
CHAPTER 197—S.F.No.529

An act relating to the city of St. Cloud; authorizing the imposition of a tax on the gross receipts from the furnishing of certain lodging.

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

Section 1. **ST. CLOUD, CITY OF; GROSS RECEIPTS TAX.** Notwithstanding Minnesota Statutes, Section 477A.01, Subdivision 18, or other law or ordinance, the city of St. Cloud may by ordinance impose a tax of up to three percent on the gross receipts from the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or other use of space by a transient, other than the renting or leasing thereof for a continuous period of 30 days or more.

Sec. 2. **EFFECTIVE DATE.** This act is effective upon its approval by the city council of the city of St. Cloud, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 25, 1979.

CHAPTER 198—S.F.No.622

An act relating to the county of Hennepin; creating the office of county administrator; providing financial procedures; providing for the operation of county government; providing bonding limits; creating a corrections facility; providing for central purchasing; establishing set aside contracts; providing a penalty; amending Laws 1965, Chapter 533, Section 1, as amended; Extra Session Laws 1967, Chapter 24, Section 1, Subdivision 1; Extra Session Laws 1967, Chapter 24, Section 1, Subdivision 2, as amended; Extra Session Laws 1967, Chapter 47, Section 1, as amended; Extra Session Laws 1967, Chapter 47, Section 3, as amended; Laws 1969, Chapter 476, Section 1, as amended; repealing Laws 1951, Chapter 556; Laws 1951, Chapter 598; Laws 1951, Chapter 636, Section 4; Laws 1951, Chapter 702; Laws 1953, Chapter 270; Laws 1953, Chapter 703, Section 1; Laws 1953, Chapter 753; Laws 1955, Chapter 875; Laws 1957, Chapter 671, Section 7; Laws 1957, Chapter 950; Laws 1959, Chapter 200; Laws 1959, Chapter 297; Extra Session Laws 1959, Chapter 17; Extra Session Laws 1961, Chapter 45; Extra Session Laws 1961, Chapter 47; Laws 1963, Chapter 857; Laws 1965, Chapter 294; Laws 1965, Chapter 633; Laws 1965, Chapter 850; Laws 1967, Chapter 441; Laws 1967, Chapter 588; Laws 1967, Chapter 599, Section 4; Laws 1967, Chapter 796; Laws 1969, Chapter 473; Laws 1969, Chapter 692; Laws 1969, Chapter 918; Laws 1969, Chapter 1053; Laws 1971, Chapter 495; Laws 1971, Chapter 744, Section 2; Laws 1973, Chapter 261.

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

ARTICLE 1

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HENNEPIN COUNTY ADMINISTRATOR

Section 1. COUNTY ADMINISTRATOR'S OFFICE; ESTABLISHMENT. The office of the Hennepin County administrator is created. The Hennepin County administrator shall be the chief administrative officer of the county government and shall be responsible to the Hennepin County board of commissioners for the administration of all departments, offices and agencies of county government which, by law, are subject to the authority of the board. The county administrator shall exercise all authority and shall perform all duties, which, by resolution, are delegated to the office of administrator by the board. Notwithstanding any other law to the contrary, all of the business of the county acted upon by the board shall be referred to the administrator, who shall implement such action as the board directs or authorizes.

Sec. 2. POWERS AND DUTIES. The administrator shall exercise general supervision over all county institutions, departments and agencies, and with the approval of the board, coordinate the activities of the county and unify the management of its affairs. If directed by the board, the administrator may act as the head of any bureau or department, the appointment of which is made by the board, provided the administrator has the qualifications required by law. The administrator's powers and duties shall include, but are not limited to, the following:

(a) Hire qualified office staff in the classified or unclassified service to assist in the performance of the administrator's duties as approved by the board;

(b) Provide for the execution of all ordinances, resolutions and orders of the board and all laws of the state required to be enforced through the board by the administrator or by officers who are under the direction and supervision of the administrator;

(c) Appoint, suspend and remove, with approval of the board, all personnel, whose appointment, suspension or removal is empowered to the board, except those in the classified service under Laws 1965, Chapter 855, as amended. Appointments, suspension and removal by the administrator under this clause apply only to those persons who, by reason of the organization of Hennepin County government, directly report to the administrator. Personnel appointed under this clause shall be removed only as provided in clause (a). The administrator may suspend persons appointed under this clause without pay for not more than 30 days pending a hearing for removal;

(d) Provide for county purchases, including purchases of service, as directed by the county board;

(e) Perform all duties, functions and responsibilities provided by law of the offices enumerated in Laws 1967, Chapter 599, notwithstanding contrary provisions therein as are provided by general and special law. The administrator may, with approval of the board, appoint and designate persons to carry out those duties, functions and responsibilities;

(f) Prepare and submit to the board a proposed annual budget and long-range capital expenditure program as provided for in article II;

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(g) Prepare, submit and update, if directed by the board to do so, an administrative code incorporating the details of administrative procedures for the operation of the county;

(h) Examine the books and papers of officers and departments of the county with the assistance of internal audit or independent audit, as the board may direct, and report the findings to the board. Keep the board fully advised as to the financial condition and needs of the county and make such other reports as the board or the administrator deems advisable; and

(i) Attend meetings of the board and make recommendations.

