

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.

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 agriculture; the department of commerce; the department of corrections; the department of education; the department of economic security; the department of energy, planning and development; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of employee relations; the department of public safety; the department of public service; the department of public welfare; the department of revenue; the department of transportation; the department of veterans affairs; and their successor departments.

History: 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; 1973 c 492 s 14; 1973 c 507 s 45; 1973 c 582 s 3; 1975 c 271 s 1; 1976 c 149 s 2; 1976 c 166 s 7; 1977 c 430 s 5,25 subd 2; 1977 c 444 s 1; 1980 c 617 s 47; 1981 c 356 s 87 (53-1, 53-1a)

15.012 STATE AGENCIES; DESIGNATION BY TYPE.

A multi-member state agency hereafter created whose membership includes two or more appointed members 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 or 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 development of facilities within the state shall be designated an "authority".

(f) A committee or council scheduled upon its creation to expire two years after the effective date of the act creating it or the date of appointment of its members, whichever is later, unless a shorter term is specified in statute, shall be designated an "advisory task force".

History: 1975 c 271 s 2; 1976 c 149 s 3

15.014 ADVISORY TASK FORCES.

Subdivision 1. Policy. It is the policy of the legislature to encourage state agencies to solicit and receive advice from members of the public. This advice can best be rendered by an advisory task force of a reasonable number of persons working for a limited duration on a specific and clearly defined subject. By this section it is the intent of the legislature to provide for a common nomenclature scheme, facilitate the gathering of advice, and limit the proliferation of costly, unnecessary or outmoded advisory agencies.

Subd. 2. Creation; limitations. A commissioner of a state department, a state board or other agency having the powers of a board as defined in section 15.012, may create advisory task forces to advise the commissioner or agency on specific programs or topics within the jurisdiction of the department or agency. A task force so created shall have no more than 15 members. The task force shall expire and the terms and removal of members shall be as provided in section 15.059, subdivision 6. The members of no more than four task forces created pursuant to this section in a department or agency may be paid expenses in the same manner and amount as paid to state employees. No member of a task force shall be compensated for his services in a manner not provided for in statute. A commissioner, board, council, committee, or other state agency may not create any other multi-member agency unless specifically authorized by statute or unless the creation of the agency is authorized by federal law as a condition precedent to the receipt of federal money.

Subd. 3. Task force for curriculum development purposes. In addition to the task forces for which compensation of members is authorized in subdivision 2, the

state board of education may create not to exceed ten task forces, to be compensated as provided in section 15.059, subdivision 6. A task force created pursuant to this subdivision shall be for curriculum development purposes only and shall expire within one year after its creation. The task force shall report to the state board before its expiration or upon the completion of its task, whichever occurs first.

History: 1976 c 149 s 4; 1977 c 163 s 1

15.015 [Repealed, 1981 c 253 s 48]

15.02 [Repealed, 1981 c 253 s 48]

15.03 [Repealed, 1981 c 253 s 48]

15.039 EFFECT OF TRANSFER OF POWERS AMONG AGENCIES.

Subdivision 1. Application of section. The provisions of this section apply whenever the responsibilities of an agency are transferred by law to another agency unless the act directing the transfer provides otherwise. The term "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law on an agency. The term "new agency" means the agency to which responsibilities have been transferred from another agency.

Subd. 2. In general. The new agency is a continuation of the former agency as to those matters within the jurisdiction of the former agency which are transferred to the new agency. Following a transfer the new agency shall carry out the assigned responsibilities as though the responsibilities of the former agency had not been transferred. No transfer constitutes a new authority for the purpose of succession to all responsibilities of the former agency as constituted at the time of the transfer.

Subd. 3. Rules. All rules adopted pursuant to responsibilities which are transferred to another agency remain effective and shall be enforced by the new agency. Any rulemaking authority which existed to implement the responsibilities which are transferred is transferred to the new agency.

Subd. 4. Court actions. Any proceeding, court action, prosecution, or other business or matter which is pending on the effective date of a transfer of responsibilities may be conducted by the new agency in the same manner as though it were conducted by the former agency prior to the transfer.

Subd. 5. Contracts; records. The agency whose responsibilities are transferred shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the new agency. The new agency shall accept the material presented.

Subd. 6. Unexpended funds. All unexpended funds originally appropriated to an agency for the purposes of any responsibilities which are transferred to another agency are reappropriated under the same conditions as the original appropriation to the new agency effective on the date of the transfer of responsibilities. If the responsibilities are transferred to more than one agency, the commissioner of finance shall allocate any unexpended appropriation to the agencies affected.

Subd. 7. Personnel. The positions associated with the responsibilities being transferred are abolished in the agency whose responsibilities are transferred. The approved staff complement for that agency is decreased accordingly. The employees who fill the abolished positions are employees of the agency receiving the new responsibilities. The approved staff complement for that agency is increased accordingly. Personnel changes are effective on the date of transfer of responsibilities.

