

## CHAPTER 137

## UNIVERSITY OF MINNESOTA

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|---------|--|--------|--|
| 137.01  | Gifts, grants, bequests, and devises.                    | 137.10 | Refund of tuition to students in certain cases.                              |
| 137.02  | Powers and duties of board of regents.                   | 137.11 | Minnesota institute of research.   |
| 137.021 | Acceptance of federal money.                             | 137.12 | Peace officers; appointment; power of arrest.                                |
| 137.022 | Permanent university fund.                               | 137.14 | Grain testing laboratory; tests, how made.                                   |
| 137.023 | University student on board of regents.                  | 137.15 | Statistics and information regarding cooperative associations among farmers. |
| 137.024 | Congressional districts represented on board of regents. | 137.16 | Morris branch; admission of Indians.   |
| 137.025 | Appropriations; payment.                                 | 137.20 | Cemetery prohibited near university or veterans' home.                       |
| 137.027 | Appropriation; fringe benefits.                          | 137.21 | Penalty.   |
| 137.03  | Instruction in law enforcement.                          | 137.22 | Higher education act of 1965; receipts.                                      |
| 137.04  | Library to get copies of state publications.             | 137.31 | Procurement from small businesses.   |
| 137.05  | Assistance in tree planting.                             | 137.33 | Ethanol demonstration plant.   |
| 137.06  | Forest planting stock; number of trees.                  |        |  |
| 137.07  | Home-grown trees given preference.                       |        |  |
| 137.08  | Funds from the United States.                            |        |  |
| 137.09  | Board of regents not to exceed appropriations; penalty.  |        |  |

**137.01 GIFTS, GRANTS, BEQUESTS, AND DEVISES.**

**Subdivision 1. Power to accept.** The University of Minnesota may accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and may hold, manage, invest, and dispose of the same and the proceeds and income thereof in accordance with the terms and conditions of the gift, grant, bequest, or devise and of the acceptance thereof; and any person contributing not less than \$50,000 to the university may endow a professorship therein, the name and object of which shall be determined by the board of regents.

**Subd. 2. How used.** If the purposes of the gift, grant, devise, or bequest are not otherwise limited by the donor, the University of Minnesota may use the same, or the proceeds thereof, for any of the purposes of the university and may, among other things, construct buildings and acquire lands. In case it is desired to use the same for the acquisition of land, the power of eminent domain may be exercised in accordance with chapter 117.

**Subd. 3. Funds, where deposited.** All such gifts, grants, bequests, and devises and the proceeds and income therefrom and securities pertaining thereto shall be deposited in the state treasury for the use of the university and subject to its order.

**History:** (3117, 3118) RL s 1477,1478; 1905 c 187 s 1,2; 1978 c 706 s 63

**137.02 POWERS AND DUTIES OF BOARD OF REGENTS.**

**Subdivision 1. Transportation between university campus and farm.** The board of regents is hereby authorized to provide adequate means for safe, convenient, and rapid transportation of persons, supplies, and materials between the university farm and the university campus and the transportation of persons from intermediate points to either the university campus or the university farm and from the university campus or university farm to intermediate points and for the transportation of supplies and materials to and from the university farm by means of a connection with the belt line railway operated by the Minnesota Transfer Railway Company; and to that end the board of regents is hereby authorized to acquire by gift, purchase, condemnation, or otherwise such rights-of-way as may be deemed necessary and to construct, maintain, and operate lines of railway thereon and to make such contracts with any railway company for trackage rights, track connections, and motive power or for the hiring of rolling stock or for the operation of the same as may be found necessary or expedient in carrying out the provisions of this subdivision. The board of regents shall prescribe the rate of fares which shall be charged for the transportation of persons, which fares when collected shall be kept in a separate fund and used to defray the expense of maintaining and operating such railway.

