

CHAPTER 16

DEPARTMENT OF ADMINISTRATION

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16.02 POWERS, DUTIES.

[For text of subs 1 to 10, see M.S.1982]

Subd. 10a. No state agency shall initiate or renew a lease for space for its own use in any private building unless the commissioner of administration has thoroughly investigated presently vacant space in public buildings, such as closed school buildings, and found that none is available.

[For text of subd 13, see M.S.1982]

Subd. 14. To rent out state property, real or personal, not needed for public use, the rental of which is not otherwise provided for or prohibited by law. This shall not apply to state trust fund lands, other state lands under the jurisdiction of the department of natural resources, lands forfeited for delinquent taxes or acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the department of agriculture. No such property shall be rented out for a term exceeding two years at a time without the approval of the state executive council; and no such property shall ever be rented out for more than 25 years.

[For text of subs 15 to 27, see M.S.1982]

Subd. 28. To provide an employee assistance program comprised of training, diagnostic and referral services for state employees and their dependents.

Subd. 29. To contract to purchase by installment payments capital or other equipment or services intended to improve the energy efficiency of a state building or facility provided that:

- (a) the term of the contract does not exceed ten years;
- (b) the entire cost of the contract is a percentage of the resultant savings in energy costs;
- (c) the contract for purchase is based on a competitive basis; and
- (d) the state may unilaterally cancel the agreement if the legislature fails to appropriate funds to continue the contract.

The commissioner may spend money appropriated for energy costs in payment of a contract under this subdivision.

History: 1983 c 260 s 7; 1983 c 301 s 67-69; 1983 c 332 s 1

16.072 PREFERENCE FOR MINNESOTA CONTRACTORS, LABOR, AND MATERIALS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them:

(a) "Municipality" has the meaning assigned to it in section 471.345, subdivision 1;

(b) "Public agency" includes all state agencies, the University of Minnesota, the state university board, and the state board for community colleges;

(c) "Resident" means:

(1) any individual who has been a resident of Minnesota for one year or more immediately prior to bidding on or performing work under the contract;

(2) any partnership or association whose members have been residents of Minnesota for one year or more immediately prior to bidding on or performing work under the contract; and

(3) a corporation, incorporated in Minnesota, which has been in existence for one year or more immediately prior to bidding on or performing work under the contract, or which has its principal place of business in Minnesota; and

(d) "State agency" means an agency as defined in section 14.02, subdivision 2.

Subd. 2. **Resident contractors preferred.** Notwithstanding any other law to the contrary, any contract awarded by a public agency for the engineering services, erection, construction, alteration, or repair of any public building or structure, or for any public work or improvement for which competitive bidding is not required by law, must be awarded to a Minnesota resident. If competitive bidding is required by law, the contract must be awarded to the resident making the lowest responsible bid if the resident's bid is not more than ten percent higher than the lowest responsible nonresident bid. A successful resident bidder may not subcontract more than 20 percent of the work covered by the contract to nonresident subcontractors.

Subd. 3. **Minnesota labor preferred.** All contracts subject to subdivision 2 must require that, wherever possible, resident laborers, workers, and mechanics be used to perform all work covered by the contract.

Subd. 4. **Preference subject to federal law.** The provisions of this section are subject to applicable laws of the United States and regulations of federal agencies governing the use and payment of funds granted or advanced by the United States in connection with public works contracts.

History: 1983 c 336 s 1

NOTE: This section, as added by Laws 1983, chapter 336, section 1, is repealed effective June 30, 1985. See Laws 1983, chapter 336, section 3.

16.0721 PREFERENCE FOR MINNESOTA AND AMERICAN MADE MATERIALS.

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them:

(a) "Public agency" has the meaning assigned to it in section 16.072, subdivision 1, clause (b) and includes any contractor acting pursuant to a contract with a public agency;

(b) "Materials" means any goods, supplies, equipment or any other tangible products or materials, including foods;

(c) "Manufactured" means mined, grown, produced, manufactured, fabricated or assembled;

(d) "Manufactured in Minnesota" means manufactured in whole or in substantial part within Minnesota, or that the majority of its components were manufactured in whole or in substantial part in Minnesota, or manufactured in the U.S. by an individual, corporation, partnership or association.