History: 1981 c 253 s 2

- 15.04** [Repealed, 1981 c 253 s 48]
- 15.041** MS1953 [Repealed, 1957 c 806 s 13]
- 15.041** Subdivision 1. MS1980 [Renumbered 14.01]
- Subd. 2. MS1980 [Renumbered 14.03, subdivision 1]
- Subd. 3. MS1980 [Renumbered 14.03, subd. 2]
- 15.0411** Subdivision 1. [Renumbered 14.02, subdivision 1]
- Subd. 2. [Renumbered 14.02, subd. 2]
- Subd. 3. [Renumbered 14.02, subd. 4]
- Subd. 4. [Renumbered 14.02, subd. 3]
- 15.0412** Subdivision 1. [Renumbered 14.05, subds. 1 to 3 and 14.07, subd. 5]
- Subd. 1a. [Renumbered 14.05, subd. 4]
- Subd. 2. [Renumbered 14.04]
- Subd. 2a. [Renumbered 14.07, subds. 2 and 4]
- Subd. 3. [Renumbered 14.06]
- Subd. 4. [Renumbered 14.14, subdivision 1]
- Subd. 4a. [Repealed, 1981 c 253 s 48]
- Subd. 4b. [Renumbered 14.13]
- Subd. 4c. [Renumbered 14.14, subd. 2]
- Subd. 4d. [Renumbered 14.15, subds. 1 to 4]
- Subd. 4e. [Renumbered 14.14, subd. 3, 14.16 and 14.17]
- Subd. 4f. [Renumbered 14.18]
- Subd. 4g. [Renumbered 14.20]
- Subd. 4h. [Renumbered 14.21 to 14.28]
- Subd. 5. [Renumbered 14.29 to 14.36]
- Subd. 6. [Renumbered 14.10]
- Subd. 7. [Renumbered 14.11, subdivision 1]
- Subd. 7a. [Renumbered 14.11, subd. 2]
- Subd. 8. [Renumbered 14.12]
- Subd. 9. [Renumbered 14.19]
- Subd. 10. [Renumbered 14.08]
- 15.0413** Subdivision 1. [Renumbered 14.38, subdivision 1]
- Subd. 1a. [Renumbered 14.38, subd. 2]
- Subd. 1b. [Renumbered 14.38, subd. 3]
- Subd. 2. [Renumbered 14.38, subd. 4]
- Subd. 3. [Renumbered 14.38, subds. 5 to 9]
- Subd. 3a. [Renumbered 14.38, subd. 10]
- Subd. 3b. [Renumbered 14.38, subd. 11]
- Subd. 4. [Repealed, 1975 c 380 s 22]
- Subd. 5. [Repealed, 1975 c 380 s 22]
- Subd. 6. [Repealed, 1975 c 380 s 22]
- 15.0414** [Repealed, 1963 c 822 s 4]
- 15.0415** [Renumbered 14.09]
- 15.0416** [Renumbered 14.44]
- 15.0417** [Renumbered 14.45]

- 15.0418 Subdivision 1. [Renumbered 14.57]
 - Subd. 2. [Renumbered 14.58]
 - Subd. 3. [Renumbered 14.59]
- 15.0419 [Renumbered 14.60]
- 15.042 [Repealed, 1957 c 806 s 13]
- 15.0421 [Renumbered 14.61]
- 15.0422 [Renumbered 14.62]
- 15.0423 [Repealed, 1980 c 615 s 61]
- 15.0424 Subdivision 1. [Renumbered 14.63]
 - Subd. 2. [Renumbered 14.64]
 - Subd. 3. [Renumbered 14.65]
 - Subd. 4. [Renumbered 14.66]
 - Subd. 5. [Renumbered 14.67]
 - Subd. 6. [Renumbered 14.68]
- 15.0425 [Renumbered 14.69]
- 15.0426 [Renumbered 14.70]
- 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 [Repealed, 1975 c 61 s 26; 1976 c 149 s 63]
- 15.047 Subdivision 1. MS1980 [Repealed, 1980 c 615 s 62]
 - Subd. 2. MS1980 [Repealed, 1980 c 615 s 62]
 - Subd. 3. MS1961 [Repealed, 1963 c 822 s 4]
- 15.0471 [Obsolete]
- 15.048 [Renumbered 14.37, subdivision 1]
- 15.049 [Renumbered 14.37, subdivision 1]
- 15.05 [Renumbered 14.46, subd. 5]
- 15.051 [Renumbered 14.46, subds. 1 to 4]
- 15.052 Subdivision 1. [Renumbered 14.48]
 - Subd. 2. [Renumbered 14.49]
 - Subd. 3. [Renumbered 14.50]
 - Subd. 4. [Renumbered 14.51]
 - Subd. 5. [Renumbered 14.52]
 - Subd. 5a. [Renumbered 14.52]
 - Subd. 6. [Renumbered 14.53]
 - Subd. 7. [Renumbered 14.54]
 - Subd. 8. [Renumbered 14.55]
 - Subd. 9. [Renumbered 14.56]

15.054 PUBLIC EMPLOYEES NOT TO PURCHASE MERCHANDISE FROM GOVERNMENTAL AGENCIES; EXCEPTIONS; PENALTY.

No officer or employee of the state or any of its political subdivisions shall sell or procure for sale or have in his possession or control for sale to any other officer or employee of the state or the subdivision, as appropriate, any property or materials owned by the state or subdivision except pursuant to conditions provided in this section. Property or materials owned by the state or a subdivision, except

real property, and not needed for public purposes, may be sold to an employee of the state or the subdivision after reasonable public notice at public auction or by sealed bid if the employee is the highest responsible bidder and if he is not directly involved in the auction or sealed bid process. Requirements for reasonable public notice may be prescribed by other law or ordinance so long as at least one week's published or posted notice is specified. A state employee may purchase no more than one motor vehicle from the state in any 12 month period. A person violating the provisions of this section is guilty of a misdemeanor. This section shall not apply to the sale of property or materials acquired or produced by the state or subdivision for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the state or a political subdivision from selling or having in his possession for sale public property if the sale or possession for sale is in the normal course of the employee's duties.

History: 1977 c 347 s 5

15.055 [Repealed, 1977 c 347 s 4]

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 department of transportation, the department of energy, planning and development, the game and fish division, the department of economic security, 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.

History: 1965 c 901 s 54; 1967 c 299 s 9; 1967 c 475 s 1; 1969 c 567 s 3; 1973 c 254 s 3; 1976 c 166 s 7; 1977 c 430 s 25 subd 1; 1981 c 356 s 88

15.0575 ADMINISTRATIVE BOARDS AND AGENCIES.

Subdivision 1. Procedure. The membership terms, compensation, and removal of members and the filling of membership vacancies of boards shall be governed by this section whenever specifically provided by law. As used in this section, "boards" shall refer to all boards, commissions, agencies, committees, councils, authorities and courts whose provisions are governed by this section.

Subd. 2. Membership terms. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. 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 have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify. If the appointing authority fails to appoint a successor by July 1 of the year in which a term expires, the term of the member for whom a successor has not been appointed shall extend, subject to the advice and consent of the senate if the member was appointed by the governor, until the first Monday in January four years after the scheduled end of the original term.

Subd. 3. **Compensation.** Members of the boards shall be compensated at the rate of \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Members who are full time state employees or full time employees of the political subdivisions of the state shall not receive the \$35 per day, but they shall suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board. Members who are full time state employees or full time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source.