**Subd. 2. Employees may be bonded.** The regents of the university shall have authority to indemnify the officers or the employees of the university against liability arising out of the operation of motor vehicles or other equipment by them while engaged in the performance of their duties as such public officials or employees and to pay out of the public funds the premiums on the indemnity insurance policies insuring such governmental agency against such liability. The regents may defend any such officer or employee, in the name and on behalf of the officer or employee, in any suit brought against the officer or employee to enforce a claim, whether groundless or otherwise, arising out of the operation of a motor vehicle or other equipment in the performance of official duties, and may compromise and settle such claim or suit and pay out of public funds the amount of such settlement or compromise, or the amount of any judgment against such officer or employee based on any such claim without first requiring such officer or employee to settle or pay any such claim. The regents may, in their discretion, pay the premiums of the indemnity insurance policies referred to in this subdivision, insuring such officers or employees against liability for or injury to persons or property, within the limits of this subdivision, and such payment of insurance premiums out of public funds shall in no way impose on the regents any liability.

**Subd. 3. Power of eminent domain granted.** The board of regents may use any money not specifically appropriated for other purposes for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land by eminent domain, the power of eminent domain shall be exercised in accordance with chapter 117.

**Subd. 4. Employee salaries.** All nonacademic employees of the university of Minnesota shall be paid salaries comparable to salaries paid to state employees in the classified civil service.

**History:** (3139, 3139-3, 3139-4, 3139-6) 1913 c 257 s 1; 1935 c 173 s 1,2; Ex1937 c 81 s 2; 1976 c 163 s 23; 1976 c 348 s 21; 1986 c 444

### 137.021 ACCEPTANCE OF FEDERAL MONEY.

The regents of the University of Minnesota are hereby designated the state agency empowered to accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof for the construction and equipping of any building for university or college purposes in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and are further authorized to do any and all things required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal money.

**History:** Ex1959 c 90 s 6

### 137.022 PERMANENT UNIVERSITY FUND.

**Subdivision 1. Investment.** The investment management of the permanent university fund shall be under the jurisdiction of the board of regents of the University of Minnesota, subject to any limitations imposed by the Constitution of the state of Minnesota, article XI, section 9. All securities and cash held in the state treasury credited to the permanent university fund that are unappropriated or unencumbered are transferred and appropriated to the board of regents of the University of Minnesota solely for the purpose of investment by them, with the restriction that all such investment transactions be handled through the supervision of investment counselors, bank trust departments, or insurance companies which are organized, licensed, or have registered offices within the state of Minnesota or have agreed in writing to conduct such securities transactions and investment counseling under Minnesota law and the rules established by the department of commerce. These investments shall be restricted to those authorized as eligible for use in the Minnesota postretirement investment fund, section 11A.18, with the exception that corporate debt securities may be used to the extent of 80 percent of the portfolio.

**Subd. 2. Income.** The income from the permanent university fund is appropriated annually to the board of regents. This appropriation of income must not be used to reduce other appropriations made to the board of regents. The determination of this income shall be based on the procedures detailed in section 11A.16, subdivision 5, or 11A.12, subdivision 2.

**Subd. 3. Endowed chairs.** The income from the permanent university fund must be used to help endow professorial chairs in academic disciplines. This income must not provide more than half the sum of the endowments for all chairs endowed, with nonstate sources providing the remainder. The income may provide more than half the endowment of an individual chair. Any portion of the annual appropriation that is not used for this purpose lapses and must be added to the principal of the permanent university fund.

**History:** 1963 c 567 s 2; 1965 c 41 s 1; 1971 c 197 s 3; 1976 c 2 s 172; 1980 c 516 s 2; 1980 c 607 art 14 s 45 subd 2; s 46; 1983 c 289 s 114 subd 1; 1984 c 655 art 1 s 92; 1985 c 248 s 70; 1Sp1985 c 11 s 65

### 137.023 UNIVERSITY STUDENT ON BOARD OF REGENTS.

In electing members of the board of regents pursuant to article 13, section 3, of the Constitution of the state of Minnesota, and Territorial Laws 1851, chapter 3, section 5, and commencing with the election of members of the board of regents in 1977, one member of the board of regents of the university shall be a person who at the time of election to the board is a student at the university or who has graduated from the university within the five years prior to election. This person shall serve for a six-year term and represent the state at large. Upon expiration of the term or in the event of a vacancy in the office, one position shall be filled by a person having the same qualifications.

