

MINNESOTA STATUTES 1979 SUPPLEMENT

15A.083 STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES

just an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the personnel board.

	Salary or Range	
	Effective July 1, 1979	Effective July 1, 1980
Public defender		
District administrator	27,000-37,500	28,500-40,000
County attorneys		
council executive director	22,000-32,000	23,500-34,000
Board on judicial standards		
executive director	36,000	38,000
State court administrator	44,500	47,000
Subd. 4a. [Repealed, 1979 c 332 art 2 s 7]		

[For text of subs 5 and 6, see M.S.1978]

[1979 c 332 art 2 s 2-4]

15A.13 Other terms and conditions of employment.

The annual salaries prescribed by chapter 15A for positions in the unclassified service of the executive branch of the state government are in addition to other terms and conditions of their employment as now or hereafter prescribed by law or the commissioner of personnel pursuant to section 43.127, subdivision 6.

[1979 c 332 art 1 s 9]

CHAPTER 16. DEPARTMENT OF ADMINISTRATION

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16.02 Powers, duties.

[For text of subs 1 to 10, see M.S.1978]

Subd. 10a. No state agency shall lease additional space for its own use in any private building unless it has certified in writing to the commissioner of administration that it has thoroughly investigated the availability of presently vacant space in public buildings, such as closed school buildings, and found none that is feasible and adequate for its needs.

[For text of subs 13 to 26, see M.S.1978]

Subd. 27. To provide micrographics services and products to meet the needs of state agencies. Within available resources, the commissioner may also provide micrographic services to political subdivisions. All state agency plans and programs for micrographics shall be submitted to and receive the approval of the commissioner prior to implementation. Upon the commissioner's approval, subsidiary or independent microfilm operations may be implemented in other state agencies. The commissioner may direct

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that copies of official state documents be distributed to official state depositories on microfilm.

[1979 c 333 s 63,64]

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 20 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.

[For text of subs 2 and 3, see M.S.1978]

Subd. 4. **Preference to small businesses.** At least 15 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 persons. In the event small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least 15 percent of the set-aside awards, the commissioner shall award the balance of the set-aside contracts to other small businesses.

[For text of subs 5 and 6, see M.S.1978]

[1979 c 283 s 1,2]

16.32 Plans and specifications; limitations.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. Plans prepared by the commissioner for a new building or for a renovation of 50 percent or more of an existing building or its energy systems shall include designs which utilize active and passive solar energy systems, earth sheltered construction, and other alternative energy sources where feasible.

[Ex1979 c 2 s 9]

16.723 Leased parking facilities, charged to state employees.

Notwithstanding any other law to the contrary, the commissioner of administration shall charge state employees for any parking facilities which are used by them and furnished for their use pursuant to any lease entered into between the state of Minnesota and the lessor of any privately owned property situated in the seven county metropolitan area.

[1979 c 50 s 3]

16.822 Definitions.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. "Architect" means an architect or landscape architect registered to practice under sections 326.02 to 326.16.

[For text of subs 4 to 10, see M.S.1978]

[1979 c 333 s 65]

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16.825 DEPARTMENT OF ADMINISTRATION

16.825 Request for designer.

Subdivision 1. Upon undertaking a project with an estimated cost greater than \$400,000, or a planning project with estimated fees greater than \$35,000 every user agency, except the capitol area architectural and planning board, shall submit a written request for a primary designer or designers for its project to the commissioner of administration who shall forward the request to the board.

If a project for which a designer has been selected by the board becomes inactive, lapses or changes as a result of project phasing, insufficient appropriations or other reason, the commissioner of administration or the University of Minnesota may, if the project is reactivated, retain the same designer to complete the project.

If a project initially estimated to be below the cost and planning fee limits of this subdivision has its cost or planning fees revised so that the foregoing limits are exceeded, the project shall be referred to the board for designer selection even if a primary designer had been previously selected. In this event, the board may, without conducting interviews, elect to retain the previously selected designer if it determines that the interests of the state are best served thereby and shall notify the commissioner of administration of its determination.

[For text of subd 2, see M.S.1978]

[1979 c 333 s 66]

16.826 Duties and powers of board.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. In the event the board receives a request for a primary designer on a project, the estimated cost of which is less than the limit established by section 16.825, subdivision 1, or a planning project with estimated fees of less than the limit established by section 16.825, subdivision 1, the board may submit the request to the commissioner of administration, with or without recommendations, and the commissioner shall thereupon select the primary designer for the project.