Subd. 4. **Removal; vacancies.** 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 board 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 board shall notify the member in writing that he may be removed if he misses the next meeting. In the case of a vacancy on the board, the appointing authority shall appoint, subject to the advice and consent of the senate if the member is appointed by the governor, a person to fill the vacancy for the remainder of the unexpired term.

History: 1976 c 134 s 1; 1982 c 560 s 5

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.

History: 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 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 \$35 per day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Members who are state employees or employees of political subdivisions shall not receive the \$35 per day if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision. A member who is an employee of the state or a political subdivision shall not suffer a loss in compensation or benefits from the state or political subdivision as a result of his service on the council or committee. Members who are full time state employees or full time 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. A state employee who serves on an advisory council or committee as a representative of a specific state department or agency shall not receive the \$35 per day.

Subd. 4. Removal. A member may be removed by the appointing authority at any time at the pleasure of the appointing authority. 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. In the case of a vacancy on the board, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.

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 \$35 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.

History: 1975 c 315 s 1; 1976 c 149 s 5,6; 1977 c 444 s 2; 1982 c 560 s 6

15.0593 AGENCIES CREATED BY EXECUTIVE ORDER.

The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 4.035, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.

History: 1977 c 305 s 5

15.0595 COMPENSATION AND PER DIEM; SOURCE OF FUNDS.

The source of payment of per diems and expenses for agencies governed by sections 15.0575 and 15.058 shall be appropriations or funds otherwise available to the agencies. The source of payment of per diems and expenses for agencies governed by section 15.059 shall be appropriations or funds otherwise available to the appointing authority of agency members.

History: 1977 c 444 s 3

15.0597 APPOINTMENTS TO MULTI-MEMBER AGENCIES.

Subdivision 1. **Definitions.** As used in this section, the following terms shall have the meanings given them.

(a) "Agency" means (1) a state board, commission, council, committee, authority, task force or other similar multi-member agency created by statute and having statewide jurisdiction; and (2) the metropolitan council, metropolitan transit commission, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan waste control commission, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position; provided that "agency" shall not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) "Secretary" means the secretary of state.

Subd. 2. **Collection of data.** The chairman of an existing agency, or the appointing authority for the members of a newly created agency, shall provide the secretary, on forms prepared and distributed by the secretary, with the following data pertaining to that agency:

- (a) The name of the agency, its mailing address, and telephone number;
- (b) The legal authority for the creation of the agency and the name of the person appointing agency members;
- (c) The powers and duties of the agency;
- (d) The number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;
- (e) The dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;
- (f) The compensation of members, and appropriations or other funds available to the agency;
- (g) The regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;
- (h) The roster of current members, including mailing addresses and telephone numbers; and
- (i) A breakdown of the membership showing distribution by county and legislative district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack thereof, race and national origin of the members.

Subd. 3. **Publication of agency data.** The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication in the state register of the compiled data from all agencies on or about November 15 of each year. Copies of the compilation shall be delivered to the governor and the legislature. Copies of the compilation shall be made available

by the secretary to any interested person at cost, and copies shall be available for viewing by interested persons. The chairman of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in his agency, shall not be eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Subd. 4. Notice of vacancies. The chairman of an existing agency, shall notify the secretary of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chairman of an existing agency shall give written notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall give written notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. Every 21 days, the secretary shall publish in the state register a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published in the state register together with the compilation of agency data required to be published pursuant to subdivision 3.

Subd. 5. Nominations for vacancies. Any person may nominate himself to be appointed to an agency vacancy by completing an application on a form prepared and distributed by the secretary. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents in writing on the application form to the nomination. The application form shall specify the nominee's name, mailing address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, and any other information the nominating person feels would be helpful to the appointing authority. The application form shall permit the nominating person at his discretion to indicate the nominee's sex, political party preference or lack thereof, race and national origin. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy in the state register pursuant to subdivision 4, the secretary shall submit copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date he is required to submit copies to the appointing authority, he shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Subd. 6. Appointments. In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing

authority shall issue a public announcement and inform the secretary in writing of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority. If the appointment requires the advice and consent of the senate, the secretary shall, prior to consideration by the senate of the appointment, supply the president of the senate with a copy of the application, together with a copy of any documents which the appointee is required by virtue of his appointment to submit to the ethical practices board. With respect to the ethical practices board, the secretary shall also submit a copy of the application and documents to the speaker of the house of representatives prior to consideration of the appointment by the house of representatives.

Subd. 7. **Report.** Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report containing the following information:

- (a) The number of vacancies occurring in the preceding year;
- (b) The number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (c) Breakdowns by county, legislative district and, if known, the sex, political party preference or lack thereof, race and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and
- (d) The number of vacancies filled from applications submitted by (1) the appointing authorities for the positions filled, (2) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (3) all others.

Subd. 8. **Transfer of administrative functions.** If the commissioner of administration with the approval of the governor determines that the administration of the open appointment process provided for in this section more properly belongs in another agency of the state, he may, on or after July 1, 1981, transfer this function to that agency by reorganization order.

History: 1978 c 592 s 1,2; 1980 c 614 s 42-46

15.0598 EXCEPTIONS TO OPEN APPOINTMENTS.

The open appointments program shall not apply to any appointments made jointly by the governor, attorney general, and chief justice.

History: 1980 c 614 s 186

15.06 APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.

Subdivision 1. **Applicability.** This section applies to the following departments or agencies: the departments of administration, agriculture, corrections, economic development, economic security, education, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, and veterans affairs; the banking, insurance and securities divisions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as "commissioners".

Subd. 2. Term of office; successor. The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority. Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.

Subd. 3. Vacancy; temporary commissioner. The purpose of this subdivision is to provide a procedure to insure the immediate accession to office of a temporary commissioner in the event of a vacancy in the office of commissioner. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner pursuant to subdivision 4, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 7 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate a temporary commissioner.

Subd. 4. End of term; vacancy; acting commissioner. The purpose of this subdivision is to provide alternative means whereby an appointing authority may designate a person other than a temporary commissioner to serve as acting commissioner until advice and consent of the senate is received in respect to a permanent appointee. These alternative means include the following:

(1) At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies.