(e) "Manufactured in the United States" means manufactured in whole or in substantial part within the United States or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States;

(f) "Purchase" means acquire by purchase or lease.

Subd. 2. **Purchase preference.** Notwithstanding the provisions of any other law to the contrary, no materials may be purchased by a public agency for use for governmental purposes which are not manufactured in Minnesota or the United States, except as may be provided in this section. When all other factors are substantially equal, preference must be given first to those products which are manufactured to the greatest extent in Minnesota, and second to those products which are manufactured to the greatest extent in the United States. To the extent possible, specifications must be written so as to permit the public agency to purchase materials manufactured in Minnesota.

Subd. 3. **Exemptions.** Subdivision 2 does not apply if the person having contracting authority in respect to the purchase determines that (1) the materials are not manufactured in Minnesota or the United States in sufficient or reasonably available quantities, (2) the price or bid of the materials exceeds by more than ten percent the price or bid of available and comparable materials manufactured outside of Minnesota or the United States, (3) the quality of the materials is substantially less than the quality of comparably priced available materials manufactured outside of Minnesota or the United States, or (4) the purchase of the materials manufactured in Minnesota or the United States is otherwise not in the public interest. Subdivision 2 also does not apply if the materials are purchased with a view to commercial resale or with a view to use in the production of goods for commercial sale.

Subd. 4. **Other law superseded.** The provisions of this section supersede Minnesota Statutes, section 16.073.

History: 1983 c 336 s 2

NOTE: This section, as added by Laws 1983, chapter 336, section 2, is repealed effective June 30, 1985. See Laws 1983, chapter 336, section 3.

16.083 PROCUREMENT FROM SMALL BUSINESSES.

Subdivision 1. **Small business and Minnesota correctional industries set-asides.** The commissioner of administration shall for each fiscal year designate and set aside for awarding to small businesses and Minnesota correctional industries a total of approximately 25 percent of the value of anticipated total state procurement of goods and services including printing and 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 and Minnesota correctional industries. In making his annual designation of set-aside procurements the commissioner shall attempt (1) to vary the included procurements so that a variety of goods and services produced by different small businesses shall be set aside each year, and (2) to designate set-aside procurements in a manner that will encourage proportional distribution of set-aside awards among the geographical regions of the state. To promote the geographical distribution of set-aside awards, the commissioner may designate a

portion of the small business set-aside procurement for award to bidders from a specified congressional district or other geographical region specified by the commissioner. The failure of the commissioner to set aside particular procurements shall not be deemed to prohibit or discourage small businesses or Minnesota correctional industries from seeking the procurement award through the normal solicitation and bidding processes.

Subd. 1a. **Consultant, professional and technical procurements.** Every state agency shall for each fiscal year designate and set aside for awarding to small businesses with their principal place of business in Minnesota approximately 25 percent of the value of anticipated procurements of that agency for consultant services or professional and technical services. The set-aside under this subdivision is in addition to that provided by subdivision 1, but shall otherwise comply with section 16.098 and the set-aside for businesses owned and operated by socially or economically disadvantaged persons.

[For text of subd 2, see M.S.1982]

Subd. 3. **Determination of ability to perform.** Before announcing a set-aside award, the commissioner shall evaluate whether the small business or Minnesota correctional industry scheduled to receive the award is able to perform the set-aside contract. This shall be done in consultation with an authorized agent of the Minnesota correctional industries program. This determination shall include consideration of production and financial capacity and technical competence.