**History:** 1976 c 120 s 1; 1986 c 444

### 137.024 CONGRESSIONAL DISTRICTS REPRESENTED ON BOARD OF REGENTS.

At least one member of the board of regents of the university shall be a resident of each congressional district.

**History:** 1976 c 120 s 2

### 137.025 APPROPRIATIONS; PAYMENT.

**Subdivision 1.** The commissioner of finance shall pay no money to the university of Minnesota pursuant to a direct appropriation, other than an appropriation for the university of Minnesota hospitals or for buildings, until the university first certifies to the commissioner of finance that its aggregate balances in the temporary investment pool, cash, or separate investments, resulting from all state maintenance and special appropriations do not exceed \$7,000,000, or any other amount specified in the act making the appropriation, plus one-third of all tuition and fee payments from the previous fiscal year. Upon this certification, 1/12 of the annual appropriation to the university shall be paid at the beginning of each month. Additional payments shall be made by the commissioner of finance whenever the state appropriations and tuition aggregate balances in the temporary investment pool, cash, or separate investments are reduced below the indicated levels.

**Subd. 2.** The commissioner of finance shall pay no money to the university of Minnesota pursuant to a direct appropriation for buildings until all balances separately invested, including cash, and those in the temporary investment pool attributable to all state building funds shall be reduced below \$5,000,000, or any other amount specified in the act making the appropriation. Payment shall then be made upon certification of the amounts needed for construction payments, but so as not to increase the building balances in cash, separately invested, or in the temporary investment pool, to a total above the indicated level.

Subd. 3. Money not paid to the university by reason of the foregoing requirements shall be invested by the state in those securities authorized by section 11A.25 until paid to the university. Income from investments shall be credited to the general fund in the state treasury.

**History:** 1976 c 163 s 24; 1980 c 607 art 14 s 46

#### **137.027 APPROPRIATION; FRINGE BENEFITS.**

Direct appropriations to the university of Minnesota include money to pay the employer's share of social security, state retirement, and health insurance. Money provided for these purposes shall be expended only for these purposes and any amounts in excess of the employer's share shall be returned to the state treasury.

**History:** 1976 c 163 s 25

#### **137.03 INSTRUCTION IN LAW ENFORCEMENT.**

The University of Minnesota may establish and conduct a school for the instruction of persons in law enforcement; and the governing body of any political subdivision of the state may authorize the attendance upon such school of any law enforcement officer under its jurisdiction and may provide for the payment of the expenses of this person while in attendance at such school from the general funds of the political subdivision. To each person satisfactorily completing the prescribed course of instruction in the school so established shall be issued a certificate of graduation stating that the holder has been graduated therefrom.

**History:** (3139-7) Ex1937 c 81 s 2

#### **137.04 LIBRARY TO GET COPIES OF STATE PUBLICATIONS.**

The general library of the University of Minnesota is a depository of all books, pamphlets, maps, and other works published by or under the authority of the state of Minnesota.

**History:** (3137, 3138) 1905 c 278 s 1,2; 1947 c 365 s 3

#### **137.05 ASSISTANCE IN TREE PLANTING.**

The agricultural extension department of the University of Minnesota is authorized and directed to cooperate with the secretary of agriculture of the United States in providing assistance in tree planting to owners of land by the procurement of forest tree-planting stock, not including fruit or ornamental trees, shrubs, or plants and in the distribution to planters of such forest tree-planting stock at cost, plus transportation and administrative charges, to the end that the tree-planting stock so distributed shall be used for the purpose of establishing windbreaks, shelterbelts, and farm woodlots upon denuded or nonforested lands and for protecting farm buildings, crops, and fields from wind erosion and for furnishing forest cover beneficial to water conservation and bird life.

**History:** (4031-89) 1939 c 385 s 1

#### **137.06 FOREST PLANTING STOCK; NUMBER OF TREES.**

Not less than 1,000 trees shall be sold for an individual planting; no trees may be resold by the succeeding purchasers. The term "forest-planting stock" means one or two year old seedling stock of deciduous trees and 2-2 or 3-2 coniferous trees customarily used for the purposes mentioned above and such other specifications as may be necessary to ensure successful growth.