(2) An appointing authority may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting or temporary commissioner designated pursuant to subdivisions 3 or 4.

(3) Prior to the advice and consent of the senate, the appointing authority may designate the permanent appointee as commissioner.

Subd. 5. Effect of designation of acting or temporary commissioner. A person who is designated commissioner, acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of the office. Upon the appointment of a commissioner or acting commissioner to succeed any other acting or temporary commissioner, the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the state register.

Subd. 6. General powers of commissioners. Except as otherwise expressly provided by law, a commissioner shall have the following powers:

(1) To delegate to any of his subordinate employees the exercise of his specified statutory powers or duties as he may deem advisable, subject to his control; provided, that every delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;

(2) To appoint all subordinate employees and to prescribe their duties; provided, that all departments and agencies shall be subject to the provisions of chapter 43A;

(3) With the approval of the commissioner of administration, to organize his department or agency as he may deem advisable in the interest of economy and efficiency; and

(4) To prescribe procedures for the internal management of his department or agency to the extent that the procedures do not directly affect the rights of or procedure available to the public.

Subd. 7. Deputy commissioner. For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.

Subd. 8. Number of deputy commissioners. Unless specifically authorized by statute, other than section 43A.08, subdivision 2, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.

Subd. 9. Private employment. No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

History: 1939 c 431 art 8 s 6; 1977 c 305 s 1; 1977 c 430 s 25; 1981 c 210 s 54 (53-1g)

15.061 CONSULTANT, PROFESSIONAL AND TECHNICAL SERVICES.

Pursuant to the provisions of section 16.098, the head of a state department or agency may, with the approval of the commissioner of administration, contract for consultant services and professional and technical services in connection with the operation of the department or agency. A contract negotiated under this section shall not be subject to the competitive bidding requirements of chapter 16.

History: 1969 c 1139 s 64; 1978 c 480 s 1

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.

History: Ex1971 c 3 s 63

15.065 FISCAL NOTES.

Notwithstanding any other law to the contrary, the departments of health, public welfare, economic security, corrections and the health related boards shall not put into effect any rule, regulation, or standard, which has a fiscal impact in excess of \$100,000 annually without first providing the house appropriations and the senate finance committees with fiscal notes.

History: 1979 c 336 s 15

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.

History: 1939 c 431 art 8 s 2 (53-1c)

15.08 COMMISSIONERS OF FINANCE AND ADMINISTRATION; ACCESS TO RECORDS.

The commissioner of finance 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 commissioner of finance 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.

History: 1939 c 431 art 8 s 3; 1973 c 492 s 14 (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.

History: 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.

History: 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 [Repealed, 1976 c 2 s 3]

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 universities, 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.

History: 1939 c 431 art 8 s 15; 1957 c 576 s 1,2; 1975 c 321 s 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 legislative auditor at any time, as in the case of other state agencies.

History: 1939 c 431 art 8 s 13; 1949 c 48 s 1; 1953 c 129 s 5; 1973 c 492 s 14 (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. **Commissioner of finance and treasurer to transfer funds.** The commissioner of finance 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 commissioner of finance.

Subd. 5. **Obtaining recommendation.** No control of state-owned lands shall be transferred between state departments without first consulting the legislative building commission, or other appropriate legislative committee or committees and obtaining a recommendation thereon. The recommendation shall be advisory only. Failure to obtain a prompt recommendation shall be deemed a negative recommendation.

History: 1941 c 387 s 1-4; 1973 c 492 s 14; 1973 c 720 s 52

15.161 ACCEPTANCE OF FEDERAL LANDS OR BUILDINGS; CONSULTATION WITH LEGISLATIVE COMMITTEES.

The head of a state department or agency shall consult with the chairman of the house appropriations committee and the chairman of the senate finance committee before accepting any federal land or buildings thereon or any interest therein which is declared surplus by federal authorities and obtaining a recommendation thereon which shall be advisory only. Failure to obtain a recommendation thereon promptly shall be deemed a negative recommendation.

History: 1973 c 720 s 60

15.1611 [Renumbered 13.01]

15.162 Subdivision 1. [Renumbered 13.02, subdivision 1]

Subd. 1a. [Repealed, 1981 c 311 s 40]

Subd. 2. [Renumbered 13.02, subd. 2]

Subd. 2a. [Renumbered 13.02, subd. 3]

Subd. 3. [Renumbered 13.02, subd. 5]

Subd. 3a. [Renumbered 13.02, subd. 4]

Subd. 4. [Renumbered 13.02, subd. 8]

Subd. 5. [Renumbered 13.02, subd. 11]

Subd. 5a. [Renumbered 13.02, subd. 12]

Subd. 5b. [Renumbered 13.02, subd. 15]

Subd. 5c. [Renumbered 13.02, subd. 9]

Subd. 5d. [Renumbered 13.02, subd. 13]

Subd. 5e. [Renumbered 13.02, subd. 14]

Subd. 6. [Renumbered 13.02, subd. 16]

Subd. 7. [Renumbered 13.02, subd. 17]

Subd. 8. [Renumbered 13.02, subd. 18]

Subd. 9. [Renumbered 13.02, subd. 19]

Subd. 10. [Renumbered 13.02, subd. 6]

Subd. 11. [Renumbered 13.02, subd. 7]

Subd. 12. [Renumbered 13.02, subd. 10]

15.1621 [Renumbered 13.03]

15.163 [Renumbered 13.05, subs. 1 to 9]

15.164 [Repealed, 1975 c 401 s 9]

15.1641 [Repealed, 1979 c 328 s 24]

15.1642 Subdivision 1. [Renumbered 13.06, subdivision 1]

Subd. 2. [Renumbered 13.06, subd. 2]

Subd. 2a. [Renumbered 13.06, subd. 3]

Subd. 2b. [Renumbered 13.06, subd. 4]