Subd. 4. **Preference to small businesses.** At least 24 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. The commissioner shall designate set-aside procurements in a manner that will encourage proportional distribution of set-aside awards among the geographical regions of the state. To promote the geographical distribution of set-aside awards, the commissioner may designate a portion of the set-aside for small businesses owned and operated by socially or economically disadvantaged persons for award to bidders from a specified congressional district or other geographical region specified by the commissioner. In the event small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least 24 percent of the set-aside awards, the commissioner shall award the balance of the set-aside contracts to other small businesses. At least 50 percent of the value of the procurements awarded to businesses owned and operated by socially or economically disadvantaged persons shall actually be performed by the business to whom the award is made or another business owned and operated by a socially or economically disadvantaged person or persons. The commissioner shall not designate more than 20 percent of any commodity class for set-aside to businesses owned and operated by socially or economically disadvantaged persons. A business owned and operated by socially or economically disadvantaged persons that has been awarded more than five percent of the value of the total anticipated set-aside procurements for a fiscal year under this subdivision is disqualified from receiving further set-aside awards for that fiscal year.

Subd. 4a. **Contracts in excess of \$200,000; set-aside.** The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional, or technical services pursuant to section 16.098 in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons. Any subcontracting pursuant to this subdivision shall not be included in determining the total

amount of set-aside awards required by subdivisions 1, 1a, and 4, or any preference program authorized by the commissioner pursuant to section 16.085. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. The commissioner may determine that small businesses owned and operated by socially and economically disadvantaged persons are unable to perform at least ten percent of the prime contract award prior to the advertising for bids. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of \$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work on the prime contract and the dollar amount of the work performed.

Subd. 4b. **Preference to Minnesota correctional industries.** At least 15 percent of the value of procurements designated for set-aside awards shall be awarded, if possible, to Minnesota correctional industries, established and under the control of the commissioner of corrections under section 241.27, for the variety of goods and services produced by the Minnesota correctional industries, unless the commissioner of corrections acting through an authorized agent certifies that Minnesota correctional industries cannot provide them. If the correctional industries 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 small businesses.

Subd. 5. **Recourse to other businesses.** In the event that subdivisions 1 to 4b do not operate to extend a contract award to a small business or the Minnesota correctional industries, 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 or the Minnesota correctional industries additional state procurements corresponding in approximate value to the contract unable to be awarded pursuant to subdivisions 1 to 4b.

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 or Minnesota correctional industries. In the event of conflict with other rules, the provisions of sections 16.081 to 16.086 and rules promulgated pursuant thereto shall govern.

History: 1983 c 301 s 70-77

16.084 ENCOURAGEMENT OF PARTICIPATION; ADVISORY COUNCIL.

Subdivision 1. **Commissioner of administration.** The commissioners of administration and energy, planning and 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 inform the commissioner of energy, planning and 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 energy, planning and development in cooperation with the commissioner of administration shall use management or financial assistance programs made available by or through the department of energy, planning and development, other state or governmental agencies, or private sources.

Subd. 2. **Advisory council.** A small business procurement advisory council is created. The council consists of 13 members appointed by the governor. A chairperson of the advisory council shall be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms and removal of members are as provided in section 15.059, but members do not receive per diem or expenses.

Subd. 3. **Duties.** The small business procurement advisory council shall:

- (a) advise the commissioner of administration on matters relating to the small business procurement program;
- (b) review complaints or grievances from small business vendors or contractors who are doing or attempting to do business under the program; and
- (c) review the quarterly reports of the commissioners of administration and energy, planning and development provided by section 16.086 to ensure compliance with the goals of the program.

History: 1983 c 301 s 78

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 rules shall provide that certification as a small business owned and operated by socially or economically disadvantaged persons will be for a maximum of five years from the date of receipt of the first set-aside award, and that after the expiration of the certification period the business may not again be certified for a five-year period. The commissioner shall promulgate by rule standards and procedures for hearing appeals and grievances and other rules as may be necessary to carry out the duties set forth in sections 16.081 to 16.086. The commissioner may make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, jobbers, manufacturers' representatives, and others from eligibility under Laws 1980, chapter 361. The commissioner may adopt rules to establish a preference program whereby businesses owned and operated by socially and economically disadvantaged persons would be allowed a five percent preference in the bid amount on selected state procurements or a preference program whereby businesses owned and operated by socially and economically disadvantaged persons would be awarded any state procurement if the business could meet the low bid amount for that procurement. Each of the preference programs is applicable to no more than 1.5 percent of the value of anticipated total state procurements of goods and services, including construction. Each preference program established by the commissioner expires on June 30, 1986, and the commissioner shall report to the legislature on the progress of the program by January 1, 1986.