**History:** (4031-90) 1939 c 385 s 2

#### **137.07 HOME-GROWN TREES GIVEN PREFERENCE.**

In all purchases of forest-planting stock under the provisions of sections 137.06 to 137.08, preference shall be given to trees grown in the state by duly inspected Minneso-

ta nurseries and these purchases shall be paid for out of the fund created by section 137.08 and accruals thereto from the sale of trees purchased. If suitable stock for this purpose cannot be obtained from Minnesota nurseries, it is permissible to secure such nursery stock from nurseries outside the state. All money received from the sale of trees shall be placed in the state tree fund, which is hereby created.

**History:** (4031-91) 1939 c 385 s 3

#### **137.08 FUNDS FROM THE UNITED STATES.**

Any funds received from the United States government for tree-planting aid, under the Clark-McNary Act or other acts, shall be placed in the state tree fund and expended only as stated in sections 137.05 to 137.07 under the direction of the agricultural extension department of the University of Minnesota.

**History:** (4031-92) 1939 c 385 s 4

#### **137.09 BOARD OF REGENTS NOT TO EXCEED APPROPRIATIONS; PENALTY.**

It shall be unlawful for the board of regents to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law and any member or agent of the board violating this provision shall be guilty of a gross misdemeanor; and, upon conviction, fined not less than \$100 nor more than \$3,000, or be imprisoned in the county jail for not less than six months, or by both fine and imprisonment.

**History:** (3145) 1905 c 119 s 6; 1984 c 628 art 3 s 11

#### **137.10 REFUND OF TUITION TO STUDENTS IN CERTAIN CASES.**

Any student who, being a resident of the state, has enrolled to pursue any course in the University of Minnesota or any state university and paid tuition for the course, and who, prior to the termination of the school year for which the tuition was paid, enlisted or has been inducted into the military services of the United States, either voluntarily or pursuant to the present selective service law, is entitled to the refund of all tuition paid for which credit cannot properly be given.

The administrative officers of the University of Minnesota and of the universities or institutions shall refund to the students any tuition so paid. Any student making application for refund of any paid tuition shall furnish to the administrative officers of the University of Minnesota or of the universities a certificate from the proper officers reciting the fact of the enlistment or the induction of the student into the military service of the United States.

**History:** 1941 c 272; 1957 c 576 s 1,2; 1975 c 321 s 2; 1984 c 609 s 9

#### **137.11 MINNESOTA INSTITUTE OF RESEARCH.**

**Subdivision 1. Creation.** There is hereby created a research institute to be known as the "Minnesota institute of research," hereinafter referred to as the "institute."

**Subd. 2. Purposes.** The purpose of the institute is to assist in general research and in the discovery, development, promotion, and coordination of methods for the utilization and development of the products and natural resources of the state through scientific research, and to aid further studies for the purpose of developing the industries and resources of the state.

**Subd. 3. Organization.** The institute shall be organized and operated under the control and supervision of the board of regents of the University of Minnesota and the Minnesota institute of research fund shall be under its control and supervision.

**Subd. 4. Powers of board of regents.** The board of regents may protect formulae, methods, products, processes, or devices which may be invented or discovered and reward inventors and discoverers to such extent as it deems proper. Any royalties or income arising from such protection shall be credited to the Minnesota institute of research fund.

Subd. 5. **Research fund.** There is hereby created a fund to be known as the Minnesota institute of research fund. The board of regents may receive and credit to such fund, appropriations, gifts, donations, devises, and bequests for the purpose of carrying out the provisions of this section, but it shall not divert any of the same from the specific purposes designated by the donor without the donor's consent.

**History:** 1943 c 503

#### **137.12 PEACE OFFICERS; APPOINTMENT; POWER OF ARREST.**

The regents of the University of Minnesota are hereby authorized to appoint, employ and fix the compensation to be paid out of funds of the regents of the University of Minnesota, persons as peace officers who shall have and may exercise throughout the state of Minnesota the same powers of arrest possessed by a sheriff, police officer, or peace officer, but said powers of arrest shall only be exercised in connection with investigations authorized to be made by the regents of the University of Minnesota, which investigations shall relate to university personnel or property.

