

# Conflict of Interest Disclosure and Confidentiality Form

## Integrated English Literacy and Civics Education Competitive Grant Opportunity– FY26

## – # Applications

Greetings Reviewers,

We appreciate your willingness to serve as a reviewer. As part of our process, we require all reviewers to complete and sign a Conflict of Interest Disclosure and Confidentiality Form before they begin to review applications. Pursuant to [Minnesota Statutes, section 13.599](https://www.revisor.mn.gov/statutes/?id=13.599), you understand that grant evaluation data created or maintained during this grant review process are not public and you cannot disclose the data to others outside of the process.

This form gives you an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is your obligation to be familiar with the [Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making](https://mn.gov/admin/assets/OGM%20Policy%2008-01%20Conflict%20of%20Interest%20in%20State%20Grant-Making%2001.01.2022_tcm36-515734.docx) and to disclose any conflicts of interest accordingly.

A disclosed actual or potential conflict of interest warrants additional discussion with Amy Runk at [amy.runk@state.mn.us](mailto:amy.runk@state.mn.us) in order to identify and mitigate any conflicts before you proceed. Please return pages 4 and 5 with signatures, dates and checkboxes selected.

You must identify any grant applicant that you have an actual or potential, but are not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under [Minn. Statute 13.599 - Grants](https://www.revisor.mn.gov/statutes/?id=13.599). Please discuss with appropriate agency or grant program personnel before making a final determination. A disclosure does not automatically remove you from the review process.

If you do not have an actual or potential conflict of interest, proceed with your review and completion of this form. This form must be completed and signed before you begin to review applications. See the attached Conflict of Interest Policy for State Grant-Making for more information.

## Description of actual, potential, and perceived conflicts of interest:

### Individual Conflict of Interest

A conflict of interest that may benefit an individual employee or a grant reviewer is any situation in which their judgment, actions or non-action could be interpreted to be influenced by something that would benefit them directly or through indirect gain to an immediate family member, business, or organization with which they are involved.

An individual conflict of interest occurs when any of the following conditions are present:

1. A state employee or a grant reviewer uses their status or position to obtain special advantage, benefit, or access to the grantee or grant applicant’s time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
2. A state employee or a grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.
3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee or is an immediate family member of an owner, employee or board member of the grantee or grant applicant.

Instances in which:

* The state employee or grant reviewer works in a volunteer capacity for a grant applicant or grantee organization.
* The state employee represents the state agency on a stakeholder board should be evaluated on a case by case basis.

Volunteer status has the potential to but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

Using this definition, you should check if you have an actual or potential conflict of interest with all the applicants, listed on page 4.

#### Actual Conflict of Interest:

An actual conflict of interest occurs when a person’s decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

#### Potential Conflict of Interest:

A potential conflict of interest may exist if a personhas a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

##### Immediate Family member:

A spouse, domestic partner, parent, sibling, child, in-law, or other relative living in the home.

##### Individual Conflict of Interest:

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  3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee or is an immediate family member of an owner, employee or board member of the grantee or grant applicant.

Instances in which:

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* The state employee represents the state agency on a stakeholder board should be evaluated on a case by case basis.

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# Conflict of Interest Disclosure and Confidentiality Form

**Integrated English Literacy and Civics Education Competitive Grant Opportunity– FY26**

I certify I have read and understand the description of conflict of interests.

Check one of the three boxes below and place a check next to the application you have a conflict with:

I do not have any conflicts of interest relating to this program’s grant applicants and I will participate in the review process.

I have received the list of applicants, and I have an ACTUAL or POTENTIAL conflict of interest with the applicants(s) identified with a check below. I may still participate in the review process but will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) checked. (You must state any and all applications that you may have a conflict of interest. You must stop reviewing any applications you may have received and contact appropriate agency or grant program personnel to discuss the actual, or potential conflicts in greater detail.)

