

Sec. 39. CONFORMANCE WITH FEDERAL REGULATIONS.

The commissioner of health shall amend Minnesota Rules, chapter 4761, as needed to conform with federal regulations, and shall perform any procedural steps necessary to obtain authorization to administer the regulations in Code of Federal Regulations, title 40, part 745 (1996), adopted by the United States Environmental Protection Agency to implement the requirements of title X of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, Public Law Number 102-550, 106 Statutes at Large 3897.

Sec. 40. REPEALER.

(a) Minnesota Statutes 1996, sections 62D.03, subdivision 2; and 62D.11, subdivision 4, are repealed.

(b) Minnesota Rules, part 4600.3900, is repealed.

(c) Laws 1988, chapter 495, section 1, is repealed.

Sec. 41. EFFECTIVE DATE.

Section 19 is effective the day following final enactment.

Presented to the governor May 20, 1997

Signed by the governor May 22, 1997, 12:02 p.m.

CHAPTER 206—S.F.No. 420

An act relating to state agencies; modifying department of administration authority for elevator regulation, the building code, leases, and other administrative matters; modifying lighting standards; modifying licensure provisions for manufactured home installers; amending Minnesota Statutes 1996, sections 16B.24, subdivisions 6 and 6a; 16B.482; 16B.49; 16B.50; 16B.54, subdivision 8; 16B.72; 16B.73; 16B.747, subdivision 3; 216C.195, subdivision 3; and 326.841; Laws 1996, chapter 463, section 13, subdivision 7; repealing Minnesota Statutes 1996, sections 15.171; 15.172; 15.173; 15.174; and 16B.88, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 16B.24, subdivision 6, is amended to read:

Subd. 6. PROPERTY RENTAL LEASES. (a) **LEASES.** The commissioner shall rent lease land and other premises when necessary for state purposes. Notwithstanding subdivision 6a, paragraph (a), the commissioner may lease land or premises for up to ten years, subject to cancellation upon 30 days' written notice by the state for any reason except lease of other non-state-owned land or premises for the same use. The commissioner may not lease non-state-owned land and buildings or substantial portions of land or buildings within the capitol area as defined in section 15.50 unless the commissioner first consults with the capitol area architectural and planning board. If the commissioner enters into a lease-purchase agreement for buildings or substantial portions of buildings

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within the capitol area, the commissioner shall require that any new construction of non-state-owned buildings conform to design guidelines of the capitol area architectural and planning board. Lands needed by the department of transportation for storage of vehicles or road materials may be leased for five years or less, such leases for terms over two years being subject to cancellation upon 30 days written notice by the state for any reason except lease of other non-state-owned land or premises for the same use. An agency or department head must consult with the chairs of the house appropriations and senate finance committees before entering into any agreement that would cause an agency's rental costs to increase by ten percent or more per square foot or would increase the number of square feet of office space rented by the agency by 25 percent or more in any fiscal year.

(b) **USE VACANT PUBLIC SPACE.** No agency may initiate or renew a lease for space for its own use in a private building unless the commissioner has thoroughly investigated presently vacant space in public buildings, such as closed school buildings, and found that none is available or use of the space is not feasible, prudent, and cost-effective compared with available alternatives.

(c) **PREFERENCE FOR CERTAIN BUILDINGS.** For needs beyond those which can be accommodated in state-owned buildings, the commissioner shall acquire and utilize space in suitable buildings of historical, architectural, or cultural significance for the purposes of this subdivision unless use of that space is not feasible, prudent and cost-effective compared with available alternatives. Buildings are of historical, architectural, or cultural significance if they are listed on the national register of historic places, designated by a state or county historical society, or designated by a municipal preservation commission.

(d) **RECYCLING SPACE.** Leases for space of 30 days or more for 5,000 square feet or more must require that space be provided for recyclable materials.

Sec. 2. Minnesota Statutes 1996, section 16B.24, subdivision 6a, is amended to read:

Subd. 6a. **LEASE-PURCHASE AGREEMENT; CANCELLATION.** (a) With the approval of the commissioner of finance and the recommendation of the legislative advisory commission, the commissioner of administration may enter into lease-purchase agreements. A lease-purchase agreement must provide the state with a unilateral right to purchase the leased premises at specified times for specified amounts. Under these lease agreements, the lease rental rates shall not be more than market rental rates. Notwithstanding subdivision 6, the term of the lease may be for more than ten years, but must not exceed 20 years. Prior to exercising the state's right to purchase the premises, the purchase must be approved by an act of the legislature.