- Subd. 3. [Renumbered 13.06, subd. 5]
- Subd. 4. [Repealed, 1979 c 328 s 24]
- Subd. 5. [Renumbered 13.06, subd. 6]
- Subd. 5a. [Renumbered 13.06, subd. 7]
- 15.1643** [Renumbered 13.05, subd. 10]
- 15.165** [Renumbered 13.04]
- 15.166** [Renumbered 13.08]
- 15.167** [Renumbered 13.09]
- 15.1671** [Renumbered 13.07]
- 15.1672** [Renumbered 13.34]
- 15.1673** [Renumbered 13.37]
- 15.1674** [Renumbered 13.52]
- 15.1675** [Renumbered 13.70, subdivision 1]
- 15.1676** [Renumbered 13.71]
- 15.1677** [Renumbered 13.35]
- 15.1678** [Renumbered 13.44]
- 15.1679** [Renumbered 13.40]
- 15.168** [Repealed, 1975 c 401 s 9]
- 15.1681** [Renumbered 13.86]
- 15.1682** [Renumbered 13.68]
- 15.1683** [Renumbered 13.72, subdivision 1]
- 15.169** [Repealed, 1979 c 328 s 24]
- 15.1691** [Renumbered 13.46]
- 15.1692** Subdivision 1. [Renumbered 13.43, subdivision 1]
 - Subd. 2. [Renumbered 13.43, subd. 2]
 - Subd. 3. [Renumbered 13.43, subd. 3]
 - Subd. 4. [Repealed, 1980 c 603 s 32]
 - Subd. 5. [Renumbered 13.43, subd. 4]
 - Subd. 6. [Renumbered 13.43, subd. 5]
 - Subd. 7. [Renumbered 13.43, subd. 6]
- 15.1693** Subdivision 1. [Renumbered 13.32, subdivision 1]
 - Subd. 1a. [Renumbered 13.32, subd. 2]
 - Subd. 2. [Renumbered 13.32, subd. 3]
 - Subd. 3. [Renumbered 13.32, subd. 4]
 - Subd. 4. [Renumbered 13.32, subd. 5]
- 15.1694** [Renumbered 13.30]
- 15.1695** [Renumbered 13.81]
- 15.1696** [Renumbered 13.82, subd. 6]
- 15.1697** [Renumbered 13.33]
- 15.1698** Subdivision 1. [Renumbered 13.42, subdivision 1]
 - Subd. 2. [Repealed, 1980 c 603 s 32]
 - Subd. 3. [Renumbered 13.42, subd. 2]
 - Subd. 4. [Renumbered 13.42, subd. 3]
- 15.1699** [Renumbered 13.43, subd. 7]

15.17 OFFICIAL RECORDS.

Subdivision 1. Must be kept. All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer", shall make and preserve all records necessary to a full and accurate knowledge of their official activities. All government records shall be made on a physical medium of a quality to insure permanent records. Every public officer, is empowered to reproduce records by any photographic, photostatic, microphotographic, or microfilming means which produces copies meeting archival standards specified by the Minnesota historical society and which clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, or other reproductions, be substituted for the originals of them. He may direct the destruction or sale for salvage or other disposition of the originals from which they were made, in accordance with the disposition requirements of section 138.17. Photographs, photostats, microphotographs, microfilms, or other reproductions shall for all purposes be deemed the original recording of the papers, books, documents and records reproduced when so ordered by any public officer and shall be admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, or other reproduction, or an enlargement or reduction of it, 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 government 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 agency, and of its chief administrative officer, to carefully protect and preserve government 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 government 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 government 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 government records belonging to his office.

Subd. 4. Accessible to public. Access to records containing government data is governed by sections 13.03 and 138.17.

History: 1941 c 553 s 1-4; 1957 c 28 s 1,2; 1973 c 123 art 5 s 7; 1973 c 422 s 1; 1979 c 328 s 23; 1981 c 311 s 39; 1982 c 545 s 24; 1982 c 573 s 1

15.171 OFFICIAL RECORDS; COMPILATION, MAINTENANCE AND STORAGE OF INFORMATION.

Notwithstanding any other law, any public officer who has jurisdiction over a collection of official records may select and use, subject to the approval of the commissioner of administration, alternative methods for the compilation, maintenance and storage of the information contained in those records, subject to the following conditions:

(1) The methods selected must provide for access to the information contained in the records by those authorized by law to have access to that information; and

(2) The methods selected must provide for the preservation of the information contained in the records to the extent specified by law.

History: 1974 c 323 s 1

15.172 APPROVAL OF ALTERNATE METHOD.

At least 90 days prior to the date upon which he proposes to put into effect an alternate method of compilation, maintenance, and storage of records, the public official shall submit a description of the proposed method and the reasons for adopting it to the commissioner of administration. If the commissioner of administration finds that the proposed method complies with the conditions specified in section 15.171, he shall approve its use; if not, he shall disapprove its use. A failure of the commissioner of administration to act before the date upon which the public official proposes to put the alternative method into effect shall be deemed a disapproval of that method.

History: 1974 c 323 s 2

15.173 NOTICE OF ALTERNATIVE METHOD.

Whenever the commissioner of administration approves an alternate method of compilation, maintenance and storage, he shall maintain a written notice of that approval, the date of taking effect of the alternate method, a description of the method and the reasons for its adoption in his office as a public record. In the case of a record having less than statewide significance, the public official having jurisdiction over the records shall file a written notice containing the same information as the notice maintained by the commissioner of administration with the county auditor, clerk or other similar recording officer of the affected governmental subdivision and such notices shall also be maintained as public records.

History: 1974 c 323 s 3

15.174 RECORDS NOW IN USE.

Notwithstanding section 15.171, any public official using an alternate method of compilation, maintenance and storage of a record on August 1, 1974, may continue to use that alternate method unless and until that method is expressly disapproved by the commissioner of administration. Such an official shall file a description of the method and the reasons for its use on or before August 1, 1974. Failure of the commissioner of administration to approve or disapprove such a method within 90 days shall be deemed an approval. Notice of such methods shall be filed as required in section 15.173.

History: 1974 c 323 s 4

15.18 DISTRIBUTION OF PUBLICATIONS.

Except as provided in 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 university as defined in chapter 136.

History: 1947 c 365 s 1; 1963 c 179 s 1; 1975 c 321 s 2

15.181 [Renumbered 43.33]

15.185 MAILING LISTS.

A department, agency, or official of the state issuing for public distribution any book, document, journal, map, pamphlet, or report on a regular basis to a list of persons who have asked to receive regular publications shall insert into at least one publication per person per year a returnable card which must be returned by that person in order to receive future similar publications from that department, agency, or official.