Sec. 3. COMPENSATION; REMOVAL. The administrator shall be appointed by the board. The administrator shall serve at the pleasure of the board. The board may designate a properly qualified person to perform the duties of the administrator during the absence or disability of the administrator. The board shall set the administrator's compensation and provide for a termination allowance, which shall be equal to the severance pay allowable to employees of the unclassified service.

ARTICLE II

FINANCIAL PROCEDURES

Section 1. BUDGET AND FINANCIAL ADMINISTRATION. Subdivision 1. DUTIES OF THE COUNTY BOARD. The board of commissioners of Hennepin County shall annually adopt a budget for the next fiscal year. The budget shall be a complete financial plan for the next year. The board may create fund accounts which shall be in accordance with generally accepted accounting principles and such statutes and regulations issued by state or federal regulatory agencies as may be applicable to account for the assets, liabilities, revenues and expenditures of the county.

Subd. 2. DUTIES OF THE COUNTY ADMINISTRATOR. The county administrator shall prepare and present recommendations concerning the budget to be adopted for the next fiscal year, implement accounting practices consistent with generally accepted accounting principles and implement other matters of a budget, financial or accounting nature as required. The administrator may establish administrative guidelines and procedures necessary to carry out the purposes of this article.

Sec. 2. ANNUAL BUDGET; PROCEDURES. Subdivision 1. FORMAT. The board may utilize any combination of expenditure classifications by fund, organization, program, purpose or activity. The budget shall begin with a general summary of its contents and shall detail all estimated revenues, including the property tax levy, and all estimated expenditures, including debt service for the next fiscal year. The total of estimated expenditures for the next fiscal year shall not exceed the total of estimated revenues and any surplus amounts deemed to be available at the end of the current fiscal year. Amounts in funds unexpended at the end of the fiscal year which are permitted by generally accepted accounting principles to be carried over from one fiscal year to the next may be carried over in accordance with those principles. Unexpended amounts may

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be restricted by the board to finance contingent obligations which may become payable in subsequent fiscal years. The budget shall include both operating and capital revenues and expenditures as detailed in subdivisions 2 and 3.

Subd. 2. OPERATING BUDGET. The budget shall include information showing operating revenues, expenditures and personnel for the applicable fiscal year.

Subd. 3. CAPITAL BUDGET. The budget shall include the capital expenditures proposed for the applicable fiscal year by project and the proposed method and plan of financing of each capital project.

Sec. 3. LONG RANGE CAPITAL PROGRAM. Subdivision 1. FORMAT. The board shall review and consider a long range capital improvement program at the time of approval of the budget specified in section 2. The capital program shall contain information specifying:

(a) A general summary of its contents;

(b) A list of all capital projects proposed to be undertaken during the term of the program, with appropriate supporting information as to the necessity for such proposed project; and

(c) Cost estimates, method of financing and recommended time schedules for each project. Information may be revised and extended with regard to capital projects still pending or in the process of construction or acquisition.

Subd. 2. ADVISORY COMMITTEE. The board may appoint a citizens advisory committee to assist the board in preparing the capital program. Advisory committee members shall be allowed a per diem not to exceed \$50 for meetings relating to advice and recommendations concerning the capital program. In addition, each member may be reimbursed for actual and necessary expenses incurred as a result of the meetings.

Sec. 4. APPROPRIATIONS AND TAX LEVY. Subdivision 1. BUDGET ADOPTION. Adoption of the budget, pursuant to section 1, by the board shall constitute appropriations of the amounts specified therein to the funds and departments indicated and shall constitute for each fund a levy of the tax therein as required.

Subd. 2. LAPSE OF APPROPRIATIONS. Each appropriation, except an appropriation for a capital expenditure and those restricted or carried forward pursuant to section 2, subdivision 1, lapses at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure continues in force until the purpose for which it was made has been accomplished or abandoned. The purpose of a capital expenditure appropriation shall be deemed abandoned if three years pass from the date of the appropriation without a disbursement from or encumbrance of the appropriation.

Sec. 5. AMENDMENTS AFTER ADOPTION OF BUDGET. Subdivision 1. SUPPLEMENTAL APPROPRIATIONS. The board may make supplemental Changes or additions indicated by underline deletions by ~~strikeout~~

appropriations during the course of a budget year. Such appropriations may authorize the use and expenditure of amounts accruing to the county which were not previously anticipated as revenues by the board in the adoption of the budget.

Subd. 2. CHANGES IN APPROPRIATIONS. The board may by resolution make modifications in the adopted budget or in the appropriation to any department or fund, or may transfer amounts from one department or fund to another department or fund except as the transfers may be otherwise restricted by law.

Sec. 6. PAYMENT PROCEDURES AND ACCOUNTING. Subdivision 1. PAYMENT OF OBLIGATIONS. The county shall pay for obligations in accordance with appropriations duly made. Payment and distribution shall be made in accordance with methods and procedures established by the county administrator, pursuant to section 1 and consistent with Minnesota Statutes, Sections 471.35 through 471.41.

Subd. 2. PAYMENT BY WARRANT. Payments of claims and obligations of the county shall be made by warrant. Where the county is authorized by law to make investments, persons designated by the board may, in accordance with rules and procedures established by the administrator, make electronic or wire transfers of funds notwithstanding any other law to the contrary.