History: 1983 c 301 s 79

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 energy, planning and development indicating the progress being made toward the objectives and goals of sections 16.081 to 16.086 during the preceding fiscal year. The commissioner shall also submit a quarterly report to the small business procurement advisory council. These reports 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, and the total number of small businesses that were awarded set-aside contracts; the information required by this clause shall be presented on a statewide basis, and shall also be broken down by geographic regions within the state;

(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 to each category of economically or socially disadvantaged persons as defined by section 645.445 and agency rules, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflect; the information required by this clause shall be presented on a statewide basis, and shall also be broken down by geographic regions within the state;

(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.

[For text of subd 2, see M.S.1982]

History: 1983 c 301 s 80

16.098 CONTRACT MANAGEMENT AND REVIEW.

[For text of subs 1 to 3, see M.S.1982]

Subd. 4. **Procedure for consultant and professional and technical services contracts.** Before approving a proposed state contract for consultant services or professional and technical services the commissioner shall have at least determined that:

(1) all provisions of section 16.083, subdivisions 1a and 4a, and subdivisions 2 and 3 of this section have been verified or complied with;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities, and that there is statutory authority to enter into the contract;

(3) the contract will not establish an employer/employee relationship between the state or the agency and any persons performing under the contract;

(4) no current state employees will engage in the performance of the contract;

(5) no state agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract;

(6) the contracting agency has specified a satisfactory method of evaluating and utilizing the results of the work to be performed.

[For text of subds 5 to 11, see M.S.1982]

History: 1983 c 301 s 81

16.28 PURCHASES.

Subdivision 1. General. The commissioner of administration, subject to the approval of the governor, may make rules and orders regulating and governing the manner and method of purchasing, delivering, and handling of, and the contracting for supplies, equipment, and other property for the various officials, departments, and agencies of the state government and institutions under their control. These rules and orders shall be uniform, so far as practicable, shall be of general or limited application, and shall include provisions for the following:

(1) the advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;

(2) the purchase of supplies and other property without advertisement or the receipt of bids, where the amount involved will not exceed \$500, when in the judgment of the commissioner it is expedient;

(3) the purchase of supplies and other property without competition in cases of emergency requiring immediate action;

(4) the purchase of certain supplies, equipment, and other property by long or short term contracts, or by purchases of contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more departments, offices, and commissions;

(5) the time for submitting estimates for various supplies, equipment, and other property;

(6) regulation to secure the prompt delivery of commissary or other necessary supplies;

(7) standardization of forms for estimates, orders, and contracts;

(8) standardization of specifications for purchasing supplies, equipment, and other property;

(9) standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;

(10) the purchase of supplies and other property locally upon permission, specific or otherwise, of the commissioner;

(11) the use and disposal of the products of state institutions;

(12) the disposal of obsolete, excess, and unsuitable supplies, salvage, waste materials, and other property, and their transfer to other departments, offices, and commissions;

(13) the storage of surplus supplies, equipment, and other property not needed for immediate use;

(14) the testing of commodities or supplies or samples thereof;

(15) hearings on complaints in respect to the quality, grade, or brand of commodities or supplies;

(16) the waiver of rules in special cases; and

(17) the purchase of supplies, equipment, and other property by state agency heads and institutions under their control without prior approval of the commissioner of administration when the amount involved does not exceed \$100.

The commissioner shall have immediate supervision of all purchases and contracts made, and shall carry out and enforce such rules and orders relative thereto as he may adopt.

Subd. 2. Purchases over \$100. Purchases may also be made under subdivision 1, clause (17) when the amount involved exceeds \$100 if:

(1) the purchases are made in accordance with rules adopted pursuant to section 16.085;

(2) the agency making the purchases has adopted a plan to make ten percent of the purchases on an annual basis from businesses owned and operated by socially and economically disadvantaged persons and to make purchases from vendors throughout the state for any agency that has offices located statewide, and to make purchases from local vendors by agency offices;

(3) the amount involved does not exceed \$1,000 from July 1, 1983 to June 30, 1984, and \$1,500 on and after July 1, 1984; and

(4) the purchases are made after solicitation of at least three price quotations, whenever possible, which may be oral quotations, but of which the agency must keep a written record.