History: 1982 c 562 s 3

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, providing for change, and providing employees with a portion or all of their payroll warrant where the warrant has not been received through the payroll system, 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 commissioner of finance who shall fix the amount of the fund for the department or agency. Upon the approval of the application by the commissioner of finance, the imprest cash fund is established and the commissioner of finance 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 commissioner of finance.

History: 1969 c 265 s 1; 1973 c 492 s 14; 1976 c 231 s 2; 1979 c 333 s 62

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

15.22 [Obsolete by Law 1957 c 936, see sections 15A.02 to 15A.15.]

15.23 [Obsolete by Law 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.

History: 1953 c 676 s 1

15.315 [Repealed, 1976 c 331 s 43]

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 commissioner of finance, 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.

History: 1965 c 766 s 1; 1973 c 492 s 14

15.38 NON-INSURANCE OF STATE PROPERTY; EXCEPTIONS.

Subdivision 1. **Insurance prohibited.** 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 as specifically authorized in this section, section 15.39, or other law.

Subd. 2. **Stillwater prison.** The commissioner of corrections is authorized in his discretion to insure the state of Minnesota against loss by fire or tornado to the Minnesota correctional facility-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.

Subd. 3. **State universities.** The state university board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state universities.

Subd. 4. **Community colleges.** The community college board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state community colleges.

History: 1919 c 256 s 1; 1929 c 78 s 1; 1953 c 593 s 2; 1959 c 263 s 2; 1974 c 406 s 3; 1979 c 102 s 13; 1981 c 359 s 12 (3599)

15.39 ECONOMIC SECURITY DEPARTMENT BUILDINGS.

Subdivision 1. Notwithstanding the provisions of section 15.38, or any other law to the contrary, the commissioner of the department of economic security 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 economic security.

Subd. 2. The commissioner is hereby authorized to requisition from the employment 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.

History: 1961 c 515 s 1,2; 1969 c 567 s 3; 1973 c 254 s 3; 1977 c 430 s 25 subd 1

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.

History: 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.

History: 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.

History: 1971 c 390 s 1

15.42 [Renumbered 15.041]**15.43 ACCEPTANCE OF ADVANTAGE BY STATE EMPLOYEE; PENALTY.**

Subdivision 1. **Financial interest of agents.** No employee of the state or of the University of Minnesota in direct contact with suppliers or potential suppliers to the state or the university, or who may directly or indirectly influence a purchasing decision or contract by establishing specification, testing purchased products, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:

(1) Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to a department or agency of the state or the university; or

(2) Accept directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be, awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation or contract for future reward.

Subd. 2. **Textbooks exempted.** Textbooks authored by an employee of the state's education systems or of the University of Minnesota may be used as required course material upon receipt of written approval from the head of the department. Instructors in state institutions and at the university may accept free samples of textbooks and related teaching materials.

Subd. 3. **Other exemptions.** The commissioners of public welfare and corrections, and the chancellors of the state university and community college systems may by rule prescribe procedure for the acceptance of gifts from any person or organization, provided that such gifts are accepted by the commissioner or chancellor, or his designated representative, and that such gifts are used solely for the direct benefit of patients, inmates or students under the jurisdiction of the accepting state officer.

Subd. 4. **Penalties.** A violation of this section is a misdemeanor.

History: 1973 c 349 s 2; 1973 c 400 s 1; 1975 c 321 s 2; 1982 c 560 s 7

15.44 AIDS FOR HANDICAPPED AT STATE MEETINGS.

After July 1, 1980, a state agency which sponsors, in whole or in part, a meeting or conference for the public or for state employees shall ensure that a physically handicapped participant who gives reasonable advance notice to the agency will receive the auxiliary aids necessary for effective participation. Auxiliary aids may include taped or brailled materials, interpreters or other effective means of making orally delivered material available to participants with hearing impairments, and equipment adaptable for use by participants with manual impairments and other similar services and action; however, nothing in this section shall (1) require a state agency to provide attendants, individually prescribed devices, or other devices or services of a personal nature or (2) apply to a state university, the University of Minnesota or a state community college with respect to classes, seminars or training programs which are offered by them. When sign language interpreters are provided, they shall be provided in a manner so that hearing impaired participants will be able to see their signing clearly. For the purposes of this section, "physically handicapped" has the meaning given in section 16.84, subdivision 8. For the purposes of this section, "agency" means any state officer, employee, board, commission, authority, department or other agency or the executive branch of state government.

History: 1980 c 574 s 8

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. "Commissioner" means the state commissioner of health.

History: 1963 c 766 s 1; 1977 c 305 s 45

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.

History: 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 transportation relating to emergency first aid stations and other employee health services established and operated by such commissioners are hereby transferred to, vested in, and imposed upon the state commissioner of health. All the powers and duties of the commissioners of administration and transportation in relation thereto are abolished.

History: 1963 c 766 s 4; 1976 c 166 s 7; 1977 c 305 s 45

CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

15.50 CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD.

Subdivision 1. (a) The legislature finds that the purposes of the board are to (1) preserve and enhance the dignity, beauty and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof; (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) The capitol area architectural and planning board, herein referred to as the board, consists of ten members. The lieutenant governor shall be a member of the board. Four members shall be appointed by the governor by and with the advice and consent of the senate; three members, one of whom shall be a resident of the district planning council area containing the capitol area, shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. The speaker of the house shall appoint a member of the house of representatives and the president of the senate shall appoint one senator to be members of the board. Each person appointed to the board shall qualify by taking the oath of office.

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

(d) The board shall select an executive secretary to serve the board. 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 board may contract for professional and other similar service on such terms as it may deem desirable.

Subd. 2. (a) The board shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol 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 southeasterly 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 board may regulate, by means of zoning regulations adopted pursuant to the administrative procedure 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. To protect and enhance the dignity, beauty and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty and architectural integrity of the area. No person shall undertake these construction activities as defined in the board's rules in the capitol area unless he has first submitted construction plans to the board, obtained a zoning permit from the board and received a written certification from the board specifying that he has complied with all design review procedures and standards. Violation of the zoning regulations is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board 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 board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. He shall make studies and report the results to the board 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 the exterior or interior design of any proposed new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the board. The commissioner of administration shall consult with the board 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 board.