(b) A lease-purchase agreement entered into under paragraph (a) must be subject to cancellation by the state for any reason except rental lease of other non-state-owned land or premises for the same use.

Sec. 3. Minnesota Statutes 1996, section 16B.482, is amended to read:

16B.482 REIMBURSEMENT FOR MATERIALS AND SERVICES.

The commissioner of administration may provide materials and services under this chapter to state legislative and judicial branch agencies, political subdivisions, the Minnesota state colleges and universities, the University of Minnesota, and federal govern-

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ment agencies. Legislative and judicial branch agencies, political subdivisions, the Minnesota state colleges and universities, the University of Minnesota, and federal government agencies purchasing materials and services from the commissioner of administration shall reimburse the general services, intertechnologies, and cooperative purchasing, and motor pool revolving funds for cost.

Sec. 4. Minnesota Statutes 1996, section 16B.49, is amended to read:

16B.49 CENTRAL MAILING SYSTEM.

The commissioner shall maintain and operate for state agencies, departments, institutions, and offices a central mailing system mail handling unit. Official mail of an agency occupying quarters within the boundaries of the city of St. Paul must be delivered unstamped to the central mailing station. Official, outgoing mail for units in St. Paul must be delivered unstamped to the unit. The unit shall also operate an interoffice mail distribution system. The department may add personnel and acquire equipment that may be necessary to operate the unit efficiently and cost-effectively. Account must be kept of the postage required on that mail, which is then a proper charge against the agency delivering the mail. To provide funds for the payment of postage, each agency shall make advance payments to the commissioner sufficient to cover its postage obligations for at least 60 days. For purposes of this section, the Minnesota state colleges and universities is a state agency.

Sec. 5. Minnesota Statutes 1996, section 16B.50, is amended to read:

16B.50 CENTRAL DUPLICATING AND PRINTING COMMUNICATIONS.MEDIA DIVISION.

The commissioner shall maintain and operate for agencies a central duplicating and printing communications.media division which that is responsible for all duplicating and printing services. The commissioner shall prescribe and designate classes of state printing. The duplicating and printing work to be done by the division is restricted to producing any form, booklet or pamphlet to the extent the commissioner deems appropriate.

Sec. 6. Minnesota Statutes 1996, section 16B.54, subdivision 8, is amended to read:

Subd. 8. **MOTOR POOL REVOLVING ACCOUNT.** (a) **ACCOUNT ESTABLISHED.** Money or reimbursements the commissioner receives from the operation of the central motor pool is deposited in the state treasury and credited to a motor pool revolving account. Money in the account is annually appropriated to the commissioner to carry out this section. The motor pool revolving account may be used to provide material transfer services to agencies.

(b) **UNOBLIGATED EXCESS TRANSFERRED.** When the unobligated amount of money in the state treasury credited to the motor pool revolving account exceeds the sum of \$438,000 average monthly operating expense at the end of any the fiscal year, the unobligated amount in excess of \$438,000 one month's operating expense must be transferred to the general fund in the state treasury.

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Sec. 7. Minnesota Statutes 1996, section 16B.72, is amended to read:

16B.72 REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the state building code before January 1, 1977, that no part of the state building code except the building requirements for handicapped persons and the requirements for elevator safety applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

“Shall the state building code be adopted in County?”

If the majority of the votes cast on the proposition is in the negative, the state building code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality or town that did not adopt the state building code before January 1, 1977, from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.

Sec. 8. Minnesota Statutes 1996, section 16B.73, is amended to read:

16B.73 STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.

The governing body of a municipality whose population is less than 2,500 may provide that the state building code, except the requirements for handicapped persons and the requirements for elevator safety, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the state building code continues to apply unless all municipalities having jurisdiction over the area have provided that the state building code, except the requirements for handicapped persons and the requirements for elevator safety, does not apply within their respective jurisdictions. Nothing in this section precludes a municipality or town from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.