After reviewing the Conflict of Interest Disclosure & Confidentiality Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

Also, to [Minnesota Statutes, section 13.599](https://www.revisor.mn.gov/statutes/?id=13.599), I understand that grant evaluation data created or maintained during this grant review process are not public and I cannot disclose the data to others outside of the process.

## List of Applications

| **Applicant Name** | **Conflict of interest –type an X if conflict exists** |
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Reviewer’s printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reviewer’s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date signed: \_\_\_\_\_\_\_\_\_\_\_\_

Reviewer Conference

Can you attend the Review Conference on March 12, 2025 from 1-2 p.m. Central Time? \_\_\_\_\_\_\_\_\_

RETURN this SIGNED PDF form to: [amy.runk@state.mn.us](mailto:amy.runk@state.mn.us)

# Minnesota Department of Administration Office of Grants Management Operating Policy and Procedure

## Operating Policy and Procedure

## Issue Date: 7/15/08

## Revised: 06/18/12, 8/1/20: \*Effective date 1/1/2021

## Technical Revision 1/1/22 \*Effective date 1/1/2022

## Policy Number: 08-01

## Conflict of Interest Policy for State Grant-Making

## Statutory References

This policy assumes adherence to the Code of Ethics for Employees in the Executive Branch ([Minn. Stat. §43A.38](https://www.revisor.mn.gov/statutes/cite/43a.38)), as well as to the following statutes:

[Minn. Stat. §10A.07](https://www.revisor.mn.gov/statutes/cite/10A.07) - Conflicts of Interest

[Minn. Stat. §15.43](https://www.revisor.mn.gov/statutes/cite/15.43) - Acceptance of Advantage by State Employee; Penalty

[Minn. Stat. §16C.04](https://www.revisor.mn.gov/statutes/cite/16C.04) - Ethical Practices and Conflict of Interest

[Minn. Stat. §471.87](https://www.revisor.mn.gov/statutes/cite/471.87)- Public Officers, Interest in Contract; Penalty

[Minn. Stat. §16B.97](http://www.revisor.mn.gov/statutes/?id=16b.97)- Grants Management

[Minn. Stat. §16B.98](https://www.revisor.mn.gov/statutes/?id=16B.98) – Grants Management Process

## Policy

Minn. Stat. §16B.97 Subd. 4(a)(1) provides that the Commissioner of Administration shall “create general grants management policies and procedures that are applicable to all executive agencies.”

Minnesota state agencies, executive branch boards, committees, authorities, task forces, and councils must work to deliberately avoid actual and potential conflicts of interest related to grant-making and grant administration at both the individual and organizational levels. When a conflict of interest concerning state grant-making exists, transparency shall be the guiding principle in addressing it.

Every grant reviewer for competitive grants processes shall be responsible for identifying where an actual or potential conflict of interest exists and for informing appropriate parties. All grant reviewers involved in the review of competitive grant applications must complete and sign a conflict of interest disclosure form for each competitive grant review in which they participate.

State agencies and employees must take steps to avoid, minimize or otherwise reduce the impacts of actual or potential conflicts of interest.

### Scope of Coverage

This policy applies to the following processes:

* Competitive grant-making at all executive branch agencies, boards, committees, councils, authorities and task forces which includes:
  + Developing grant request for proposals for competitive grant processes
  + Reviewing and evaluating competitive grant proposal responses
* Grant administration at all executive branch agencies which includes:
  + Awarding a grant, drafting, entering into, amending or revising grant agreements, conducting grant monitoring, evaluating grant performance, and authorizing payments

This policy applies to all executive branch agencies, boards, committees, councils, authorities, and task forces involved with external grant administration.

Executive branch agencies, boards, committees, councils, authorities, and task forces can choose to expand the scope of coverage based on their grant-making and grant administration processes.

This policy supersedes other state agency policies that concern conflicts of interest relating to outgoing grants except when the existing state agency policy, law, administrative rule, or other authority is stricter. Executive branch agencies should reference [HR/LR Policy #1445 Code of Ethical Conduct](https://mn.gov/mmb-stat/policies/1445-codeofethicalconduct.pdf) to understand and implement the requirements for executive branch employees (state employees).

