CHAPTER 15

STATE AGENCIES IN GENERAL

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15.01 DEPARTMENTS OF THE STATE.

The following agencies are designated as the departments of the state government: the Department of Administration; the Department of Agriculture; the Department of Commerce; the Department of Corrections; the Department of Education; the Department of Economic Security; the Department of Employment and Economic 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 Human Services; the Department of Revenue; the Department of Transportation; the Department of Veterans Affairs; and their successor departments.

History: *2003 c 130 s 1; 1Sp2003 c 4 s 1*

15.014 ADVISORY TASK FORCES.

[For text of subds 1 and 2, see M.S.2002]

Subd. 3. [Repealed, 1Sp2003 c 9 art 10 s 14]

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 Employment and Economic 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 section 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: *1Sp2003 c 4 s 1*

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, Commerce, Corrections, Economic Security, Education, Employee Relations, Employment and Economic Development, Finance, Health, Human Rights, Labor and Industry, Natural Resources, Public Safety, Human Services, Revenue, Transportation, and Veterans Affairs; the 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 "commissioners."

[For text of subds 2 to 9, see M.S.2002]

History: *2003 c 130 s 12; 1Sp2003 c 4 s 1*

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15.16 TRANSFER OF LANDS BETWEEN DEPARTMENTS.

[For text of subds 1 and 2, see M.S.2002]

Subd. 3. **Commissioner of finance to transfer funds.** The commissioner of finance is authorized and directed to transfer funds between state departments and agencies to effect the terms and conditions to transfer the control of real estate as provided in this section.

[For text of subds 4 and 5, see M.S.2002]

History: *2003 c 112 art 2 s 50*

15.50 Subdivision 1.[Renumbered 15B.01; 15B.03, subds 1,3,4]

Subd. 2. [Renumbered 15B.02; 15B.03, subds 5,6; 15B.05, subds 1-7; 15B.06; 15B.08; 15B.10; 15B.11; 15B.13; 15B.15, subds 1,2,4; 15B.19; 15B.21; paragraph (o) renumbered 16B.24, subd 5a]

Subd. 2a. [Renumbered 15B.03, subd 2]

Subd. 3. [Renumbered 15B.03, subd 7; 15B.17]

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 [Repealed, 1974 c 580 s 18]

Subd. 5. [Repealed, 1996 c 463 s 61]

Subd. 6. [Renumbered 15B.23; 15B.24]

Subd. 7. [Renumbered 15B.28]

Subd. 8. [Repealed, 1974 c 580 s 18]

Subd. 9. [Renumbered 15B.15, subd 3]

Subd. 10. [Renumbered 15B.05, subd 8]

15.62 ATHLETIC LEAVE OF ABSENCE.

[For text of subd 1, see M.S.2002]

Subd. 2. A public employee who qualifies as a member of a United States team for athletic competition on the world championship, Pan American, or Olympic team in a sport sanctioned by the International Olympic Committee, may 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 employer is responsible for the actual cost of employing a substitute.

History: *2003 c 112 art 1 s 1,2*

15.73 ALTERNATIVE FORM OF RETAINAGE.

[For text of subds 1 and 2, see M.S.2002]

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

(1) bills, certificates, notes or bonds of the United States;

(2) other obligations of the United States or its agencies;

(3) obligations of any corporation wholly owned by the federal government; or

(4) indebtedness of the Federal National Mortgage Association.

[For text of subd 4, see M.S.2002]

History: *2003 c 112 art 2 s 50*

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15.75 CONTRACTS WITH REGIONAL ORGANIZATIONS.

[For text of subds 1 to 4, see M.S.2002]

Subd. 5. **Agreements with Department of Employment and Economic Development.** The commissioner of employment and economic development may enter into agreements with regional entities established under subdivision 4 to prepare plans to ensure coordination of the department's business development, community development, trade and tourism functions with programs of local units of government and other public and private development agencies in the regions. The plans will identify regional development priorities and serve as a guide for the implementation of the department's programs in the regions.

History: *1Sp2003 c 4 s 1*

15.86 STATE AGENCY ACTIONS.

[For text of subd 1, see M.S.2002]

Subd. 2. **Workplace plans.** An agency plan for eliminating potential for violence in and around the workplace may include:

(1) elimination of sexual harassment, as defined in section 363A.03, subdivision 43; and

(2) assuring that areas in and around the workplace, such as parking facilities and areas between the workplace and parking facilities, are designed and operated in a manner that provides for the safety of employees and guests.

[For text of subds 3 and 4, see M.S.2002]

15.97 INFORMATION AND TELECOMMUNICATIONS INSTITUTE.

The legislature intends to establish an Institute of Telecommunications Technology Applications and Education. The institute must be structured as a collaboration between at least the computer science, health science, teacher education, and extension programs at the University of Minnesota, other postsecondary educational institutions in the state, Minnesota Technology, Inc., the Department of Employment and Economic Development, libraries, and other institutions and entities that have an interest in applications for and education on telecommunications and information technology. The mission of the institute will be to:

(1) engage in applied research in order to develop applications and methodologies for use of existing and expanded telecommunications and information resources and networks particularly in the areas of provision of health care, education, business, and employment communications and services; and

(2) provide technical assistance, education, and information to current and potential users of telecommunications networks and systems, including at least health care providers, teachers, employers, and employees and to advocate and promote appropriate and efficient use of the networks and systems to improve efficiency and flexibility of the networks and systems and of their users.

History: *1Sp2003 c 4 s 1*

15.99 TIME DEADLINE FOR AGENCY ACTION.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall have the meanings given.

(b) "Agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) "Request" means a written application related to zoning, septic systems, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the

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agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.

(d) "Applicant" means a person submitting a request under this section. An applicant may designate a person to act on the applicant's behalf regarding a request under this section and any action taken by or notice given to the applicant's designee related to the request shall be deemed taken by or given to the applicant.

Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

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(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

History: *2003 c 41 s 1*

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