Sec. 9. Minnesota Statutes 1996, section 16B.747, subdivision 3, is amended to read:

Subd. 3. **PERMISSIVE MUNICIPAL REGULATION.** A municipality that conducts may conduct a system of elevator inspection on a periodic basis in conformity with this chapter, state building code requirements, and adopted rules, and that employs or contracts with inspectors meeting the minimum requirements established by rule, may

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~~provide for that includes~~ the inspection of elevator installation, repair, alteration, and removal, construction, and the ~~periodic routine inspection of routine and periodic inspection and testing of existing elevators.~~ The municipality shall employ inspectors meeting the minimum requirements established by Minnesota Rules to perform the inspections and to witness the tests. A municipality may establish and retain its own fees for inspection of elevators and related devices in its jurisdiction. A municipality may not adopt standards that do not conform to the uniform standards prescribed by the department.

If a municipality does not conduct elevator inspections as provided in this chapter, or If the commissioner determines that a municipality is not properly administering and enforcing the law, rules, and codes, the commissioner shall have the inspection, administration, and enforcement undertaken by a qualified inspector employed by the department.

Sec. 10. Minnesota Statutes 1996, section 216C.195, subdivision 3, is amended to read:

Subd. 3. **LIGHTING STANDARDS.** The standards adopted under subdivision 1 must be at least as stringent as lighting standards for new federal buildings (~~for 1993~~) in Code of Federal Regulations, title 10, section 435.103.

Sec. 11. Minnesota Statutes 1996, section 326.841, is amended to read:

326.841 MANUFACTURED HOME INSTALLERS.

Manufactured home installers are subject to all of the requirements of sections 326.83 to 326.98, except for the following:

(1) manufactured home installers are not members of the advisory council under section 326.85;

(2) manufactured home installers are not subject to the continuing education requirements of section 326.87;

(3) the examination requirement of section 326.89, subdivision 3, for manufactured home installers shall be satisfied by successful completion of a written examination designed specifically for manufactured home installers. The examination must be designed by the commissioner in conjunction with the state building code division. The commissioner and state building code division shall seek advice on the grading, monitoring, and updating of examinations from the Minnesota manufactured housing association;

(4) the amount of the bond required by section 326.94 shall be \$2,500 for manufactured home installers;

(5) a local government unit may not place a surcharge on a license fee, and may not charge a separate fee to installers; and

(6) a dealer or distributor who does not install or repair manufactured homes is exempt from licensure under sections 326.83 to 326.98; and

(7) the exemption under section 326.84, subdivision 3, clause (5), does not apply.

Sec. 12. Laws 1996, chapter 463, section 13, subdivision 7, is amended to read:

Subd. 7. Agency Relocation

3,735,000

\$1,670,000 is from the general fund to relocate the print ~~communications~~ communica-

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tions media, micrographics central stores, and travel management divisions of the department of administration into a new support services facility, and to relocate the department of human rights, the driver and vehicle services division of the department of public safety, the department of labor and industry in St. Cloud, and the department of human services in St. Cloud.

\$116,000 is from the general fund to complete the move of the Minnesota historical society to the state history center.

\$25,000 is from the general fund for unanticipated moving expenses.

\$1,389,000 is from the trunk highway fund for the partial relocation of the department of transportation.

\$535,000 is from the highway user tax distribution fund to relocate the driver and vehicle services division of the department of public safety.

Sec. 13. REPEALER.

Minnesota Statutes 1996, sections 15.171; 15.172; 15.173; 15.174; and 16B.88, subdivision 6, are repealed.

Sec. 14. EFFECTIVE DATE.

Section 11 is effective April 1, 1998.

Presented to the governor May 20, 1997

Signed by the governor May 22, 1997, 12:05 p.m.

CHAPTER 207—S.F.No. 309

An act relating to state lands; authorizing the conveyance of certain tax-forfeited land that borders public water in Blue Earth, Cass, Crow Wing, Becker, Aitkin, Mille Lacs, Cook, Carlton, and Washington counties; authorizing the private sale of certain state lands to wild rice lessees; authorizing the private sale of surplus state land in Houston county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; BLUE EARTH COUNTY.

(a) Notwithstanding Minnesota Statutes, chapter 282, and section 92.45, Blue Earth county may convey to the city of Mankato for no consideration the tax-forfeited land bordering on public waters that is described in paragraph (c).

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