**History:** 1947 c 126 s 1; 1969 c 266 s 1; 1977 c 82 s 1

#### **137.13 MS 1974 [Expired]**

#### **137.14 GRAIN TESTING LABORATORY; TESTS, HOW MADE.**

There shall be equipped and maintained, under the direction and authority of the board of regents, in some suitable building situated upon the campus of the agricultural college at St. Anthony Park, a laboratory for the purpose of testing wheat and other grain as to their physical and chemical properties and commercial value, and for the testing of flour made from wheat so tested as to its bread-making qualities. These tests shall be made by competent instructors in chemistry employed at the college of agriculture, so as to be educational in character. The results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. All tests asked for and requested by the department of public service, the grain inspection department, and the boards of appeals shall be made free of charge.

**History:** (3130, 3131) 1909 c 199 s 1,2; 1971 c 25 s 67

#### **137.15 STATISTICS AND INFORMATION REGARDING COOPERATIVE ASSOCIATIONS AMONG FARMERS.**

In addition to the duties now imposed by law upon the board of regents, none of which shall be affected or abridged by anything herein contained, it is hereby made the duty of the board of regents to create, in the department of agriculture, under the supervision of the board, a department to collect statistics and information in reference to cooperative associations among farmers and the management and methods of conducting such associations. This information shall cover all matters relating to cooperative associations among farmers and relate to all subject matter proper or usual for cooperative action among farmers.

It shall be the duty of the board to disseminate such information among farmers desiring to form and operate such cooperative associations upon application therefor by any such cooperative association or any number of farmers desiring to form such a cooperative association. Such information shall not only cover the methods of organizing such cooperative association, but also the law governing and regulating such cooperative associations, and such information as to the conduct and management of the business thereof as shall be necessary or essential for the proper management and conduct of such business. It is hereby made the duty of all cooperative associations to report annually to the department on blanks provided for that purpose.

**History:** (3133, 3134) 1913 c 386 s 1,2

#### **137.16 MORRIS BRANCH; ADMISSION OF INDIANS.**

Subdivision 1. The University of Minnesota, Morris branch, situated in whole or

in part on the lands described in Laws 1909, chapter 184, shall admit Indian pupils qualified for admission at all times free of charge for tuition and on terms of equality with white pupils.

Subd. 2. Subdivision 1 is a substitute for the provisions of Laws 1909, chapter 184, section 2, which reads: The said lands and buildings described in section 1 hereof shall be held and maintained by the state of Minnesota as an agricultural school, and Indian pupils shall at all times be admitted to said school free of charge for tuition and on terms of equality with white pupils.

**History:** 1961 c 312 s 2,3

### **137.20 CEMETERY PROHIBITED NEAR UNIVERSITY OR VETERANS' HOME.**

It shall be unlawful for any person, firm, association, or corporation to locate or maintain a cemetery or burial ground for the purpose of burying any human body, or the burying of any human body within three-quarters of a mile of the University of Minnesota or the Minnesota Veterans' Home.

**History:** (10232) 1911 c 4 s 1; 1967 c 148 s 2

### **137.21 PENALTY.**

Any person, firm, association, or corporation violating section 137.20 shall be guilty of a gross misdemeanor for each and every offense.

**History:** (10233) 1911 c 4 s 2

### **137.22 HIGHER EDUCATION ACT OF 1965; RECEIPTS.**

In order to enable the state to match the cost of any program under Title I of the Higher Education Act of 1965, any receipts accruing to any state department or agency by reason of service performed for the university of Minnesota in connection with the program shall be deposited in the state treasury. The receipts are appropriated to the department or agency making the deposit, to be used as part of the state's 25 percent share of the cost of the programs. The balance of the state's share of the cost of the programs is payable by the participating departments or agencies from any moneys appropriated for salaries, supplies and expenses.