(e) The board 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 board 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 board 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 board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided such plans have been considered by the advisory committee described in clause (f). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) The board shall not adopt any plan under clause (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee shall not be contestants under clause (e). The comments and criticism shall be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose:

(1) The 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 commissioner of energy, planning and development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board 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 board promptly upon completion;

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

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

(4) The city of St. Paul shall advise the board.

(g) The comprehensive plan for the area shall be developed and maintained in close cooperation with the commissioner of energy, planning and development and the planning department and the council for the city of Saint Paul and the board of the arts, 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 board of the arts.

(h) The board and the commissioner of administration jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance and cleanliness of the public and ceremonial areas of the state capitol building. Pursuant to this power, the board shall consult with the director of the Minnesota state historical society and receive his advice regarding the historic fidelity of plans for the capitol building. The standards and policies developed as herein provided shall be binding upon the commissioner of administration. The provisions of sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45 shall not apply to this clause.

(i) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site

development, and the commissioner of administration shall provide the necessary cost estimates for the program.

(j) The state shall, by the attorney general upon the recommendation of the board 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.

(k) The board 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.

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

(m) The commissioner of administration 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. 2a. The membership terms, compensation, removal of members and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 3. The administrative and planning expenses of the board shall be borne by the state. The expenses of the board 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. The city of Saint Paul may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, Chapter 315, and acts amendatory thereof for capital improvements contained in the city's approved capital improvement budget. The budget is to be adopted in accordance with provisions contained in the city charter.

Subd. 4. [Repealed, 1974 c 580 s 18]

Subd. 5. The moneys appropriated to the board are subject to the requirements of budget and allotment as prescribed by chapter 16A. Except for budgeting and allotting the board shall be subject to none of the provisions of chapters 16 or 16A.

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 boundaries of the capitol area pursuant to the plan adopted by the board; 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 board as provided in Laws 1969, Chapter 1150, shall not, except as provided in this subdivision, 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.

The following procedure shall be used with respect to the tax-forfeited lands within the boundaries of the capitol area:

(1) When the state gains custody of the tax-forfeited lands in the capitol area which are to be held in trust for taxing subdivisions of the state, the Ramsey county board of commissioners shall compile a list of these lands after the fee ownership has been recorded in the county recorder's office and submit the list to the board. The list shall include a property description of the tax-forfeited parcel and a listing of the buildings or structures thereon.

(2) Within 90 calendar days after receipt of the Ramsey county board of commissioners' list, the board, at its discretion, may: (i) direct the commissioner of revenue to release the tax-forfeited parcel from the trust for the taxing subdivision of the state, which action shall vest unencumbered title to the property in the name of the state; or (ii) authorize the parcel to be disposed of pursuant to chapter 282, provided that the parcel be thereafter utilized in accord with a portion or all of the standards, policies or guidelines in the board's comprehensive use plan. All conveyances of property under subclauses (i) and (ii) shall be subject to any restrictive easements which the board may determine to be necessary for implementation of the comprehensive plan. Any parcel which became tax-forfeited before February 28, 1982 shall be conveyed pursuant to this section without compensation.

(3) If the board fails to act within the prescribed 90-day period, the tax-forfeited parcel's disposition shall be governed by chapter 282.

(4) Unless and until the commissioner of revenue releases a tax-forfeited parcel from the trust for the taxing subdivision and during the aforementioned 90-day waiting period, the Ramsey county board of commissioners is authorized to maintain the parcel to minimize risks to persons and property contiguous to the parcel. If the parcel is conveyed from the trust to the state, the commissioner of administration shall assume these maintenance responsibilities.

(c) [Repealed, 1974 c 435 art 6 s 1]

(d) The commissioner of revenue shall, upon application by the board, 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) Neither any member of the board, nor any person employed or retained by the board shall have any financial interest, direct or indirect, in any business enterprise or activity, or in the construction or maintenance of facilities for such enterprise or activity, within the capitol area for which approval of the board is in any way required by law. Any person violating the provisions of this paragraph shall be guilty of a gross misdemeanor.

(5) At any time after acquiring a tax-forfeited parcel of property pursuant to the provisions of this subdivision, the board may direct the commissioner of administration to convey the parcel of property by quitclaim deed to the city of Saint Paul housing and redevelopment agency. The conveyance of property shall be without compensation and shall be subject to any restrictive easements which the board may determine to be necessary for implementation of the comprehensive plan.

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 board. "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 board. Advertising devices which do not meet the requirements of the rules and regulations may be ordered by the board 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. [Repealed, 1974 c 580 s 18]

History: *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; 1973 c 501 s 1; 1973 c 582 s 3; 1974 c 580 s 4-7; 1975 c 271 s 6; 1976 c 134 s 6,7; 1976 c 234 s 6; 1976 c 239 s 129,130; 1977 c 410 s 2; 1980 c 614 s 47,48; 1981 c 301 s 5; 1981 c 356 s 89, 248; 1Sp1981 c 4 art 2 s 2; 1982 c 422 s 1; 1982 c 424 s 130*

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.

History: *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.

History: *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.

History: *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.

History: *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 the plan adopted by the commissioner of employee relations pursuant to section 43A.18, subdivision 2.

History: *Ex1967 c 46 s 5; 1977 c 347 s 7; 1980 c 617 s 47; 1981 c 210 s 48*

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. 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.

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.

History: *Ex1967 c 46 s 6; 1969 c 1140 s 4,5; 1975 c 276 s 1*

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.

History: *Ex1967 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.

History: *Ex1971 c 48 s 11 subd 2*

15.59 EMPLOYEE INTERCHANGE BETWEEN STATE AND PRIVATE INDUSTRY.

In addition to the interchange of government employees, any department, political subdivision or agency of state government and private industry may serve as sending and receiving agencies as provided in section 15.52, and interchange employees pursuant to the requirements of sections 15.53 to 15.57.