Subd. 3. PAYMENTS AND OBLIGATIONS PROHIBITED. The making of payments or the incurring of obligations in excess of appropriations or when sufficient moneys are not or will not be available to cover claims or meet obligations when they become due and payable shall be prohibited. This subdivision shall not apply to investments authorized by law to be made on behalf of the county.

Subd. 4. ILLEGAL EXPENDITURE; GROSS MISDEMEANOR. A commissioner who knowingly authorizes or makes a payment or incurs an obligation in violation of the provisions of this article is guilty of a gross misdemeanor. When deficits are incurred or anticipated as a result of services required to be performed pursuant to Minnesota Statutes, Chapters 393 and 401, and Laws 1963, Chapter 738, as amended, this subdivision shall not apply.

Subd. 5. TEMPORARY BORROWING BETWEEN FUNDS. Subject to procedures developed by the administrator, warrants issued on one fund in which there is a temporary insufficiency of money may be redeemed by the county treasury through temporary borrowing from any other fund in the treasury for a period not to exceed one year.

Sec. 7. CERTIFICATES OF INDEBTEDNESS. Subdivision 1. TAX ANTICIPATION CERTIFICATES. At any time after the first day of the year following the making of an annual tax levy, the county board may, by resolution and without public referendum, issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total of all certificates issued against any fund for any year with interest thereon until maturity, together with all orders outstanding against the fund, shall not exceed the total current taxes for the fund uncollected at the time of issuance plus the cash currently in the fund. If certificates are issued against the

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anticipated tax levy for any fund, any unpaid orders outstanding against the fund shall be redeemed from the proceeds of the certificates. All tax anticipation certificates shall be negotiable and shall be payable to the order of the payee and shall have a definite due date but may be payable on or before that date. No certificate shall be issued to become due and payable later than the first day of April of the year following the year of issuance. Certificates shall be sold for not less than par and accrued interest and shall bear interest at a rate not to exceed seven percent per annum, payable at maturity or at such earlier times as the board may determine. Each certificate shall state upon its face the fund for which the proceeds of the certificate shall be used, the total amount of the certificates so issued against the fund and the total amount embraced in the tax levy for that fund. They shall otherwise be issued on terms and conditions as the board may determine. The proceeds of the taxes assessed on account of the fund against which tax anticipation certificates are issued and the full faith and credit of the county shall be irrevocably pledged for the redemption of the certificate in the order of issuance against the fund.

Subd. 2. EQUIPMENT ACQUISITION. The board may, by resolution and without public referendum, issue certificates of indebtedness within existing debt limits for the purpose of purchasing ambulance and other medical equipment, road construction or maintenance equipment, public safety equipment and other capital equipment having an expected useful life at least equal to the term of the certificates issued. The certificates shall be payable in not more than five years and shall be issued on terms and in a manner as the board determines. The total principal amount of the certificates of indebtedness issued for any fiscal year shall not exceed one percent of the total annual budget for that year and shall be issued solely for the purchases authorized in this subdivision. A tax levy shall be made for the payment of the principal and interest on such certificates as in the case of bonds.

Subd. 3. PUBLIC EMERGENCIES. The board may, by resolution and without public referendum, issue certificates of indebtedness pursuant to Minnesota Statutes, Section 475.754, to meet expenses incurred or to be incurred by reason of any natural disaster or other public emergency requiring the making of extraordinary expenditures.

Sec. 8. FEES. Subdivision 1. FEE SYSTEM. Where the legislature does not by statute establish a charge or the imposition of a fee for the recording, filing, certification, or providing of copies of any instrument, document or other papers, or for the services of any county office, official, department, or employee thereof, or a court system located entirely within any county; the board of county commissioners after a public hearing may establish a system of fees or charges for such services.

Subd. 2. EXTRAORDINARY SERVICES FEES. When in the discretion of the board of county commissioners, a service is requested of any county office or agent, beyond that which would normally be provided in the ordinary course of business of such office or agent, the board of county commissioners after a public hearing may establish a fee or charge therefor based upon the cost of providing such service.

Sec. 9. FINANCIAL STATEMENTS AND AUDITS. Subdivision 1. FINANCIAL STATEMENTS. Annually, the board of commissioners shall cause to be prepared a

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financial report, including financial statements for all of the funds of the county of Hennepin prepared in accordance with generally accepted accounting principles.

Subd. 2. AUDIT. Annually, the board of commissioners shall engage a firm of independent certified public accountants to audit the books, accounts and financial statements for the county of Hennepin, in accordance with generally accepted auditing standards.

Subd. 3. PUBLICATION AND DISTRIBUTION. The board of commissioners shall publish the annual financial statements in accordance with the requirements of Minnesota Statutes, Section 375.17. The annual audited financial statements shall be made available for public inspection upon request, and a copy shall be filed with the state auditor.

Sec. 10. Extra Session Laws 1967, Chapter 24, Section 1, Subdivision 1, is amended to read:

Section 1. **HENNEPIN COUNTY; LIBRARY SYSTEM.** Notwithstanding the provisions of Minnesota Statutes 1965, Section 375.33, the county of Hennepin, through its board of county commissioners, may establish and maintain at locations determined by the board, a system of public libraries for the free use of residents of the county, and may levy taxes for library operation and maintenance an annual tax not to exceed 6 1/2 mills on each dollar of assessed value of on all taxable property within the county which is not already taxed by any city or village for the support of any free public library.