Current state grantees are expected to follow their own documented conflict of interest policy and procedures.

Grant programs that seek an exception to this policy must complete a Grants Policy Exception Request and submit it to the Office of Grants Management for the approval of the Commissioner of Administration.

### Minimum requirements:

* + 1. Competitive Grant Making:

1. Developing Requests for Proposal:
   * State employees involved with developing requests for proposals for competitive grant processes should reference and follow [HR/LR Policy #1445 Code of Ethical Conduct](https://mn.gov/mmb-stat/policies/1445-codeofethicalconduct.pdf), and their agency’s established policies and procedures for code of conduct, code of ethics, or grant conflict of interest.
   * Appointed members serving on an executive branch board, committee, authority, task force, and council members involved with developing requests for proposals for competitive grant processes must follow their established policy, procedure, or by-laws established for code of conduct, code of ethics, financial disclosures, or grant conflict of interest, including OGM Policy 08-01.
   * The grant-making entity must maintain the documentation.
     + For financial disclosures for public officials per [Chapter 10A](https://www.revisor.mn.gov/statutes/cite/10A), the grant-making entity must document they’ve reviewed the disclosures
2. Competitive Grant Review:
   * Grant reviewers who are state employees should reference and follow [HR/LR Policy #1445 Code of Ethical Conduct](https://mn.gov/mmb-stat/policies/1445-codeofethicalconduct.pdf).
   * Public officials must use the Grant Conflict of Interest disclosure form. The [Minn. Stat. §10A.09](https://www.revisor.mn.gov/statutes/cite/10A.09) economic disclosure form cannot be used as a substitute.

* Please reference definition of grant reviewer below.
* The grant-making entity must maintain the documentation.
  + 1. Grant Administration:
* All state employees directly or indirectly involved in grant administration (as defined in scope of coverage) must follow their state agency policy and procedures established for code of conduct, code of ethics, or grant conflict of interest, including [HR/LR Policy #1445 Code of Ethical Conduct](https://mn.gov/mmb-stat/policies/1445-codeofethicalconduct.pdf) and OGM Policy 08-01.
* The state agency must maintain the documentation.

## Definitions

### Grant:

A grant is the transfer of cash or something of value to a recipient to support a public purpose authorized by law.

### Grant Reviewer:

A grant reviewer is a person that evaluates competitive grant proposals. Grant reviewers include state employees, appointed members serving on an executive branch board, committee, authority, task force, and council and community members.

### Conflict of Interest:

A conflict of interest occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper or illegal act results from it.

#### Actual Conflict of Interest:

#### An actual conflict of interest occurs when a person’s decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

#### Potential Conflict of Interest:

A potential conflict of interest may exist if a person has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

### Immediate Family member:

A spouse, domestic partner, parent, sibling, child, in-law, or other relative living in the home.

## Individual Conflict of Interest:

A conflict of interest that may benefit an individual employee or a grant reviewer is any situation in which their judgment, actions or non-action could be interpreted to be influenced by something that would benefit them directly or through indirect gain to an immediate family member, business, or organization with which they are involved.

An individual conflict of interest occurs when any of the following conditions are present:

* 1. A state employee or a grant reviewer uses their status or position to obtain special advantage, benefit, or access to the grantee or grant applicant’s time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
  2. A state employee or a grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.
  3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee or is an immediate family member of an owner, employee or board member of the grantee or grant applicant.

Instances in which:

* The state employee or grant reviewer works in a volunteer capacity for a grant applicant or grantee organization.
* The state employee represents the state agency on a stakeholder board should be evaluated on a case by case basis.

