

MINNESOTA STATUTES 1975 SUPPLEMENT

15A.083 STATE AND OTHER PUBLIC OFFICERS

deputy secretary of state	17,500
State college system chancellor	32,500
Treasury, state treasurer	25,000
deputy treasurer	17,500
Veterans affairs, department of commissioner	16,000

[1975 c 156 s 2]

[For text of subs 1a and 4, see M.S.1974]

15A.083 Salaries for positions in the judicial branch.

Subdivision 1. Elective judicial officers. The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

Chief justice of the supreme court	\$40,000
Associate justice of the supreme court	36,500
District judge	32,000

Each district judge shall receive \$1,500 additional annually from each county in his district having a population of 200,000 or more. When any district judge shall preside upon the trial or hearing of any cause outside of his resident district wherein the district judge receives a larger salary he shall receive an additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, to be paid by the county wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

An amount due from a county under this subdivision shall be paid by the state and forthwith reimbursed by the county.

[1975 c 381 s 1]

[For text of subs 2 to 4, see M.S.1974]

CHAPTER 16. DEPARTMENT OF ADMINISTRATION

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16.012 Lease of space in certain state buildings to state departments.

The commissioner of administration may lease portions of the state owned buildings in the capitol complex, the capitol square building, the health building, and the building at 1246 University Avenue, St. Paul, Minnesota, to state departments and agencies and charge rent therefor on the basis of space occupied. Notwithstanding the provisions of any law to the contrary, all moneys collected as rent pursuant to the terms of this section shall be deposited in the state treasury. Moneys collected as rent for the purpose of

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recovering depreciation costs of buildings built with state dedicated funds shall be credited to the dedicated funds which funded the original acquisition or construction. All other moneys received shall be credited to the general fund.

[1975 c 204 s 68]

16.014 Regional service center; state agencies; commissioner of administration, leasing authority.

Subdivision 1. The commissioner of administration may establish a regional service center on a demonstration basis. The state planning agency and the regional development commission of region No. 2 shall cooperate with the commissioner in establishing the service center. The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the demonstration service center.

Subd. 2. The commissioner may enter into a rental lease for a base term of five years with a five year leasehold renewal option for the purpose of acquiring suitable space for the service center.

Subd. 3. The commissioner with the assistance of the state planning agency shall submit a report to the legislature on the progress of the service center demonstration program not later than January 1, 1977.

[1975 c 416 s 1]

16.02 Powers, duties.

[For text of subs 1 and 2, see M.S.1974]

Subd. 2a. To supervise and control all state telecommunication facilities which shall include any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. Nothing in this subdivision shall be construed as modifying, amending, or abridging any powers and duties presently vested in or imposed upon the commissioner of highways or the commissioner of public safety relating to telecommunications facilities or the commissioner of aeronautics relating only to radio air navigation facilities or other air navigation facilities.

[For text of subs 3 to 15, see M.S.1974]

Subd. 16. To maintain and operate for state departments and agencies a central mailing service, and a duplicating division in which all duplication shall be done; to require that all equipment now or hereafter owned by the state be turned into the central duplicating division for use therein with the following exceptions:

(a) duplicating machines may be used by any department, institution, or state agency not located in St. Paul or Minneapolis, or by the state division of emergency services, or by the attorney general, or by the bureau of criminal apprehension in the administration of police training;

(b) the motor vehicle department may continue to fill the necessary data on motor vehicle license registration cards on duplicating machines or by duplicating process;

(c) the department of personnel may continue to produce work of confidential nature on their own duplicating machines;

(d) the department of public service may utilize a duplicating machine for the purpose of issuing its orders and other work which is confidential until the time of its release.

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The duplicating work to be done by the duplicating division shall be restricted to producing any form, booklet or pamphlet to the extent deemed appropriate by the commissioner of administration.

The term "duplicating" as used in this subdivision means that material produced by use of stencils, masters and plates which are to be used on duplicating equipment not larger than 11 by 17 inches or 28 by 43 centimeters.

[For text of subs 17 to 21, see M.S.1974]

Subd. 24. To provide for the sale and distribution of copies of laws and resolutions on file in the office of the secretary of state in accordance with the provisions of this subdivision, and as soon as practicable after their enactment:

(a) The commissioner shall establish charges for such laws and resolutions sufficient to cover the cost thereof but not exceeding 25 cents for laws or resolutions of two pages or less or 15 cents per page for each page in addition to two.