[For text of subs 5 and 6, see M.S.1978]

[1979 c 333 s 67]

16.866 Surcharge.

Subdivision 1. **Computation.** For the purpose of defraying the costs of administering the provisions of sections 16.83 to 16.867, there is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, on and after July 1, 1971, as follows:

Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to 1/2 mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to 1/2 mill (.0005) of the valuation of the structure, addition or alteration. Provided however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.

By September 1 of each odd numbered year beginning in 1979, the commissioner shall rebate to municipalities any money received pursuant to this section and section 16.851 in the previous biennium in excess of the cost to the building code division in that biennium of carrying out their duties under sections 16.83 to 16.867. The rebate to each municipality shall be in proportion to the amount of the surcharges collected by that municipality and remitted to the state. The amount necessary to meet the commis-

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sioner's rebate obligations under this subdivision is appropriated to the commissioner from the general fund.

[For text of subd 2, see M.S.1978]

[1979 c 333 s 68]

16.868 Referenda on state building code in non-metropolitan 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 prior to January 1, 1977, that no portion of the state building code except the building requirements for handicapped persons shall apply within its jurisdiction.

The county board may, and upon petition therefor signed by voters equal in number to at least five percent of those voting in the last general election shall submit to the voters at a regular or special election the question of adopting the building code. The question on the ballot shall 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 shall not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code prior to January 1, 1977, except the building requirements for handicapped persons shall apply.

Nothing in this section shall preclude a home rule charter or statutory city or town that did not adopt the state building code prior to January 1, 1977, from adopting and enforcing the state building code within its jurisdiction.

[1979 c 287 s 2]

16.93 Computerization by school districts.

Subdivision 1. **Delegation of powers and duties to the minnesota educational computing consortium.** The state board of education and the department of education may delegate any of their powers and duties pursuant to subdivision 3 to the Minnesota educational computing consortium.

Subd. 2. **School districts' plans and budgets.** A school district may expend funds for computerization of administrative, instructional, or other activities only after a regional management information center of which the district is a member submits and obtains approval of an annual plan and budget on behalf of its member districts as provided in subdivision 3. Every school district shall become a member of a regional management information center. Every district shall in a timely manner supply to the regional management information center of which it is a member the information required by the annual data acquisition calendar and the rules of the state board of education and the information specified in the data element dictionary.

Subd. 3. **Regional plans and budgets.** Any group of two or more school districts may with the approval of the state board of education create a regional management information center pursuant to section 471.59 to provide computer services to the member districts. No regional management information center may expend funds for computer activities unless it files an annual plan and budget for its activities with the department of education and receives approval of the plan and budget from the department of education. Criteria for approving the creation of a regional management information center and the plan and budget of a regional management information center shall include: the provisions of the state computing plan adopted by the state board of education; the cost effectiveness of the center and its plan and budget; the effect on existing regional management information centers; the ability of the center in a timely manner to provide information required by the annual data acquisition calendar or by the rules of the state board of education on computer tape which is machine readable using the software designed by the department of education; the ability of the center within 15 calendar days to respond to requests for information based on the data ele-

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ments in the data element dictionary on computer tape which is machine readable using the software designed by the department of education; and the ability of the center to operate the uniform financial management accounting system using multi-dimensional accounts and records, as required by the uniform financial accounting and reporting standards for Minnesota school districts adopted by the state board pursuant to sections 121.90 to 121.92. Every regional center shall make available to its member districts the opportunity to participate fully in the comprehensive financial reporting, personnel payroll reporting and student reporting information system developed by the Minnesota educational computing consortium. A regional management information center which is not in existence on July 1, 1979 shall not come into existence until the first July 1 of an odd-numbered year after its creation is approved pursuant to this subdivision or until it can be accommodated by state appropriations, whichever occurs first.

Subd. 4. Regional subsidies. In any year when a regional management information center's plan and budget are approved pursuant to subdivision 3, the center shall receive a regional reporting subsidy grant from the department of education. The grant shall be in an amount determined in accordance with the formula filed by the department of education with the committees on education and finance of the senate and the committees on education and appropriations of the house of representatives.

Subd. 5. State board of education duties. The state board of education shall adopt rules prescribing the criteria for approval of regional plans and budgets and of the creation of regions, and specifying the criteria and the process for determining which data and data elements are included in the data element dictionary and the data acquisition calendar developed pursuant to subdivisions 6 and 7. To the extent permitted by available resources, the commissioner of administration may furnish staff and other assistance to the department of education and the Minnesota educational computing consortium in conjunction with their performance of the duties imposed by this section.

Subd. 6. Data element dictionary. By January 1, 1980, the department of education shall develop a data element dictionary defining all data elements included in the financial reporting, personnel payroll and student reporting information system of the department of education. Except as provided in subdivision 5, the development and modification of the data element dictionary shall be exempt from the rule-making procedures specified in chapter 15.