Sec. 11. Extra Session Laws 1967, Chapter 24, Section 1, Subdivision 2, as amended by Laws 1969, Chapter 967, Section 1, is amended to read:

Subd. 2. **HENNEPIN COUNTY; LIBRARY SYSTEM; MILL LEVY.** The county board of Hennepin County may levy a tax of not more than two two-thirds mills on taxable property within the county outside of any city or village in which is situated a free public library of the city or village, for the purpose of acquisition, betterment and construction of county library buildings and branches thereof and for the payment of principal and interest on bonds issued for that purpose. The levy of such tax shall not cause the amount of other taxes levied or to be levied by the county, which are subject to any limitation, to be reduced in any amount whatsoever. The board of county commissioners of Hennepin County may by resolution adopted by a ~~four fifths~~ five-sevenths vote issue and sell general obligation bonds of the county in the amount of \$20,000,000 in the manner provided in Minnesota Statutes, Sections 475.60 to 475.73. However, the total amount of such bonds outstanding at any time shall not exceed \$15,500,000. Such bonds shall not be subject to the limitations of Minnesota Statutes, Sections 475.51 to 475.59, but the maturity years and amounts and interest rates of each series of bonds shall be fixed so that the maximum amount of principal and interest to become due in any year, on the bonds of that series and of all outstanding series issued by or for the purposes of libraries, shall not exceed an amount equal to ~~two two-thirds~~ two two-thirds mills times the assessed value of all taxable property in the county, which is not then taxed by any city or village for the support of any free public library as last finally equalized before the issuance of the new series. When the tax levy authorized in this subdivision is

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collected it shall be appropriated and credited to a sinking fund for such bonds in amounts required each year in lieu of a countywide tax levy for the sinking fund under section 475.61.

Sec. 12. Extra Session Laws 1967, Chapter 47, Section 1, as amended by Laws 1969, Chapter 930, Section 1, is amended to read:

Section 1. **HENNEPIN COUNTY; BONDS.** Notwithstanding the provisions of Minnesota Statutes 1965, Sections 475.58 and 162.181, the county of Hennepin may by resolution adopted by a four-fifths vote of the board of county commissioners, issue general obligation bonds of the county in an amount not exceeding \$22,000,000, without first obtaining the approval of a majority of the electors, for the purpose specified in section 2. The terms of each series of such bonds shall be established so that the principal of and interest on all such bonds due in any year shall not exceed ~~two and three fourths~~ 11/12 mills times the assessed value of all taxable property in the county as last finally equalized prior to the issuance of such series. Except as otherwise provided such bonds shall be sold, issued, and secured in the manner prescribed by Minnesota Statutes, Chapter 475.

Sec. 13. Extra Session Laws 1967, Chapter 47, Section 3, as amended by Laws 1969, Chapter 930, Section 3, is amended to read:

Sec. 3. The county board may by resolution levy a direct general ad valorem tax upon all taxable property in the county to provide moneys which shall be kept in a fund known as the county reserve building and maintenance fund and used solely for the construction maintenance and equipping of such county buildings as are now or hereafter may be constructed or maintained by the board. The levy shall not be subject to any limit fixed by any other law or by any board of tax levy or other corresponding body, but shall not exceed a sum equal to ~~two and three fourths~~ 11/12 mills times the assessed value of all taxable property in the county in any year, less the amount required by Minnesota Statutes, Chapter 475 to be levied in such year for the payment of the principal of and interest on all bonds issued pursuant to section 1.

Sec. 14. Laws 1965, Chapter 533, Section 1, as amended by Laws 1967, Chapter 235, Section 1, is amended to read:

Section 1. **HENNEPIN COUNTY; CONTINGENT ACCOUNT.** The board of county commissioners of Hennepin County is hereby authorized to appropriate from the general revenue fund of the county annually a sum not to exceed ~~\$5,000~~ \$7,000 as a contingent ~~fund~~ account. All expenditures from such ~~fund~~ account shall be made only upon approval of ~~four-fifths~~ five-sevenths of the members of such board for such purposes as they deem for the best interests of the county.

ARTICLE III

Section 1. **CREATION AND ESTABLISHMENT OF HENNEPIN COUNTY ADULT CORRECTIONS FACILITY.** To implement the provisions of Laws 1975, Chapter 402, Section 1, and Laws 1977, Chapter 453, Section 4, Subdivision 3, the ~~Changes or additions indicated by underline deletions by strikeout~~

Hennepin County board of commissioners is authorized to establish and operate a corrections facility in Hennepin County for the confinement of adult males and females as the district court for the fourth judicial district or the Hennepin County municipal court shall order confined there for the service of sentences which alone or in combination with any other sentence requires imprisonment for no longer than one year.

Sec. 2. NAME. The corrections facility provided for in this article shall be called the Hennepin County adult corrections facility.

Sec. 3. LOCATION, LAND AND BUILDINGS. The corrections facility shall be located in Hennepin County and shall be maintained and operated upon lands and in buildings, structures, and appurtenances thereto as the county has acquired or shall acquire by transfer from or exchange with any municipality within the county, or by purchase, lease, gift, or by the provisions of Minnesota Statutes, Section 375.181.