(b) Fees established for the sale and distribution of laws and resolutions, including mailing and postage charges, may be accepted by the commissioner of administration in advance, and any unused portions amounting to one dollar or more may be returned to the person entitled thereto upon request, notwithstanding the provision of any other law prohibiting refunds;

(c) The secretary of state and the revisor of statutes shall cooperate with the commissioner of administration in order that he may furnish the services provided for in this subdivision;

(d) Moneys collected by the commissioner of administration under this subdivision shall be deposited in the central services revolving fund in the state treasury. Moneys in such fund are hereby appropriated annually to the commissioner for the purposes of carrying out the provisions of this subdivision.

[1975 c 81 s 1,2; 1975 c 239 s 1]

[For text of subs 25 and 26, see M.S.1974]

16.081 Citation.

Sections 16.081 to 16.086 may be cited as the "Minnesota small business procurement act."

[1975 c 383 s 1]

16.082 Definitions.

Subdivision 1. For the purposes of sections 16.081 to 16.086 the following words and phrases shall have the meanings set forth in this section, except where the context clearly indicates that a different meaning is intended.

Subd. 2. "Small business" means a business entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative which has its principal place of business in Minnesota and which is not (a) dominant in its field of operation or (b) an affiliate or subsidiary of a business dominant in its field of operation.

Subd. 3. "Dominant in its field of operation" means exercising a controlling or major influence in a business activity in which a number of businesses are engaged. In determining if a business is dominant, the following criteria, among others, shall be considered: number of employees; volume of

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business; financial resources; competitive status or position; ownership or control of materials, processes, patents, license agreements and facilities; sales territory; and nature of business activity. The following businesses shall be deemed dominant in their field of operation:

(a) Manufacturing businesses which employ more than 100 persons and have in the preceding three fiscal years exceeded a total of \$15,000,000 in gross receipts.

(b) General construction businesses which in the preceding three fiscal years exceeded a total of \$6,000,000 in gross receipts.

(c) Specialty construction businesses which in the preceding three fiscal years exceeded a total of \$3,000,000 in gross receipts.

(d) Nonmanufacturing businesses which employ more than 25 persons and have in the preceding three fiscal years exceeded a total of \$3,000,000 in gross receipts.

Subd. 4. "Affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least 20 percent owned by a business dominant in that field of operation, or by partners, officers, directors, majority shareholders, or their equivalent of a business dominant in that field of operation.

Subd. 5. "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. This disadvantage may arise from cultural, social or economic circumstances or background, physical location if the person resides or is employed in an area declared as a labor surplus area by the United States department of commerce, or other similar cause.

[1975 c 383 s 2]

16.083 Procurement from small businesses.

Subdivision 1. Small business set-asides. The commissioner of administration shall for each fiscal year designate and set aside for awarding to small businesses approximately ten percent of the value of anticipated total state procurement of goods and services including construction. The commissioner shall divide the procurements so designated into contract award units of economically feasible production runs in order to facilitate offers or bids from small businesses. In making his annual designation of set-aside procurements the commissioner shall attempt to vary the included procurements so that a variety of goods and services produced by different small businesses shall be set aside each year. The failure of the commissioner to set aside particular procurements shall not be deemed to prohibit or discourage small businesses from seeking the procurement award through the normal solicitation and bidding processes.

Subd. 2. Negotiated price or bid contract. The commissioner may elect to use either a negotiated price or bid contract procedure in the awarding of a procurement contract under the set-aside program established in sections 16.081 to 16.086. The amount of an award shall not exceed by more than five percent the commissioner's estimated price for the goods or services, if they were to be purchased on the open market and not under this set-aside program. Surety bonds guaranteed by the federal small business administration shall be acceptable security for a construction award under this section.

Subd. 3. Determination of ability to perform. Before announcing a set-aside award, the commissioner shall evaluate whether the small business scheduled to receive the award is able to perform the set-aside contract. This determination shall include consideration of production and financial capacity and technical competence.

Subd. 4. Preference to small businesses. At least ten percent of the value of the procurements designated for set-aside awards shall be awarded, if possible, to businesses owned and operated by socially or economically disadvantaged

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persons. In the event small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least ten percent of the set-aside awards, then the commissioner shall award the balance of the set-aside contracts to other small businesses.

Subd. 5. Recourse to other businesses. In the event that subdivisions 1 to 4 do not operate to extend a contract award to a small business, the award shall be placed pursuant to the normal solicitation and award provisions set forth in this chapter. The commissioner shall thereupon designate and set aside for small businesses additional state procurements corresponding in approximate value to the contract unable to be awarded pursuant to subdivisions 1 to 4.