History: *1974 c 320 s 1*

EMPLOYMENT UNDER FEDERAL EMPLOYMENT ACTS

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 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 197.455 to 197.48 and 43A.11 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. [Repealed, 1977 c 455 s 95]

History: *Ex1971 c 25 s 1; 1974 c 511 s 15; 1975 c 2 s 1; 1975 c 271 s 6; 1981 c 210 s 54; 1Sp1981 c 4 art 1 s 16*

15.62 ATHLETIC LEAVE OF ABSENCE.

Subdivision 1. For the purposes of this section, the terms defined in this subdivision shall have the meanings here given them:

(a) "public employee" has the meaning given it in section 179.63;

(b) "team" includes any group leader, coach, official or athlete who comprise the official delegation of the United States to world or olympic competition.

Subd. 2. A public employee who qualifies as a member of the United States team for athletic competition on the world, Pan American or olympic level, in a sport contested in either Pan American or olympic competitions, shall be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official training camp and competition combined or 90 calendar days a year, whichever is less.

Subd. 3. If the public employee granted the leave is an employee of a school district, university system or other political subdivision, the state shall reimburse the employer for the actual cost to the employer of employing a substitute.

History: *1977 c 354 s 1; 1979 c 208 s 1*

15.71 PUBLIC CONTRACTS; SECURITY FOR COMPLETION OF PERFORMANCE; DEFINITIONS.

Subdivision 1. For the purposes of sections 15.71 to 15.74 unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.

Subd. 2. "Public contract" means any purchase, lease or sale by a public agency of personal property, public improvements or services, other than agreements which are exclusively for personal services.

Subd. 3. "Public agency" or "public contracting agency" means any agency of the state of Minnesota or any of its political subdivisions authorized by law to enter into public contracts.

Subd. 4. "Public improvement" means any construction of improvements on real property or highways by or for a public agency.

Subd. 5. "Retainage" means the difference between the amount earned by the contractor on a public contract and the amount paid on the contract by the public contracting agency.

History: *1980 c 464 s 1*

15.72 PROGRESS PAYMENTS ON PUBLIC CONTRACTS; RETAINAGE.

Subdivision 1. Unless the terms of the contract provide otherwise, a public contracting agency shall make progress payments on a public contract for a public improvement monthly as the work progresses. Payments shall be based upon estimates of work completed as approved by the public contracting agency. A

progress payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

Subd. 2. A public contracting agency may reserve as retainage from any progress payment on a public contract for a public improvement an amount not to exceed five percent of the payment. A public agency may reduce the amount of the retainage and may eliminate retainage on any monthly contract payment if, in the agency's opinion, the work is progressing satisfactorily.

History: 1980 c 464 s 2

15.73 ALTERNATIVE FORM OF RETAINAGE.

Subdivision 1. At the option of the contractor, retainage shall be paid to the contractor in accordance with this section.

Subd. 2. The contractor may deposit bonds or securities with the public contracting agency or in any bank or trust company to be held in lieu of cash retainage for the benefit of the public contracting agency. In that event the public agency shall reduce the retainage in an amount equal to the value of the bonds and securities and pay the amount of the reduction to the contractor. Interest on the bonds or securities shall be payable to the contractor as it accrues.

Subd. 3. Bonds and securities deposited or acquired in lieu of retainage, as permitted by subdivision 2, shall be of a character approved by the state treasurer, including but not limited to:

- (a) Bills, certificates, notes or bonds of the United States;
 - (b) Other obligations of the United States or its agencies;
 - (c) Obligations of any corporation wholly owned by the federal government;
- or
- (d) Indebtedness of the Federal National Mortgage Association.

Subd. 4. If the public agency incurs additional costs as a result of the exercise of the option described in this section, the agency may recover the costs from the contractor by reducing the final payment due under the contract. As work on the contract progresses, the agency shall, upon demand, inform the contractor of all accrued costs.

History: 1980 c 464 s 3

15.74 EXCEPTIONS TO APPLICATION.

Sections 15.71 to 15.73 apply to all public contracts except those contracts in which receipt of federal financing is conditioned on adherence to terms and conditions which are inconsistent with sections 15.71 to 15.73.

History: 1980 c 464 s 4

- 15.771 [Renumbered 13.69, subdivision 1]
- 15.772 [Renumbered 13.45]
- 15.773 [Renumbered 13.36]
- 15.774 [Renumbered 13.57]
- 15.775 [Renumbered 13.39]
- 15.776 [Renumbered 13.80]
- 15.777 [Renumbered 13.83]
- 15.778 [Renumbered 13.73]
- 15.779 [Renumbered 13.70, subd. 2]
- 15.781 [Renumbered 13.41]
- 15.782 [Renumbered 13.53]

- 15.783** [Renumbered 13.31]
- 15.784** [Renumbered 13.51]
- 15.785** [Renumbered 13.38]
- 15.786** [Renumbered 13.54]
- 15.787** [Renumbered 13.66]
- 15.788** [Renumbered 13.67]
- 15.789** [Renumbered 13.65]
- 15.791** Subdivision 1. [Renumbered 13.82, subdivision 1]
- Subd. 2. [Renumbered 13.82, subd. 2]
- Subd. 3. [Renumbered 13.82, subd. 3]
- Subd. 4. [Renumbered 13.82, subd. 4]
- Subd. 5. [Renumbered 13.82, subd. 5]
- Subd. 6. [Renumbered 13.82, subd. 7]
- Subd. 7. [Renumbered 13.82, subd. 8]
- Subd. 8. [Renumbered 13.82, subd. 9]
- Subd. 9. [Renumbered 13.82, subd. 10]
- Subd. 10. [Renumbered 13.82, subd. 11]
- 15.792** [Renumbered 13.69, subd. 2]

15.793 EXTENSION OF CERTAIN TEMPORARY CLASSIFICATIONS.

Court services data, criminal history data, and corrections and detention data classified by temporary classifications granted prior to January 1, 1981, pursuant to section 13.06, shall retain their temporary classification until July 1, 1982.

History: 1981 c 311 s 38,39; 1982 c 545 s 24

- 15.801** [Renumbered 13.87]
- 15.802** [Renumbered 13.85]
- 15.803** [Renumbered 13.84]
- 15.804** [Renumbered 13.55]
- 15.805** [Renumbered 13.72, subd. 2]
- 15.806** [Renumbered 13.50]
- 15.811** [Renumbered 13.56]