Sec. 4. SUPERINTENDENT OF HENNEPIN COUNTY ADULT CORRECTIONS FACILITY. The board may employ a superintendent for the corrections facility. The superintendent shall manage the land, structures, and equipment of the corrections facility, and shall direct the work of all personnel employed at or in connection with the operation of the corrections facility and the conduct of all activities at the corrections facility.

Sec. 5. APPOINTMENT AND REMOVAL OF SUPERINTENDENT. Vacancies in the position of superintendent shall be filled by the administrator with the approval of the board. The superintendent shall be in the unclassified service. The compensation and working conditions for the position shall be fixed and determined according to the provisions of Laws 1965, Chapter 855, Section 6, Subdivision 1, Clause (e) as amended by Laws 1967, Chapter 646.

Sec. 6. RULES. The superintendent of the corrections facility shall, subject to the approval of the board, adopt rules, regulations, and procedures necessary for: (1) implementing the provisions of this article; (2) providing for the secure confinement, health, and safety of, and the provision of programs and services for inmates of the corrections facility; and (3) complying with the laws of the state and provisions of the federal and state constitutions applicable to the status and rights of inmates of corrections facilities.

Sec. 7. WORK RELEASE PROGRAM. The provisions of the inmate work release program set out in Minnesota Statutes, Section 631.425 shall be applicable to the inmates of the corrections facility and, for the purposes of application of the statute to the inmates and personnel of the corrections facility, the superintendent shall be a "sheriff", and the corrections facility shall be a "jail".

Sec. 8. MANUFACTURE OF GOODS. Subdivision 1. The board, upon the recommendations of the county administrator and the superintendent, is authorized to establish, equip, maintain, and operate at the corrections facility a factory for the manufacture, processing, repairing, and production of goods, wares, and merchandise and for that purpose to make use of the labor of inmates and to employ a staff which the

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board determines necessary for the proper instruction and employment of inmates.

Subd. 2. Notwithstanding the provisions of Minnesota Statutes, Sections 373.01, Subdivision 1, Clause (3) and 375.21, the board shall establish procedures for setting the terms and conditions under which the county will either sell the products manufactured or will charge for the production, repair, or processing of materials by inmates of the corrections facility.

Subd. 3. The superintendent, with the approval of the board, shall provide for wages to inmates employed under this section as he may deem proper, the amount of the wage to depend upon the quality and character of the work performed as determined by the superintendent.

Sec. 9. PRIVATE INDUSTRY ON GROUNDS OF CORRECTIONS FACILITY.
Subdivision 1. Notwithstanding the provisions of any law to the contrary, the board, upon the recommendations of the administrator and the superintendent may lease space in any of the buildings of the corrections facility together with real estate needed for reasonable access to the leased building to a private person, firm or corporation for the purpose of establishing and operating a factory under written contract for the manufacture and processing of goods, wares, or merchandise, in a manner and upon terms determined by the board to be consistent with the proper training and employment of inmates of the corrections facility and in the best fiscal interests of the county.

Subd. 2. The private person, firm, or corporation operating a factory or other business or commercial enterprise under this section shall:

(1) Select the inmates to be employed, subject to the approval of the superintendent, consistent with his responsibility for security, control, and public safety;

(2) Provide coverage for workers' compensation benefits as provided in Minnesota Statutes, Chapter 176;

(3) Pay wages and benefits to the inmates employed at the prevailing minimum wages and benefits for work of a similar nature performed by employees with similar skills in the county;

(4) Withhold from the wages of the inmates employed and pay all amounts in the manner required by law for state and federal income taxes and FICA taxes and keep and maintain records required by state and federal law in that connection; and

(5) Be solely liable for and indemnify and save the county, its officers, agents, and employees harmless from all claims of every type, nature, or description that arise out of or are connected with the conduct of a factory, business, or commercial enterprise under this section. This provision shall be a part of all leases and contracts entered into hereunder irrespective of any references thereto in a lease and contract.

Subd. 3. The authority of the superintendent over the corrections facility and its inmates shall not be diminished by this section.

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Subd. 4. The rents and costs to be paid by any person, firm, or corporation employing inmates under this section shall be fixed and determined by the board upon the recommendations of the administrator and the superintendent and shall be in an amount the board determines to be in the best interests of the county and consistent with the operations and programs of the corrections facility.

Sec. 10. DIMINUTION OF SENTENCE. The provisions of Minnesota Statutes, Section 643.29 shall be applicable to the diminution of sentences of inmates of the corrections facility.

Sec. 11. INMATE MAINTENANCE COSTS. Subdivision 1. Each municipality in which conduct alleged in a misdemeanor complaint occurs shall pay to Hennepin County for the maintenance cost of the inmate convicted thereon and sentenced to confinement in the corrections facility the sum per diem as it may cost the county for the average maintenance per inmate. The administrator and superintendent shall at the first meeting of the county board in August of each year submit for the board's approval a determination of the maintenance cost per diem per inmate of the corrections facility which shall be based upon the actual costs, records of receipts, disbursements, and other data for the preceding year, adjusted by applying to the preceding years' rate any cost of living increase or decrease for the year ending June 30 of the current year. The costs shall not include the cost of the premises or structures of the corrections facility or of any permanent improvements or repairs. The superintendent shall render monthly bills to the municipalities for the maintenance costs provided for by this section.