Subd. 6. Procurement procedures. All laws and rules pertaining to solicitations, bid evaluations, contract awards and other procurement matters shall apply as consistent to procurements set aside for small businesses. In the event of conflict with other rules, the provisions of sections 16.081 to 16.086 and rules promulgated pursuant thereto shall govern.

[1975 c 383 s 3]

(NOTE: This section is effective January 1, 1976. See Laws 1975, Chapter 383, Section 8.)

16.084 Encouragement of participation.

The commissioners of administration and economic development shall publicize the provisions of the set-aside program, attempt to locate small businesses able to perform set-aside procurement awards, and encourage participation. When the commissioner of administration determines that a small business is unable to perform under a set-aside contract, he shall so inform the commissioner of economic development who shall assist the small business in attempting to remedy the causes of the inability to perform a set-aside award. In assisting the small business, the commissioner of economic development in cooperation with the commissioner of administration shall use any management or financial assistance programs as may be available by or through the department of economic development, other state or governmental agencies, or private sources.

[1975 c 383 s 4]

16.085 Rules.

The commissioner of administration shall promulgate by rule standards and procedures for certifying that small businesses and small businesses owned and operated by socially or economically disadvantaged persons are eligible to participate under the requirements of sections 16.081 to 16.086. The procedure for determination of eligibility may include self-certification by a business, provided that the commissioner retains the ability to verify a self-certification. The commissioner shall promulgate other rules as may be necessary to carry out the duties set forth in sections 16.081 to 16.086.

[1975 c 383 s 5]

16.086 Reports.

Subdivision 1. Commissioner of administration. The commissioner of administration shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commissioner of economic development indicating the progress being made toward the objectives and goals of sections 16.081 to 16.086 during the preceding fiscal year. This report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified during this period and the percentage of total state procurement this figure reflects;

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

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and the total number of small businesses that were awarded set-aside contracts;

(c) The total dollar value and number of set-aside 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 set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflect;

(d) The number of contracts which were designated and set-aside pursuant to section 16.083 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 the normal procurement procedures.

Subd. 2. Commissioner of economic development. The commissioner of economic development shall submit an annual report to the governor and the legislature pursuant to section 3.195 with a copy to the commissioner of administration. This report shall include the following information:

(a) The efforts undertaken to publicize the provisions of the set-aside program during the preceding fiscal year;

(b) The efforts undertaken to identify small businesses including those owned and operated by socially or economically disadvantaged persons, and the efforts undertaken to encourage participation in the set-aside program;

(c) The efforts undertaken by the commissioner to remedy the inability of small businesses to perform on potential set-aside awards; and

(d) The commissioner's recommendations for strengthening the set-aside program and delivery of services to small businesses.

[1975 c 383 s 6]

16.173 Approved complements.

Whenever an appropriation to any state department or agency for salaries discloses an approved complement, that department or agency, except for seasonal employees, part time employees, service workers and pre-service trainees is limited in the employment of the number of persons indicated by such approved complement. The employment of seasonal employees, part time employees, service workers and pre-service trainees shall be in addition to the approved complement but subject to the approval of the commissioner of administration who shall determine the need therefor. The employment of pre-service trainees except from approved complement requirements shall be restricted to trainees employed pursuant to affirmative action programs approved by the commissioner of personnel.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve such additional personnel until he has consulted with the legislative advisory committee created by Laws 1943, Chapter 594, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions hereof shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

[1975 c 381 s 2]

16.281 Sheltered workshops; procurement of products and services; work activity programs.

Subdivision 1. The commissioner of administration in consultation with the director of community long term sheltered workshop programs shall prepare a list containing not to exceed 20 products and services of state

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certified sheltered workshops and work activity programs for procurement use by departments, agencies and institutions of state government. Additional products and services, when approved by the commissioner, shall be added to the list. The commissioner shall determine the fair market price to be paid for listed products and services, which fair market price shall be competitive with readily available alternative suppliers or sources. Departments, agencies and institutions of the state shall, after promulgation of the product and service list by the commissioner, except as hereinafter provided, procure listed products and services from sheltered workshops and work activity programs in preference to procurement from other suppliers or sources. The provisions of this chapter relating to competitive bidding shall not apply to purchases made in accordance with this section.

Subd. 2. When any listed products or services are available for procurement from any department, agency or institution of the state and procurement therefrom is required by law, procurement shall be made in accordance with such law.