Volunteer status has the potential to but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

### Procedures to Avoid, Address, and Resolve Individual Conflicts of Interest:

* 1. All grant reviewers must complete and sign a conflict of interest disclosure form for each competitive grant review in which they participate. On the conflict of interest disclosure form, each grant reviewer must identify any grant applicant with which they have an actual or potential conflict of interest. The grant reviewer may choose to provide the context for the actual or potential conflict of interest; however, this is not required.
  2. Grant reviewers who are state employees must act immediately upon disclosing or being notified that a conflict of interest exists in the competitive grant review process. Upon identification, such matters are referred to appropriate agency or grant program personnel (the employee’s immediate supervisor, RFP contact person, or grant program manager) for additional discussion to identify and reduce any potential conflicts. If the conflict involves the state employee’s immediate supervisor, grant program manager, or RFP contact person, the state employee or grant reviewer should instead contact the agency’s ethics officer or a manager, director, assistant/deputy commissioner, or agency head.
  3. Grant reviewers who are community members that identify a conflict of interest must follow the steps the executive branch agency has in place to address and resolve the conflict of interest.
  4. Grant reviewers that are not state employees and involved in the competitive grant review process as a function of their appointment/membership to an executive branch board, committee, authority, task force, and council should choose one of these options for disclosing, reviewing, and discussing the nature of the conflict:
     + Refer and discuss with an appropriate state agency or executive branch program personnel.
     + Follow their approved board, committee, authority, task force, or council’s by-laws. Public officials must use this policy’s definitions for decision-making on disclosure for competitive grant review.
  5. If it is determined that an actual or potentialconflict of interest exists, as defined by this policy or other relevant law, appropriate steps must be taken to avoid, address or resolve the conflict. These steps may include:
     + Reassigning the duties associated with that particular applicant, grant or grantee to another employee or grant reviewer
     + Requiring the state employee or grant reviewer to remove themselves from the discussion or decision about an applicant(s) that is affected by the conflict and avoid discussing the applicant and/or applications from organizations with which the reviewer has disclosed a conflict of interest with other reviewers
     + At a minimum, all state employees who are involved in the competitive grant review process must be made aware that an actual *or* potentialconflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer.
  6. Any disclosed conflicts and their resolution should be noted in meeting minutes, documents, or records that the state agency and executive branch board, committee, authority, task force, and council maintains as a regular part of its grants process.

## Organizational Conflict of Interest:

A conflict of interest can also occur with an organization that is a grant applicant in a competitive grant process or grantee of a state agency.

Organizational conflicts of interest occur when:

* + - A grantee’s objectivity in carrying out the grant is impaired or compromised due to competing duties or loyalties
    - A grantee, potential grantee or grant applicant has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Particular attention should be paid to any proposed grant contract agreement requirements that provide for the rendering of planning, consultation, evaluation, or similar activities that may inform decisions on future grant awards.

### Procedures to Avoid Organizational Conflicts of Interest:

1. Conflicts of interest should be prevented as early in the competitive grants process as possible. This includes writing requests for proposals in a manner that avoids conflicts and creates a level playing field for all grant applicants. Agencies may also consider including questions as part of the Request for Proposal (RFP) process to identify how potential grant applicants manage conflicts of interest, which may include information such as the applicant’s conflict of interest policies or procedures.
2. If an organizational conflict of interest is in question*,* disclosed or discovered agency staff must immediately notify the agency’s ethics officer or a supervisor, manager, director, assistant/deputy commissioner or commissioner.
3. In cases where an organizational conflict of interest is in question, disclosed or discovered, the grantee or grant applicant should be notified by the state agency regarding the actual *or* potential conflict and allowed a reasonable opportunity to respond. Based on a review of the response and other relevant facts, one of the following actions may be pursued:
   * The potential grantee is disqualified from eligibility for the grant award
   * A current grantee’s grant contract agreement or notice of grant award is amended or terminated
   * The grantee is disqualified from subsequent state grant awards if it is determined that it improperly failed to disclose a known organizational conflict of interest or misrepresented information regarding such a conflict
   * The responsibility for the grant or grant program is reassigned to a different state employee
   * Actions should be taken to reduce or neutralize actual or potential organizational conflicts of interest. This may include: revising the grantee’s duties so that the conflict is reduced; allowing the grantee to propose the exclusion of task areas that create a conflict, if appropriate; asking the grantee to submit an organizational conflict of interest avoidance or mitigation plan; or making all information available to all grantees and/or potential grantees in order to eliminate favoritism toward any one grantee