History: 1983 c 301 s 82

16.32 PLANS AND SPECIFICATIONS; LIMITATIONS.

[For text of subd 1, see M.S.1982]

Subd. 2. Notwithstanding any provision in this section to the contrary, the commissioner may after consultation with the chairmen of the senate finance committee and house of representatives appropriations committee, adopt a plan, provide for an improvement, or construct a building that contemplates expenditure for its completion of more money than the appropriation therefor, if the excess money is provided by the United States government and granted to the state of Minnesota under federal law or any rule or regulation promulgated thereunder. Such federal money, for the purpose of this section, shall be deemed a part of the appropriation for the project.

[For text of subds 3 and 4, see M.S.1982]

History: 1983 c 301 s 83

16.321 ART IN STATE BUILDINGS.

Subdivision 1. Percent of appropriations for art. An appropriation for the construction or alteration of any state building that is enacted on or after June 15, 1983, may contain an amount not to exceed one percent of the total appropriation for the building for the acquisition of works of art, excluding landscaping, which may be an integral part of the building or its grounds, attached to the building or grounds or capable of being displayed in other state buildings. Money used for this purpose is available only for the acquisition of works of art to be exhibited in areas of a building or its grounds accessible, on a regular basis, to members of the public. For the purposes of this section "state building" means a building the construction or alteration of which is paid for wholly or in part by the state.

Subd. 2. **Exempt buildings.** A building for which the appropriation is less than \$500,000 for construction or alteration or a building for which the commissioner of administration has determined that this section is inappropriate is exempt from the requirements of this section.

Subd. 3. **Unused funds.** If an amount made available under subdivision 1 is not expended for works of art for the building, the unexpended portion is available to the Minnesota board of the arts for the commission or purchase of works of art for state buildings existing or for which an appropriation was made prior to June 15, 1983, and is not available to pay construction costs of the building.

History: 1983 c 344 s 22

16.75 CENTRAL MOTOR POOL, ESTABLISHMENT.

[For text of subs 1 to 6, see M.S.1982]

Subd. 7. The commissioner of administration shall establish all rules 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 rules 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 shall provide for the uniform marking of all such motor vehicles. The coloring for the motor vehicles shall be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide by rule for the use of motor vehicles without uniform coloring or marking by the division of criminal apprehension and arson investigators of the division of fire marshal 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.

[For text of subd 8, see M.S.1982]

Subd. 9. **Transfer services.** The central motor pool revolving account may be used to provide material transfer services to departments and agencies of state government.

History: 1983 c 301 s 84; 1983 c 363 s 1

16.753 USE OF STATE VEHICLES; COMPENSATION FOR USE OF PERSONAL VEHICLES.

[For text of subs 1 and 2, see M.S.1982]

Subd. 3. **Permitted uses.** A state vehicle may be used by a state employee to travel to or from the employee's residence:

(a) On a day on which it may be necessary for the employee to respond to a work-related emergency during hours when the employee is not normally working; or

(b) If the employee has been assigned the use of a state vehicle for authorized state business on an extended basis, and the employee's primary place of work is not the state work station to which he is permanently assigned;

(c) If the employee has been assigned the use of a state vehicle for authorized state business away from the work station to which he is permanently assigned, and the number of miles travelled, or the time needed to conduct the business, will

be minimized if the employee uses a state vehicle to travel to the employee's residence before or after travelling to the place of state business. Use of a state vehicle pursuant to this subdivision shall require the prior approval of the agency head, or the designee of the agency head. Within 15 days of the end of each three-month period, beginning July 1, 1981, the head of each state agency or department shall report to the commissioner of administration on each case in which a state vehicle is used by an employee of that agency to travel to or from the employee's residence. The commissioner shall specify the form of this report and the information to be included. If no state vehicles have been used for this travel, the head of the agency shall report this to the commissioner; or

(d) If the employee is authorized to participate in a ridesharing program established by the commissioner pursuant to section 174.257.