Subd. 2. The obligation to pay the maintenance cost per inmate for inmates serving concurrent sentences for misdemeanors committed shall be borne equally by the municipalities in which the misdemeanor conduct occurred. The obligation to pay the maintenance cost provided in this section for any inmate serving a misdemeanor sentence imposed by a court of Hennepin County concurrently with any sentence imposed by courts of another county or counties shall be borne equally by the different county or counties and the municipality within Hennepin County in which the misdemeanor conduct occurred.

Subd. 3. The city of Plymouth shall not be liable for the maintenance cost of any inmate confined at the corrections facility for the service of a sentence imposed for conviction of any offense committed on or arising out of his or her confinement at or escape from the premises of the corrections facility in the city of Plymouth.

Subd. 4. The superintendent shall collect from each inmate employed under the provisions of sections 8 and 9 and each inmate in the work release program provided for in Minnesota Statutes, Section 631.425, a per diem amount as the inmate's contribution to his or her maintenance cost provided for in this section. The superintendent shall determine with the approval of the county board the per diem amount provided for herein. The per diem amount collected from each inmate shall be subtracted from any amount charged to a municipality or another county for the maintenance cost of the inmate.

Sec. 12. INMATES FROM OTHER JURISDICTIONS. To the extent that the
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proper confinement, health, and safety of inmates permit, the superintendent may accept for confinement for periods not exceeding one year persons ordered confined at the corrections facility for the execution of sentences imposed in any county court or district court of the state or in a United States magistrate's court or a district court. The maintenance cost for the inmate shall be the same as that provided for in section 11 and shall be borne by the county or counties wherein the offense for which the inmate was convicted occurred. With respect to any inmate convicted in a United States magistrate's court or a district court the maintenance cost of the inmate shall be the same as that provided in section 11 and shall be borne by the United States. Prior to accepting any inmate for confinement pursuant to this section, the superintendent shall have completed an agreement with the appropriate county, state, or federal authority as to the terms, conditions, and duration of the confinement and for the payment of maintenance costs.

ARTICLE IV

CENTRAL PURCHASING

Section 1. **CENTRAL PURCHASING AUTHORIZATION.** The county of Hennepin is authorized to establish, organize and reorganize central purchasing within the county for the purpose of purchasing all goods, materials, supplies, equipment and contracted services required by any department, board, commission or agency, and to perform or cause to be performed all acts necessary and incidental to the acquisition, handling, utilization and disposition of goods, materials, supplies, equipment and contracted services.

Sec. 2. **CENTRAL PURCHASE PROCEDURE.** Subdivision 1. DELEGATION OF AUTHORITY. The county board may by resolution delegate the powers and duties enumerated in this article, and those powers and duties necessary to the implementation of the purposes of central purchasing specifying the nature, scope and extent of the delegation. The authority and responsibility subject to delegation shall include, but not be limited to the following:

(a) Purchasing and contracting for all goods, materials, supplies, equipment and contracted services, as provided in section 3;

(b) Preparation, review, modification and approval of all plans and specifications for goods, materials, supplies, equipment and contracted services;

(c) The transfer of any goods, materials, supplies, equipment or contracted services to or between departments, boards, commissions and agencies;

(d) Selling or otherwise disposing of goods, materials, supplies, equipment and contracted services which are unusable or no longer required; and

(e) Periodically reviewing and requiring department heads to supply necessary data concerning inventories and surpluses and monitoring compliance by department heads with purchasing laws, rules, regulations and procedures.

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Subd. 2. ADMINISTRATOR'S DUTIES. Notwithstanding the provisions of Minnesota Statutes, Section 373.02, the county board may delegate its purchasing powers and duties to the county administrator. Wherever reference in this article is made to the county administrator, he may designate and delegate to a purchasing manager or other person to perform the tasks empowered or assigned to him. Any purchase in excess of \$3,500 shall require the signature of the county administrator or designee.

Sec. 3. CONTRACTS FOR PURCHASES. Subdivision 1. CONTRACTS. Notwithstanding the provisions of Minnesota Statutes, Sections 373.01 and 373.02, the administrator has authority to enter into contracts for the purchase of goods, materials, supplies, equipment or services under the terms, conditions or restrictions contained in this article or of any resolution of the board. Authority to enter into price agreements may be delegated to the administrator, who may authorize heads of departments to make purchases within the scope of the agreements.

Subd. 2. INSTALLMENT PURCHASES. The board may enter into agreements for installment purchases or lease purchases of equipment for periods not to exceed seven years. Authority therefor shall not be delegated. When the agreements have been entered into, the board shall make annual appropriations sufficient to pay the annual amount due under the agreements.

Subd. 3. AGREEMENT DURATION. Agreements, other than installment purchase agreements or lease purchases, may be entered into by the board for a duration not to exceed seven years where performance thereunder so requires.

Subd. 4. SMALL PURCHASES; RULES. The board may authorize, subject to rules promulgated by the administrator, purchases other than those defined in section 3, subdivision 1, not to exceed the sum of \$250 for each purchase and not to exceed an annual amount for all such purchases greater than \$10,000 from the total annual appropriation for any department.

Subd. 5. JOINT POWER AGREEMENTS. The board shall have sole authority for entering into joint powers agreements or cooperative purchase agreements under the provisions of Minnesota Statutes, Section 471.59. Upon the execution of agreements thereunder, the board may delegate authority relating to purchases of goods, materials, supplies, equipment or services.

