance with the provisions of section 15.17.

Subd. 6. "Responsible authority" at the state level means any office established by law as the body responsible for the collection and use of any set of data on individuals or summary data. "Responsible authority" in any political subdivision means the person designated by the governing board of that political subdivision, unless otherwise provided by state law. With respect to statewide systems, "responsible authority" means the state official involved, or if more than one state official, the official designated by the commissioner.

Subd. 7. "State agency" means the state, the university of Minnesota, and any office, officer, department, division, bureau, board, commission, authority, district or agency of the state.

Subd. 8. "Statewide system" includes any record-keeping system in which data on individuals is collected, stored, disseminated and used by means of a system common to one or more agencies of the state or more than one of its political subdivisions.

Subd. 9. "Summary data" means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.

[1975 c 401 s 1]

### 15.163 Reports to the legislature.

Subdivision 1. On or before August 1 of each year the responsible authority shall document and file a report with the commissioner of administration, which shall be a public record. The report shall contain the following information:

(a) The title, name, and address, of the responsible authority.

(b) A statement of which records containing data on individuals maintained by the responsible authority are classified as confidential and which are classified as private. The responsible authority shall submit sample copies of any forms which will, when executed, contain data on individuals classified as private or confidential.

(c) The purposes for which private or confidential data on individuals is authorized to be used, collected, disseminated and stored.

(d) The responsible authority's policies and practices regarding storage, duration of retention, and disposal of data on individuals, including a description of the provisions for maintaining the integrity of private and confidential data on individuals.

Subd. 2. On or before December 1 of each year, the commissioner shall prepare a report to the legislature summarizing the information filed by responsible authorities pursuant to subdivision 1 and notifying the legislature of any problems relating to the administration, implementation and enforcement of sections 15.162 to 15.168 which might, in his opinion, require legislative action.

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[1975 c 401 s 2]

**15.164** [Repealed, 1975 c 401 s 9]

### **15.1641 Duties of responsible authority.**

(a) Data on individuals is under the jurisdiction of the responsible authority who may appoint an individual to be in charge of each file or system containing data on individuals.

(b) Collection and storage of public, private or confidential data on individuals and use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

(c) Private or confidential data on individuals shall not be used, collected, stored or disseminated for any purposes other than those stated to an individual at the time of collection in accordance with section 15.165 or, in the case of data collected prior to August 1, 1975, for any purpose other than those originally authorized by law, unless (1) the responsible authority files a statement with the commissioner describing the purpose and necessity of the purpose with regard to the health, safety or welfare of the public and the purpose is approved by the commissioner, or (2) the purpose is subsequently authorized by the state or federal legislature, or (3) the purpose is one to which the individual subject or subjects of the data have given their informed consent.

(d) The use of summary data derived from private or confidential data on individuals under jurisdiction of one or more responsible authorities shall be permitted, provided that summary data is public pursuant to section 15.17. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data to the administrative officer responsible for any central repository of summary data, or to a person outside of its agency if the person agrees in writing not to disclose private or confidential data on individuals.

(e) The responsible authority shall establish procedures and safeguards to ensure that all public, private or confidential data on individuals is accurate, complete and current. Emphasis shall be placed on the data security requirements of computerized files containing private or confidential data on individuals which are accessible directly via telecommunications technology, including security during transmission.

[1975 c 401 s 3]

### **15.165 Rights of subjects of data.**

The rights of individuals on whom the data is stored or to be stored shall be as follows:

(a) An individual asked to supply private or confidential data concerning himself shall be informed of: (1) both the purpose and intended use of the requested data, (2) whether he may refuse or is legally required to supply the requested data, and (3) any known consequence arising from his supplying or refusing to supply private or confidential data.

(b) Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, whether it be classified as public, private or confidential. Upon his further request, an individual who is the subject of stored public or private data on individuals shall be shown the data without any charge to him and, if he desires, informed of the content and meaning of that data. After an individual has been shown the data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected. The responsible authority shall provide copies of the data upon request by the

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individual subject of the data, provided that the cost of providing copies is borne by the requesting individual.

(c) An individual may contest the accuracy or completeness of public or private data concerning himself. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days correct the data if the data is found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, or notify the individual of disagreement. Data in dispute shall not be disclosed except under conditions of demonstrated need and then only if the individual's statement of disagreement is included with the disclosed data. The determination of the responsible authority is appealable in accordance with the provisions of the administrative procedure act relating to contested cases.