Subd. 3. The commissioner of administration shall promulgate rules and regulations necessary to carry out the purposes of this section, including but not limited to rules and regulations providing for a procedure by which the commissioner shall determine product specifications, quality standards and timing of delivery to be complied with by the sheltered workshop and work activity program boards on purchases made under this section.

Subd. 4. The commissioner may select a nonprofit corporation organized under chapter 317 to facilitate distribution of orders among sheltered workshops and work activity programs. The corporation shall distribute orders so as to afford each sheltered workshop and work activity program an equal opportunity to obtain orders.

[1975 c 171 s 1]

(NOTE: This section shall be effective July 1, 1975 and shall expire on June 30, 1977.)

16.75 Central motor pool, establishment.

[For text of subs 1 to 6, see M.S.1974]

Subd. 7. The commissioner of administration shall establish all rules and regulations necessary for the efficient and economical operation, maintenance, repair, and replacement of state-owned motor vehicles in the central motor pool or any branch thereof. The regulations shall include the requirements for keeping records and reports and all schedules used as a basis for charging departments and agencies for the services furnished. They shall also provide for periodic reimbursements by the department or agency using the motor pool services. The commissioner of administration by rule or regulation shall provide for the uniform marking and coloring of all such motor vehicles. The commissioner may further provide by rule for the acquisition of motor vehicles without uniform coloring for assignment to the division of criminal apprehension in the department of public safety and the office of the attorney general. The provisions of the administrative procedure act shall not apply to rules promulgated pursuant to this subdivision.

[1975 c 81 s 3]

[For text of subd 8, see M.S.1974]

16.753 Use of state-owned vehicles.

By October 1, 1975, the commissioner of administration shall develop, implement, and, as needed, amend rules, reimbursement rates and necessary operating policies regarding state-owned vehicles assigned to individual employees for extended use in the performance of their assigned duties. Reimbursement to the state by employees shall be made for the full cost to the

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state for travel by the employee to and from his place of residence. Such rules, rates and operating policies shall not be subject to the provisions of the administrative procedures act. All moneys received under this provision shall be deposited as nondedicated receipts to the credit of the fund from which the costs of operating the individual vehicles are paid.

[1975 c 204 s 69]

16.80 Central services revolving fund.

Subdivision 1. There is appropriated to the commissioner of administration annually all moneys in the central services revolving fund in the state treasury, which fund is hereby created. The following enumerated items are hereby transferred to and deposited in such revolving fund:

The balances of moneys heretofore appropriated and originating with:

\$5,000 from the state institutions contingent fund (in 1918) for the purposes of Laws 1917, Chapter 174.

\$5,000 from the state institutions contingent fund (in 1920) for the purposes of Laws 1917, Chapter 174.

\$15,000 by Laws 1941, Chapter 548, Section 22(5).

\$20,000 by Extra Session Laws 1951, Chapter 1, Section 24(3).

\$17,500 by Laws 1957, Chapter 929, Section 17(6) and fees of the commissioner of administration for copies of documents and records appropriated by Minnesota Statutes, Section 16.026.

\$10,000 from the general contingent fund to the state department revolving fund on June 7, 1960.

\$30,000 for the Minnesota administrative rules revolving fund by Minnesota Statutes, Section 15.047, Subdivision 3.

\$250,000 for a state department revolving fund by Laws 1957, Chapter 929, Section 17(11).

Deposits for postage obligations appropriated by Minnesota Statutes, Section 16.56.

All fees prescribed by Laws 1955, Chapter 847, and other provisions of the law not inconsistent therewith for the rendering of the services therein provided shall be deposited in the state treasury by the collecting department or agency and credited to the central services revolving fund.

All moneys in the state treasury credited to the central services revolving fund and any moneys which may hereafter be deposited therein are hereby appropriated annually to the commissioner of administration for the following purposes:

- (a) The operation of a central store and equipment service;
- (b) The operation of a central duplication and reproduction service;
- (c) The purchase of postage and related items, and the refund of postage deposits, necessary to the operation of a central mailing service;
- (d) The operation of a documents service as prescribed by section 16.026;
- (e) The performing of services for any other state department or agency in conformity with Laws 1957, Chapter 929, Section 17(11).

The portions of the central services revolving fund utilized for computer services and heretofore transferred to the computer services revolving fund in the state treasury in accordance with the provisions of Extra Session Laws 1967, Chapter 48, Section 20, Subdivision 13, Clause c shall continue to be part of such computer services revolving fund. All moneys in the computer services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of computer services.

