

No agreement made by the commission pursuant to this section shall be valid as to an area vocational-technical ~~school-institute~~ without the approval of the state board for vocational education, as to a state college without the approval of the state college board, as to a state ~~junior community~~ college without the approval of the state ~~junior college board for community colleges~~, and as to the university of Minnesota without the approval of the board of regents of the university of Minnesota.

Sec. 2. This act is effective the day following its final enactment.

Approved April 11, 1974.

CHAPTER 533—H.F.No.3151
[Coded]

An act relating to the state; creating a designer selection board to select architects and engineers for state building projects and prescribing its powers and duties.

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

Section 1. [16.821] STATE DESIGNER SELECTION BOARD ACT; CITATION. Sections 1 to 7 may be cited as the "state designer selection board act".

Sec. 2. [16.822] DEFINITIONS. Subdivision 1. As used in sections 1 to 7, the following terms shall have the meanings given them.

Subd. 2. "Agency" means any official, department or agency of the state government, and the university of Minnesota, over which the commissioner of administration has the power of supervision and control.

Subd. 3. "Architect" means an architect registered to practice under Minnesota Statutes, Sections 326.02 to 326.16.

Subd. 4. "Board" means the state designer selection board.

Subd. 5. "Designer" means an architect or engineer, or a partnership, association or corporation comprised primarily of architects or engineers or of both architects and engineers.

Subd. 6. "Engineer" means an engineer registered to practice under Minnesota Statutes, Sections 326.02 to 326.16.

Subd. 7. "Person" includes an individual, corporation, partnership, association or any other legal entity.

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Subd. 8. "Primary designer" means the designer who is to have primary design responsibility for a project, and does not include designers who are merely consulted by user agency and do not have substantial design responsibility, or designers who will or may be employed or consulted by the primary designer.

Subd. 9. "Project" means any undertaking to construct and erect any building or remodel any building by or for the state or any agency.

Subd. 10. "User agency" means the agency undertaking a specific project.

Sec. 3. [16.823] STATE DESIGNER SELECTION BOARD. Subdivision 1. There is hereby created a state designer selection board, whose duty it shall be to carry out the purposes and assume the responsibilities set forth in sections 6 and 7.

Subd. 2. The board shall consist of five individuals, the majority of whom shall be residents of the state of Minnesota. Each of the following three organizations shall nominate one individual whose name and qualifications shall be submitted to the governor for consideration: Consulting engineers council of Minnesota after consultation with other professional engineering societies in the state; Minnesota society of architects; and the Minnesota state arts council. The governor may appoint the three named individuals to the board but the governor may reject any individual so nominated and request a second nomination. The remaining two members shall also be appointed by the governor.

Subd. 3. The term of each board member shall be two years but the original appointment from the three organizations shall be for one, two and three years respectively. No individual shall serve for more than two consecutive terms.

Subd. 4. In addition to the foregoing five members of the board, there shall be two ex officio members who shall participate, without vote, in the interviewing and selection of designers as hereinafter provided. One such member shall be a representative of the commissioner of administration and shall participate in the interviewing and selection of designers for all projects. The other such member shall be a representative of the user agency, who shall participate in the interviewing and selection of the designer or designers for the project being undertaken by such user agency. The representative of the user agency shall be appointed by the commissioner of administration in consultation with the user agency.

Subd. 5. Members of the board, other than ex officio members, shall receive as compensation \$35 per day for each day actually spent in the performance of their duties as provided in this act, and they shall also receive their ordinary and necessary expenses in the same amount and manner as state employees.

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Sec. 4. [16.824] ORGANIZATION OF BOARD; CHAIRMAN; OFFICERS; RULES OF PROCEDURE. At the first meeting of the board, the board shall elect a chairman who shall be a voting member of the board. The board shall also elect such other officers as it deems necessary for the conduct of its affairs. The board shall adopt rules governing its operations and the conduct of its meetings. The rules shall provide for the terms of the chairman and such other officers as it may elect.

Sec. 5. [16.825] REQUEST FOR DESIGNER. Subdivision 1. Upon *undertaking a project with an estimated cost greater than \$250,000, or a planning project with estimated fees greater than \$20,000 every user agency, except the capitol area architectural and planning commission,* shall submit a written request for a primary designer or designers for its project to the commissioner of administration who shall forward such request to the board.

Subd. 2. Such written request shall include a description of the project, the estimated cost of completing the project, a description of any special requirements or unique features of the proposed project *and any other information which will assist the board in carrying out its duties and responsibilities set forth in section 6.*

Sec. 6. [16.826] DUTIES AND POWERS OF BOARD. Subdivision 1. The board shall meet as often as is necessary, not less than twice annually, in order to act expeditiously upon requests submitted to it for selection of primary designers.

Subd. 2. Upon receipt of a request from a user agency for a primary designer, the board shall publicize the proposed project in order to determine the identity of designers interested in the design work on the project. The board shall establish criteria for the selection process and shall make this information public, and shall, in addition, compile data on and conduct interviews of designers. Upon completing the foregoing, the board shall select the primary designer. Notification to the commissioner of administration of such selection shall be made not more than 60 days after receipt from a user agency of a request for a primary designer. The commissioner of administration shall promptly notify the designer and the user agency. The department of administration shall negotiate the designer's fee and prepare the contract to be entered into between the designer and the user agency.

Subd. 3. No designer or their firms shall be selected in which a member of the design selection board has a current financial interest.

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 \$250,000, or a planning project with estimated fees of less than \$20,000, *the board may submit such request to the commissioner of administration, with or without recommendations, and the commissioner shall thereupon select the primary designer for the project.*

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Subd. 5. In the event the designer selected for a project declines the appointment or is unable to reach agreement with the department of administration on the fee or the terms of the contract, the commissioner of administration shall, not less than 60 days after the first appointment, request of the board that another selection be made.

Subd. 6. If the board fails to make a selection and notify the commissioner of administration thereof within 60 days of the user agency's request for a designer, the commissioner of administration may appoint a designer to the project without the recommendation of the board.

Sec. 7. [16.827] **OFFICE, STAFF AND RECORDS.** The board shall be provided with suitable quarters by the department of administration for the maintenance of an office, the holding of meetings and the keeping of records. The commissioner of the department of administration shall designate an employee of the department of administration to serve as executive secretary to the board, and shall furnish a secretarial staff to the board as is necessary for the expeditious conduct of the board's duties and responsibilities.

Sec. 8. This act is in effect the day following its final enactment.

Approved April 12, 1974.

CHAPTER 534—H.F.No.3164
[Not Coded]

An act relating to public transit; providing for public transportation improvements throughout the state and public transit demonstration projects; appropriating money therefor.

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

Section 1. PUBLIC TRANSIT; DEMONSTRATION PROJECTS; LEGISLATIVE PURPOSE. The legislature finds and determines that it is in the best interest of the state to establish supplemental public transit aid and public transit demonstration programs. It is the purpose of these programs to preserve, improve and develop supplemental public transit operations throughout the state with financial aid. It is the goal of these programs to reduce energy consumption and afford the benefits of an effective public transit system to those persons who would not have available an alternative source of transportation. It is the intent of this legislation that the funds be used on a statewide basis, and that the relative financial needs of all potential recipients be considered.

Sec. 2. CITATION. This act may be cited as the Minnesota Sup-
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