[1975 c 401 s 4]

### 15.166 Civil penalties.

Subdivision 1. Notwithstanding section 466.03, a political subdivision responsible authority or state agency which violates any provision of sections 15.162 to 15.168 is liable to a person who suffers any damage as a result of the violation, and the person damaged may bring an action against the political subdivision, responsible authority or state agency to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the political subdivision or state agency shall, in addition, be liable to exemplary damages of not less than \$100, nor more than \$1,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under sections 15.162 to 15.168.

Subd. 2. A political subdivision, responsible authority or state agency which violates or proposes to violate sections 15.162 to 15.168 may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate sections 15.162 to 15.168.

Subd. 3. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

[1975 c 401 s 5]

### 15.167 Penalties.

Any person who willfully violates the provisions of sections 15.162 to 15.168 or any lawful rules and regulations promulgated thereunder is guilty of a misdemeanor. Willful violation of sections 15.162 to 15.168 by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

[1975 c 401 s 6]

### 15.1671 Duties of the commissioner.

The commissioner shall with the advice of the intergovernmental information services advisory council promulgate rules, in accordance with the rulemaking procedures in the administrative procedures act which shall apply to state agencies, statewide systems and political subdivisions to implement the enforcement and administration of sections 15.162 to 15.169. The rules shall not affect section 15.165, relating to rights of subjects of data, and section 15.169, relating to the powers and duties of the privacy study commission. Prior to the adoption of rules authorized by this section the commissioner shall give notice to all state agencies and political subdivisions in the same manner and in addition to other parties as required by section 15.0412, subdivision 3, of the date and place of hearing, enclosing a copy of the rules and regulations to be adopted.

[1975 c 401 s 7]

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**15.168** [Repealed, 1975 c 401 s 9]

### **15.169 Privacy study commission.**

**Subdivision 1. Creation.** There is hereby created a privacy study commission consisting of six members, three of whom shall be appointed by the committee on committees, and three of whom shall be appointed by the speaker of the house. The commission shall act from the time its members are appointed until the commencement of the 1977 regular session of the legislature. Any vacancy shall be filled by the appointing power.

**Subd. 2. Organization and procedure.** At its first meeting the commission shall elect a chairman, a vice-chairman and such other officers from its membership as it may deem necessary. The commission shall adopt rules governing its operation and the conduct of its meetings and hearings, which rules are not subject to the provisions of the administrative procedures act.

**Subd. 3. Duties and powers.** The commission shall make a continuing study and investigation of data on individuals collected, stored, used and disseminated by political subdivisions, state agencies, statewide systems and any other public or private entity in the state of Minnesota the commission may deem appropriate for such study and investigation. The powers and duties of the commission shall include, but are not limited to the following:

(1) the holding of meetings at times and places it designates to accomplish the purposes set forth in Laws 1975, Chapter 401. The commission may hold hearings at times and places convenient for the purpose of taking evidence and testimony to effectuate the purposes of Laws 1975, Chapter 401, and for those purposes the commission may, through its chairman by a three-fourths vote of its members, issue subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records and the giving of relevant testimony. In the case of contumacy or refusal to obey a subpoena issued under authority herein provided, the district court in the county where the refusal or contumacy occurred may, upon complaint of the commission, punish as for contempt the person guilty thereof.

(2) the study of all data on individuals collected, stored, used or disseminated in the state of Minnesota including, but not limited to that collected, stored, used or disseminated by any political subdivision, state agency or statewide system in order to determine the standards and procedures in force for the protection of private and confidential data on individuals. In conducting such study, the commission shall:

(a) determine what executive orders, attorney general opinions, regulations, laws or judicial decisions govern the activities under study and the extent to which they are consistent with the rights of public access to data on individuals, privacy, due process of law and other guarantees in the constitution.

(b) determine to what extent the collection, storage, use or dissemination of data on individuals is affected by the requirements of federal law.

(c) examine the standards and criteria governing programs, policies and practices relating to the collection, storage, use or dissemination of data on individuals in the state of Minnesota.

(d) collect and utilize to the maximum extent practicable, all findings, reports, studies, hearing transcripts, and recommendations of governmental legislature, and private bodies, institutions, organizations and individuals which pertain to the problems under study by the commission.