Sec. 4. PREQUALIFICATION. Subdivision 1. RULES. Upon establishment of rules and regulations defining the criteria and conditions for prequalification of a bidder, the criteria and conditions and lists of qualified bidders shall be made available for public inspection by the administrator.

Subd. 2. WRONGFUL EXCLUSION. Any prospective bidder who claims to have been wrongfully deleted from the list of qualified bidders shall have the right to receive in writing, upon request, the reasons for such deletion.

Sec. 5. COMPETITIVE BIDDING. Subdivision 1. GOVERNING LAW. Competitive bidding for purchases under the provisions of this article shall be performed

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in compliance with the uniform municipal contracting law, Minnesota Statutes, Section 471.345, except as otherwise provided for herein.

Subd. 2. EMERGENCY EXCEPTION. In the case of an emergency arising from breakage, damage or decay or when the public interest would suffer by delay, purchases may be made without compliance with Minnesota Statutes, Section 471.345, by the board or administrator if authority has been delegated to make purchases under this article. If the administrator makes the purchase, the board shall present the matter for ratification and record it in the official proceedings of the board at its next meeting.

Subd. 3. BIDDING NOT REQUIRED. When, by reason of a copyright, patent or exclusive franchise, purchases can be made only at a standard, fixed or uniform price and no advantage can be secured by advertisement and competitive bidding because of the noncompetitive nature of the item to be purchased, Minnesota Statutes, Section 471.345 shall not apply.

Subd. 4. CERTAIN SERVICES, EXCEPTIONS. Contracts for professional, noncompetitive, unique, or shared medically related services provided for in the Hennepin County hospital act, Laws 1963, Chapter 738, shall not be governed by the provisions of Minnesota Statutes, Section 471.345.

Subd. 5. SET ASIDE CONTRACTS. Notwithstanding any other law to the contrary, the board may set aside an amount, for each fiscal year, for awarding contracts to businesses and social services organizations which have a majority of employees who would be eligible for public assistance or who would require rehabilitative services in the absence of their employment. The set aside amount may not exceed two percent of the amount appropriated by the board in the budget for the preceding fiscal year. Failure by the board to designate particular procurements for the set aside program shall not prevent vendors from seeking the procurement award through the normal solicitation and bidding processes pursuant to the provisions of the uniform municipal contracting act, Minnesota Statutes, Section 471.345.

The board may elect to use a negotiated price or bid contract procedure in the awarding of a procurement contract under the set aside program. The amount of the award shall not exceed by more than five percent the estimated price for the goods or services, if they were to be purchased on the open market and not under the set aside program. Before contracting with a business or service organization under the set aside program, the board or authorized person shall conduct an investigation of the business or service organization with whom it seeks to contract and shall make findings, to be contained in the provisions of the contract, that: (i) the vendor has in its employ at least 50 percent of its employees who would be eligible to receive some form of public assistance or other rehabilitative services in the absence of the award of a contract to the vendor; (ii) the vendor has elected to apply to the board for a contract under the set aside provisions; and (iii) the vendor is able to perform the set aside contract. The board shall publicize the provisions of the set aside program, attempt to locate vendors able to perform set aside procurement contracts and otherwise encourage participation therein.

Subd. 6. NOTICE OF SALES AND PURCHASES. All purchases of, and Changes or additions indicated by underline deletions by ~~strikeout~~

contracts for, goods, materials, supplies, equipment and services and all sales of personal property which has become obsolete and unusable, where the amount of the expenditure or sale is estimated to be \$10,000 or more, shall be solicited by reasonable public notice under rules promulgated by the administrator with approval of the board. The administrator shall also solicit sealed bids by sending requests by mail to prospective vendors. Where by the provisions of this article Minnesota Statutes, Section 471.345, does not apply, the requirements of this subdivision shall not apply.

Subd. 7. SEALED BIDS; REQUIREMENTS. All bids estimated to cost \$10,000 or more shall be sealed, in writing, accompanied by the required deposit and shall remain sealed until opened as provided by this subdivision. The bids shall be publicly opened by the administrator at a time and manner specified in the published advertisements for bids, shall be read aloud by the administrator, or his designee, and tabulated by him. The administrator shall sign the tabulation immediately upon the close of the bid opening and retain a signed copy for public inspection.

Subd. 8. BID ACCEPTANCE. The administrator shall award the contract to the lowest bid meeting specifications. When the administrator deems that a bid other than the lowest bid is more advantageous to the county, he shall recommend the award of the bid to the county board. The board may approve or disapprove the bid other than the lowest bid. When the administrator recommends a bid to the board other than the lowest bid, he shall state his reasons therefor and provide documentation as the board may require. The documentation shall be available for public inspection.

Subd. 9. PROPERTY TRANSFERS. The administrator shall have authority, upon approval by the county board, to transfer to or to accept personal property from any unit of government for no consideration or consideration as may be agreed upon without compliance with the uniform municipal contracting law or the advertising and bidding provisions in this article.

Subd. 10. COLLUSIVE BIDS. All bidders shall submit statements, on forms provided by the administrator, of noncollusion with all bids. Failure to provide the statement shall disqualify the bidder. Collusive bidding shall be punishable by a fine not to exceed \$10,000 or imprisonment for a period up to five years, or both.

Sec. 6. PURCHASES CONSISTENT WITH ARTICLE II. The board, or the person or persons to whom purchasing and contracting authority may be delegated, shall exercise the authority consistent with article II.