Subd. 7. Data acquisition calendar. By January 1, 1980, the department of education shall develop an annual data acquisition calendar specifying the reports which school districts are required to submit to the department of education and the dates when these reports are due. Except as provided in subdivision 5, the development and modification of the annual data acquisition calendar shall be exempt from the rule-making procedures specified in chapter 15.

[1979 c 334 art 6 s 1]

16.965 Computer system development.

A state agency, not including the University of Minnesota, shall not undertake development of any new electronic data processing system or a modification or improvement of an existing system unless the project is evaluated according to the PRIDE methodology. Development shall not proceed beyond PRIDE phase 1 (system study and evaluation report) or phase 2 (system design manual) for a new system, or phase 8 activity A (prepare system modification or improvement request) for a modification or improvement estimated to cost over \$15,000, until the project has been reviewed and approved by the commissioners of administration and finance. If a project is rejected, the commissioner of finance shall cancel the unencumbered balance of the appropriation allotted for development of the project. If a project is approved by the commissioners of administration and finance, they shall submit to the legislature a concise narrative explanation of the project and a request for any additional appropriation necessary to complete development. No agency shall enter into non-negotiable contracts for computer services until after the completion of a PRIDE phase 2.

[1979 c 333 s 70]

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DEPARTMENT OF FINANCE 16A.055

16.97 Criminal and juvenile defense grants.

Subdivision 1. Money appropriated for the provision of criminal and juvenile defense to indigent individuals shall be distributed by the judicial council to the non-profit criminal and juvenile defense corporations designated by law. Money may not be disbursed to a corporation in the Leech Lake reservation area or the White Earth reservation area without prior approval by the respective reservation business committee. Within its geographic area of responsibility each corporation shall accept cases involving felony, gross misdemeanor, and misdemeanor charges, and juvenile cases, where financial eligibility standards are met, unless there is a legal reason for rejecting a case. A corporation may accept cases arising outside of its geographic area of responsibility, as it deems appropriate. Each corporation, in order to insure broad support, shall provide matching money received from nonstate sources, which may include money from federal agencies, local governments, private agencies, and community groups, equal to ten percent of its state appropriation. The judicial council shall give notice 30 days in advance and conduct a hearing if it has reasonable grounds to believe money appropriated for this purpose is being improperly used, or if it has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Payment shall cease from the date of notice until either the judicial council determines that the money appropriated will be properly handled, or the judicial council determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

Subd. 2. An employee, administrator, or officer of a recipient of the money provided by this section who discriminates on the basis of sex, race, color, national origin, religion, or creed is guilty of a gross misdemeanor.

Subd. 3. Each corporation shall submit to the judicial council twice each year a report on a form supplied by the council showing the number of clients served; the number of charges brought; the number of cases of each kind, such as felonies, gross misdemeanors, misdemeanors, and juvenile delinquencies; the number of dispositions of each kind, such as jury trials, court trials, plea bargains, and dismissals; and the number of court appearances. This information shall be summarized for each corporation in the budget documents submitted to the legislature.

[1979 c 333 s 69]

CHAPTER 16A. DEPARTMENT OF FINANCE

Sec.		Sec.	
16A.055	Duties of commissioner.	16A.75	Definitions.
16A.123	Approved complement.	16A.751	Reduction of state labor force.
16A.126	Commissioner to approve billing rates for revolving funds.	16A.752	Position reductions.
16A.50	Report to legislature.	16A.753	Spending plans.
16A.55	Grouping of bookkeeping accounts.	16A.754	Reporting and review.
16A.71	Taconite municipal aid account; creation; function.		

16A.055 Duties of commissioner.

The commissioner of finance shall exercise the rights, powers, and duties vested in and imposed upon his office. He shall have charge of the administration of the financial affairs of the state. He shall keep the general books of account of the state. The general books of account shall be on a double entry control basis, with such revenue, expenditure, asset and liability accounts as will give complete control over all financial and expenditure operations of the state and over all officials, departments, and agencies of the state government. Accounts shall be set both as to expenditures and revenue according to generally accepted practice in governmental accounting. The commissioner of finance shall formulate and prescribe for all departments and other state agencies a system of uniform records, accounts, financial statements, estimates, revenue receipt forms, vouchers, bills, and demands with suitable instructions governing the installation and use thereof. The accounting system and form so prescribed shall be adopted and employed by all officials, departments, and agencies of the state government. The commissioner of finance shall exercise constant supervision and control thereof. He shall provide state officials, departments and agencies the expertise necessary to assure that all state funds are