(3) the recommendation to the legislature of the extent, if any, to which the requirements and principles of Laws 1975, Chapter 401 should be applied to information practices in existence in the state of Minnesota by legislation, administrative action or voluntary adoption of such requirements and principles, and report on such other legislative recommendations as it may determine to be necessary to protect the privacy of individuals while meeting the legitimate needs of government and society for information.

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**Subd. 4. Office.** The commission shall maintain an office in the capitol group of buildings in space provided by the commissioner of administration.

**Subd. 5. Supplies; staff.** The commission may purchase equipment and supplies and employ such professional, clerical, and technical assistants from the senate and house staff as it deems necessary in order to perform the duties herein prescribed. The commission may invite consultants and other knowledgeable persons to appear before it and offer testimony and compensate them appropriately.

**Subd. 6. Assistance of other agencies.** The commission may request any information including any data on individuals from any political subdivision, statewide system, or state agency or any employee thereof in order to assist in carrying out the purposes of the act, and notwithstanding any law to the contrary, such employee or agency is authorized and directed to promptly furnish any such data or information requested.

**Subd. 7. Expenses, reimbursement.** Members of the commission shall be compensated as provided in section 3.102.

**Subd. 8. Penalties for disclosure.** (1) Any member, assistant or staff of the commission who, by virtue of his employment or official position, has possession of, or access to, agency records which contain private or confidential data on individuals the disclosure of which is prohibited by law, and also knowing or having reason to know that disclosure of such data is prohibited, willfully discloses such data in any manner to any person or agency not entitled to receive it shall be guilty of a misdemeanor.

(2) Any member, assistant or staff of the commission who knowingly and willfully requests or obtains any private or confidential data on individuals under false pretenses the disclosure of which such person is not entitled by law shall be guilty of a misdemeanor.

**Subd. 9. Report to the legislature.** The commission shall report its findings and recommendations to the legislature as soon as they are available, in any case not later than November 15, 1976, and may supplement them thereafter until January 15, 1977. One copy of the report shall be filed with the secretary of the senate, one copy with the chief clerk of the house of representatives and ten copies with the legislative reference library.

**Subd. 10. Appropriation.** There is appropriated from the general fund the sum of \$25,000 for the biennium ending June 30, 1977, or as much thereof as necessary, to pay the expenses incurred by the commission. Expenses of the commission shall be approved by the chairman or another member as the rules of the commission provide and paid in the same manner that other state expenses are paid.

[1975 c 401 s 8]

### 15.56 Status of employees of other governments.

[For text of subs 1 and 2, see M.S.1974]

**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. The salary and 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.

[1975 c 276 s 1]

[For text of subs 4 to 6, see M.S.1974]

### 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, 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, as amended, and

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Comprehensive Employment and Training Act of 1973, as amended, pursuant to the terms of those acts.

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 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, as amended, and Comprehensive Employment and Training Act of 1973, as amended, 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, as amended, and Comprehensive Employment and Training Act of 1973, as amended, when such employment by a state department or agency has been approved by the commissioner of administration and after the governor has consulted the legislative advisory committee and such committee has made its recommendation thereon. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

[1975 c 2 s 1]

## CHAPTER 15A. STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES

Sec.  
15A.071 Repealed.  
15A.081 Salaries and salary ranges for certain  
officers and employees.

Sec.  
15A.083 Salaries for positions in the judi-  
cial branch.

**15A.071** [Repealed, 1975 c 381 s 23]

**15A.081** Salaries and salary ranges for certain officers and employees.

Subdivision 1. The following salaries or salary ranges are provided for the below listed officers and employees in the executive branch of government:

	Base Salary or Range
Administration, department of	
commissioner	\$36,000
deputy commissioner	28,800
Aeronautics, department of	
commissioner	20,400
Agriculture, department of	
commissioner	22,000
deputy commissioner	17,600
Attorney general, office of	
attorney general	36,500
deputy attorney general	19,100 - 31,500
Auditor, office of	
auditor	26,000
deputy auditor	20,800
Commerce, department of	
commissioner of banks	22,000
commissioner of insurance	22,000
commissioner of securities	22,000
Community college system	
chancellor	27,500
Corrections, department of	