The remaining portions of the central services revolving fund heretofore transferred to the general services revolving fund in the state treasury at the time the computer services revolving fund was established shall continue to be part of such general services revolving fund. All moneys in the general

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services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of publications and central services.

The payroll clearance revolving fund in the state treasury established at the time the computer services and general services revolving funds were established shall continue to be used for the purpose of paying the salaries and wages of officers and employees of the state government. The payments made from the payroll clearance revolving fund shall be reimbursed from the salary accounts against which the payments are a proper charge. The state treasurer may borrow from other public funds in the state treasury such sums of money as are necessary to make the payments from the payroll clearance revolving fund until such fund is reimbursed from the appropriate salary accounts; provided, however, that no fund shall be so impaired thereby that all proper demands cannot be met.

Except as specifically provided for by other statutory provisions, each department or agency shall reimburse the computer services and general services revolving funds for the cost of all services, supplies, materials, labor and depreciation of equipment including reasonable overhead costs which the commissioner of administration is authorized and directed to furnish a department or agency. The cost of all publications or any other materials which may be produced by the commissioner of administration and financed from the general services revolving fund shall include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration may require a department or agency to make advance payments to any of the aforesaid revolving funds sufficient to cover the department's or agency's estimated obligation for a period of at least 60 days. All such reimbursements and any other moneys received by the commissioner of administration under this section shall be deposited in the appropriate revolving fund.

[1975 c 81 s 4; 1975 c 380 s 17]

[For text of subd 2, see M.S.1974]

16.853 Building code standards committee.

Subdivision 1. Creation. The commissioner of administration shall appoint a building code standards committee which shall serve in an advisory capacity to the commissioner in promulgating the code and making such amendments thereto as the commissioner shall from time to time deem necessary.

Subd. 2. Composition. The committee shall consist of nine members who are residents of the state. The state building inspector shall serve as secretary of the committee but shall not be a member thereof. The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, governing bodies of local government and the general public. Appointments to the committee made on and after July 1, 1973 shall be made in such manner as to insure that by July 1, 1977 and thereafter, the membership shall consist of at least one member residing in each congressional district.

Subd. 3. Internal authority and compensation. The committee shall elect its own chairman, adopt rules and regulations for its procedure and meet when so directed by the commissioner. The committee is further empowered, subject to the approval of the commissioner and the limits of appropriations provided therefor, to employ such assistance as it deems necessary. The committee shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

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DEPARTMENT OF FINANCE

16A.1281

[1975 c 315 s 2]

16.91 State information services advisory council.

To effectuate and facilitate the purposes and provisions of sections 16.90 to 16.96, the governor shall appoint a state information services advisory council, which shall assist the department in the development and coordination of a state information services master plan and make recommendations from time to time to the commissioner concerning the progress, direction and needs of the state's computerization effort. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1975 c 315 s 3]

16.911 Intergovernmental information services advisory council.

Subdivision 1. The governor shall appoint an intergovernmental information services advisory council, to serve at his pleasure, consisting of 25 members. Such council shall be composed of two members from each of the following groups: Counties outside of the seven county metropolitan area, counties within the metropolitan area, cities of the first class, municipalities of the second and third class outside the metropolitan area and municipalities of the second and third class within the metropolitan area, one member from each of the following groups: The metropolitan council, an outstate regional body, Minnesota higher education coordinating commission, school districts located in cities of the first class, school districts in the metropolitan area, and school districts outside the metropolitan area; one member from each of the state departments of administration, education, legislative auditor and revenue; one member from the office of the state auditor and four members from the state community at large. To the extent permitted by available resources the commissioner shall furnish staff and other assistance as requested by the council. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1975 c 315 s 4]

[For text of subds 2 to 6, see M.S.1974]

CHAPTER 16A. DEPARTMENT OF FINANCE

Sec.
16A.1281 Report on fees. [New]

Sec.
16A.17 Preparation of state payroll.

16A.1281 Report on fees.

The commissioner of finance shall review and analyze fees collected by state departments and agencies. The commissioner shall prepare a report on those fees in which the cost of collections of the fee and the service provided for the fee appear excessive in relation to the amount of the fee collected. The report shall be submitted by November 15 of any even numbered year to the committee on finance of the senate and the committee on appropriations of the house of representatives.

[1975 c 204 s 88]

16A.17 Preparation of state payroll.

[For text of subds 1 to 7, see M.S.1974]

Subd. 8. Repealed, 1975 c 273 s 3