**History:** 1976 c 163 s 26

### **137.31 PROCUREMENT FROM SMALL BUSINESSES.**

Subdivision 1. **Small business set asides.** Prior to the beginning of each fiscal year, the regents of the University of Minnesota shall designate and set aside for awarding to small businesses approximately 20 percent of the value of procurement contracts which are to be awarded during that fiscal year and which are to be paid in total or in part from funds appropriated to the university by the legislature. The regents shall designate specific procurement contracts to be set aside, or may authorize the university administration to divide the amount set aside into procurement contracts of economically feasible size, in order to facilitate offers or bids from small businesses. In making the annual designation, the regents shall attempt to vary the procurement contracts included in the set-aside program so that a variety of goods and services produced by different small businesses can be included in the university set-aside program over a period of years. For the purposes of this section, (a) "procurement contract" means any agreement, written or oral, by which the university obtains needed goods or services, including the construction of capital improvements; and (b) "small business" has the meaning given that term by state law. Nothing in this section shall be construed to prevent small businesses from seeking awards of procurement contracts not included in the set-aside program.

Subd. 2. **Procurement rules.** The regents shall establish procurement rules to govern the university set aside program. The rules shall include guidelines and procedures for negotiating price or securing bids, reasonable limitations on the amount by which a contract price under the set-aside program may exceed the estimated cost

of obtaining comparable goods or services on the open market, uniform procedures for providing security for performance under procurement contracts, criteria for evaluating the financial and technical capabilities of participating small businesses, and any other matter deemed necessary or desirable for the proper operation of the university small business set-aside program.

**Subd. 3. Set aside for disadvantaged.** At least 15 percent of the value of the procurement contracts designated for the set-aside program shall be awarded, if possible, to small businesses owned and operated by socially or economically disadvantaged persons, as defined by state law. If small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least 15 percent of the value of the set-aside contracts, the university may award the balance of the designated set-aside procurement contracts to other small businesses.

**Subd. 4. Replacement contracts.** If a procurement contract designated for the set-aside program cannot be awarded to a small business under the conditions prescribed in subdivisions 1 to 3, the award shall be placed in accordance with the regular procurement policies of the university. In this event, the university shall designate as a replacement a procurement contract of comparable value to be included in the university set-aside program during that fiscal year if practicable.

**Subd. 5. Publicity.** The regents and the administration of the University of Minnesota shall publicly the provisions of the university small business set-aside program, attempt to locate small businesses able to perform set aside procurement contracts, and encourage participation by small businesses in the University of Minnesota small business set-aside program.

**Subd. 6. Annual report.** The University of Minnesota shall submit an annual report as provided in section 3.195, to the governor and the legislature, with a copy to the commissioner of energy and economic development, indicating the progress being made toward the objectives and goals of this section. The report shall include the following information:

(a) The total dollar value and number of procurement contracts identified and set aside during this period and the percentage of total value of university procurements that this figure reflects;

(b) The number of small businesses identified by and responding to the university set-aside program, the total dollar value and number of procurement contracts actually awarded to small businesses with appropriate designation as to the total number and value of procurement contracts awarded to each small business, and the total number of small businesses that were awarded procurement contracts;

(c) The total dollar value and number of procurement contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with appropriate designation as to the total number and value of procurement contracts awarded to each small business, and the percentages of the total value of university procurements the figures of total dollar value and the number of procurement contracts reflect; and

(d) The number of procurement contracts which were designated and set aside pursuant to this section but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to regular procurement procedures.

**History:** 1979 c 86 s 1; 1981 c 356 s 169; 1983 c 289 s 115 subd 1

### 137.33 ETHANOL DEMONSTRATION PLANT.

The University of Minnesota shall construct and operate a small scale plant for the production of ethanol at the west central experimental station, Morris. The plant shall produce ethanol from more than one resource. The plant shall operate for at least two years and shall be instrumented and monitored. The university shall determine the feasibility of utilization of byproducts produced by the plant. The plant shall be



# MINNESOTA STATUTES 1986

3197

UNIVERSITY OF MINNESOTA 137.33

designed for easy replication by farmers. The university shall develop and print at least 5,000 copies of easily understandable plans that demonstrate the construction of a small scale ethanol plant by February 28, 1982. The plans shall be available at no cost from the agricultural extension service.

**History:** 1980 c 579 s 30