[For text of subs 4 to 6, see M.S.1982]

History: 1983 c 311 s 1

16.82 STATE BUILDINGS, DISPOSAL OF OLD BUILDINGS.

Subdivision 1. The commissioner of administration, upon request of the head of a state agency or department having control of a state owned building which is no longer used and which is a fire or safety hazard, shall, after obtaining approval of the chairmen of the senate finance committee and house of representatives appropriations committee, sell, wreck, or otherwise dispose of such building.

[For text of subd 2, see M.S.1982]

History: 1983 c 301 s 85

16.851 STATE BUILDING CODE; APPLICATION.

[For text of subs 1 and 2, see M.S.1982]

Subd. 3. Nothing in the state building code shall require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

History: 1983 c 228 s 1

16.853 [Repealed, 1983 c 260 s 68]

16.861 BUILDING OFFICIALS.

[For text of subs 1 and 2, see M.S.1982]

Subd. 3. **Certification.** The department of employee relations of the state of Minnesota, with the approval of the commissioner, shall either:

- (a) Prepare and conduct oral, written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official or
- (b) Accept documentation of successful completion of programs of training developed by public agencies; as proof of qualification pursuant to subdivision 2.

Upon a determination of qualification under either clause (a) or (b) of this section the commissioner shall issue or cause to be issued a certificate to the building official stating that he is so certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The department of employee relations and the commissioner or his designee may

establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2, no person shall act as a building official for any municipality unless the department of employee relations and the commissioner determine that he is so qualified. The department of employee relations may, with approval of the commissioner, prepare and conduct educational programs designed to train and assist building officials in carrying out their responsibilities and may institute any such program after July 1, 1972. The commissioner shall reimburse the department of employee relations for costs of any services performed by them pursuant to Laws 1971, chapter 561.

[For text of subs 4 to 7, see M.S.1982]

History: 1983 c 216 art 1 s 7

16.863 APPEALS.

Any person aggrieved by the final decision of any municipality as to the application of the code, including any rules promulgated pursuant to sections 471.465 to 471.469, may, within 30 days of the decision, appeal to the commissioner. Appellant shall submit a fee of \$20, payable to the commissioner, with his request for appeal. The final decision of the involved municipality shall be subject to review de novo by the commissioner or his designee. The commissioner shall submit his written findings to the parties. Any person aggrieved by any ruling of the commissioner may appeal in accordance with chapter 14. For the purpose of this section "any person aggrieved" includes the state council for the handicapped. No fee shall be required when the council for the handicapped is the appellant.

History: 1983 c 247 s 16

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 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 is equivalent to 1/2 mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows: (a) where the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to 1/2 mill (.0005) of the valuation of the structure, addition or alteration; (b) where the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000; (c) where the valuation is greater than \$2,000,000 the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000; (d) where the valuation is greater than \$3,000,000 the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000; (e) where the valuation is greater than \$4,000,000 the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and (f) where the valuation exceeds \$5,000,000 the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value which exceeds \$5,000,000.

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

[For text of subd 2, see M.S.1982]

History: 1983 c 301 s 86

16.872 ACCEPTANCE OF GOVERNOR'S RESIDENCE; USE; MAINTENANCE.

Subdivision 1. The commissioner of administration may accept, on behalf of the state, on such terms and conditions as the donor may prescribe, a building to be used as the governor's residence. This building shall be used for official ceremonial functions of the state, and space shall be provided for suitable living quarters for the governor of the state.

Subd. 2. The commissioner of administration shall maintain the building in the same manner as other state buildings are maintained and shall rehabilitate, decorate, and furnish the building. The decoration and furnishing shall be guided by the governor's residence council.

Subd. 3. The governor's residence council consists of the following 15 members: the commissioner of administration; the spouse, or a designee of the governor; the executive director of the board of arts; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; seven persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota chapter, one member of the family that donated the ceremonial building to the state, if available, and four public members. Members of the council serve without compensation. Membership terms, removal, and filling of vacancies for members appointed by the governor are governed by section 15.0575. The council shall elect a chairman and a secretary from among its members. The council shall expire on the date provided by section 15.059, subdivision 5.