## 2022 Minnesota Statutes

### [43A.38 CODE OF ETHICS FOR EMPLOYEES IN THE EXECUTIVE BRANCH](https://www.revisor.mn.gov/statutes/cite/43A.38).

**43A.38 CODE OF ETHICS FOR EMPLOYEES IN THE EXECUTIVE BRANCH.**

Subdivision 1.**Definitions.**

For the purpose of this section the following definitions shall apply:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit making activities.

(b) "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in nonsummary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

(c) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Subd. 2.**Acceptance of gifts; favors.**

 Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:

(a) Gifts of nominal value or gifts or textbooks which may be accepted pursuant to section [15.43](https://www.revisor.mn.gov/statutes/cite/15.43).

(b) Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.

(c) Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment.

(d) Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time for which they are not compensated by the state.

(e) Tips received by employees engaged in food service and room cleaning at restaurant and lodging facilities in Itasca State Park.

Subd. 3.**Use of confidential information.**

An employee in the executive branch shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

Subd. 4.**Use of state property.**

(a) An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.

(b) An employee may use state time, property, or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of the time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

(c) The commissioners of administration and management and budget shall issue a statewide policy on the use of electronic mail and other forms of electronic communications by executive branch state employees. The policy is not subject to the provisions of chapter 14 or 179A. Appointing authorities in the legislative and judicial branches shall issue policies on these issues for their employees. The policies shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant.

Subd. 5.**Conflicts of interest.**

The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section [43A.39](https://www.revisor.mn.gov/statutes/cite/43A.39) or disciplinary action as appropriate:

(1) use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

(2) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties;

(3) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf; or

(4) the solicitation of a financial agreement for the employee or entity other than the state when the state is currently engaged in the provision of the services which are the subject of the agreement or where the state has expressed an intention to engage in competition for the provision of the services; unless the affected state agency waives this clause.

Subd. 6.**Determination of conflicts of interest.**

When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

(1) the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;

(2) receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee;

(3) employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee;

(4) the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

Subd. 7.**Resolution of conflict of interest.**

If the employee, appointing authority or commissioner determine that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

Subd. 8.**Precedence of chapter 10A.**

Where specific provisions of chapter 10A apply to employees and would conflict with this section, the provisions of chapter 10A shall apply.

Subd. 9.**Limits.**

This section shall not be interpreted to apply to any activity which is protected by sections [179A.01](https://www.revisor.mn.gov/statutes/cite/179A.01) to [179A.25](https://www.revisor.mn.gov/statutes/cite/179A.25) and collective bargaining agreements and practices thereunder nor to prevent a current or former employee from accepting employment with a labor or employee organization representing employees.

**History:**

[*1981 c 210 s 38*](https://www.revisor.mn.gov/laws/?id=210&year=1981&type=0)*;*[*1982 c 560 s 35*](https://www.revisor.mn.gov/laws/?id=560&year=1982&type=0)*;*[*1984 c 462 s 27*](https://www.revisor.mn.gov/laws/?id=462&year=1984&type=0)*;*[*1Sp1985 c 17 s 9*](https://www.revisor.mn.gov/laws/?id=17&year=1985&type=1)*;*[*1987 c 128 s 1*](https://www.revisor.mn.gov/laws/?id=128&year=1987&type=0)*;*[*1997 c 202 art 2 s 34*](https://www.revisor.mn.gov/laws/?id=202&year=1997&type=0)*;*[*2008 c 204 s 42*](https://www.revisor.mn.gov/laws/?id=204&year=2008&type=0)*;*[*2009 c 101 art 2 s 109*](https://www.revisor.mn.gov/laws/?id=101&year=2009&type=0)