Subd. 4. The powers and duties of the council are:

(1) To develop an overall restoration plan for the governor's residence and surrounding grounds;

(2) To approve alterations in the existing structure as the council deems appropriate;

(3) Notwithstanding the gift acceptance procedures of sections 7.09 to 7.12, to solicit contributions for and maintain and improve the quality of furnishings for the public areas of the building by accepting gifts of, or acquiring with donated money, furnishings, objects of art, and other items that the council determines may have historical value in keeping with the period and purpose of the building; and

(4) Notwithstanding sections 7.09 to 7.12, to solicit contributions for the renovation of and making capital improvements to the state ceremonial building.

Gifts for the benefit of the governor's residence and surrounding grounds are not accepted by the state unless accepted by the council. The council shall maintain a complete inventory of all gifts and articles received.

History: 1983 c 260 s 8; 1983 c 301 s 87

16.90 ADMINISTRATION OF STATE COMPUTER FACILITIES.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. The commissioner, after consultation with the intergovernmental information systems advisory council, shall design and maintain a master plan for information systems in the state and its political subdivisions and shall report thereon to the governor and legislature at the beginning of each regular session; establish standards for information systems; maintain a library of systems and programs developed by the state and its political subdivisions for use by agencies of government; and administer the communications for the state information system.

History: 1983 c 260 s 9

16.91 STATE INFORMATION SYSTEMS ADVISORY TASK FORCE.

The commissioner may appoint a state information systems advisory task force to 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 task force shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

History: 1983 c 260 s 10

16.911 INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL.

Subdivision 1. The governor shall appoint an intergovernmental information systems advisory council, to serve at his pleasure, consisting of 25 members. Fourteen members shall be appointed or elected officials of local governments, seven shall be representatives of state agencies, and four shall be selected from the community at large. Further, the council shall be composed of (a) two members from each of the following groups: Counties outside of the seven county metropolitan area, cities of the second and third class outside the metropolitan area, cities of the second and third class within the metropolitan area, and cities of the fourth class; (b) one member from each of the following groups: The metropolitan council, an outstate regional body, counties within the metropolitan area, cities of the first class, school districts in the metropolitan area, and school districts outside the metropolitan area; (c) one member from each of the state departments of administration, education, energy, planning and development, legislative auditor, public welfare, and revenue; (d) one member from the office of the state auditor; and (e) 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 of the advisory council shall be as provided in section 15.059.

Subd. 2. The council shall: assist the commissioner in the development and updating of intergovernmental information systems, including data definitions, format, and retention standards; recommend to the commissioner policies and procedures governing the collection, security, and confidentiality of data; review intergovernmental information and computer systems involving intergovernmental funding; encourage cooperative efforts among local governments in developing information systems to meet individual and collective, operational, and external needs; bring about the necessary degree of standardization consistent with local

prerogatives; yield fiscal and other information required by state and federal laws and regulations in readily usable form; foster the efficient use of available federal, state, local, and private resources for the development of systems; keep local governments abreast of the state of the art in information systems and prepare guidelines for intergovernmental systems.

Subd. 3. The intergovernmental informations systems advisory council shall (a) develop recommendations to the commissioners of state departments, the legislative auditor, and the state auditor for the expeditious gathering and reporting of the information and data between state and local governmental agencies in accordance with cooperatively developed standards; (b) elect an executive committee, not to exceed seven members from its membership; (c) develop an annual plan, to include administration and evaluation of grants, in compliance with applicable rules; (d) provide technical information systems assistance or guidance to local governments for development, implementation, and modification of automated systems, including formation of consortiums for those systems.

Subd. 4. Appropriations and other funds made available to the council for staff, operational expenses, and grants must be administered through the Department of Administration. Revenues derived from royalties, reimbursements, or other fees from software programs, systems, or technical services arising out of activities funded by current or prior state appropriations is appropriated to the council for the purposes enumerated in subdivision 2.

History: 1983 c 260 s 11