Sec. 7. VENDOR DISCOUNTS. Notwithstanding the provisions of Minnesota Statutes, Sections 471.38 to 471.41, when purchases and agreements have been authorized and when vendor discounts are available thereunder to the county upon early payment, the administrator shall have authority to authorize such early payment without prior board approval. Authority hereunder may only be exercised when purchases and agreements have been approved by the board and contain provisions permitting discounts for early payment. When early payment is made, the board shall ratify such action and record it in the official proceedings of the board.

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Sec. 8. **RULES AND REGULATIONS.** The administrator, subject to the approval of the board, shall adopt, promulgate, amend, as necessary, and file with the board rules and regulations for the following purposes:

(a) Prescribing the manner in which goods, materials, supplies and equipment shall be purchased, delivered, stored and distributed;

(b) Prescribing the forms for requisitions, the manner of their authentication and their revision by the administrator;

(c) Prescribing the manner of inspecting all deliveries of goods, materials, supplies and equipment and of making chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(d) Requiring reports by county departments, boards and agencies of stocks of supplies, obsolete or unusable goods, materials, supplies and equipment on hand and of purchases made by department heads and prescribing the form of such report;

(e) Providing for the sale and transfer to or between county departments, boards, commissions and agencies of goods, materials, supplies and equipment which are surplus with other departments, boards, commissions or agencies, and for the disposition by sale, after receipt of competitive bids of goods, materials, supplies and equipment which are obsolete, unusable or not needed;

(f) Determining whether a deposit is to be submitted with a bid on a purchase contract or sale and, if required, prescribing the amount and form thereof and providing that the deposit shall be forfeited if the successful bidder refuses to enter into a contract and post a bond as required under section 10, subdivision 2;

(g) Defining the criteria and conditions for prequalification of bidders for the establishment of bidder lists in a manner as to provide for competitive bidding from the largest relevant market and to eliminate unqualified bidders, products and services. The criteria and conditions may take into consideration quality, maintenance costs, available warranties and other legal protections and other elements as would be considered by any reasonable purchaser in selecting the greatest value for the cost;

(h) Prescribing the procedure and form for securing the data necessary from bidders and prospective bidders to determine whether or not they are responsible;

(i) Prescribing the manner in which invoices for goods, materials, supplies and equipment delivered to any and all departments, boards, commissions and agencies of the county shall be submitted, examined and approved; and

(j) Providing for other matters necessary to effect the provisions of this article.

Sec. 9. **PURCHASES OR CONTRACTS FORBIDDEN.** If any department, board, commission or agency of the county government shall purchase or contract for any goods, materials, supplies, equipment or services, or shall sell any obsolete or unusable materials

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or equipment contrary to the provisions of this article, such order, contract or sale shall be void. The head of the department, board, commission or agency shall be personally liable for the cost of the order or contract and for the reasonable value of the materials or equipment sold. If the order or contract is already paid for out of county funds, the amount thereof may be recovered in the name of the county by appropriate action. Property sold contrary to the provisions of this article or the reasonable value thereof may be likewise recovered in the name of the county.

Sec. 10. **BONDS. Subdivision 1. EMPLOYEES.** All persons authorized to make purchases and agreements on behalf of the county shall be bonded in an amount fixed by the county board for the protection of the county. The bonds shall be approved and filed in the manner as are official bonds of county officers.

Subd. 2. CONTRACTORS. The successful bidder under the competitive bidding provisions shall at the time of execution of the contract provide the county with a bond or bonds conditioned as required by law. The county administrator may waive a bond or bonds when, in his discretion, the bond or bonds are not reasonable or necessary for the protection of the county.

Sec. 11. **FINANCIAL INTEREST FORBIDDEN.** No official, person authorized to make purchases, or county employee shall be financially interested, either directly or indirectly, in any contract or purchase order for any goods, materials, supplies, equipment or contracted service furnished to or used by any department, board, commission or agency of the county government. No public official, person authorized to make purchases, or county employee may accept or receive, directly or indirectly from any person, firm or corporation to which any contract or purchase order may be awarded any money or anything of value whatsoever or any promise, obligation or contract for future reward or compensation. Any violation of the provisions of this section shall be a gross misdemeanor.

Sec. 12. Laws 1969, Chapter 476, Section 1, as amended by Laws 1977, Chapter 69, Section 1, is amended to read:

Section 1. **HENNEPIN COUNTY; CONTRACTS FOR GOODS AND SERVICES.** Notwithstanding the provisions of Minnesota Statutes 1967, Chapter 383, The county board of commissioners of Hennepin county may +

(a) contract for goods and services for a term not in excess of seven years; and

(b) contract for the leasing of real property from individuals, private or public corporations, or other governmental agencies for a period of no longer than five years duration.

Sec. 13. **LAWS NOT APPLICABLE TO HENNEPIN COUNTY.** Laws 1921, Chapter 133, Section 22; Minnesota Statutes, Chapters 375A; 383; and 392; Minnesota Statutes, Sections 163.05; 375.16; 375.161; 375.21; 375.48 to 375.50, are not applicable to the county of Hennepin.

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Sec. 14. **REPEALER.** Laws 1951, Chapter 556; Laws 1951, Chapter 598; Laws 1951, Chapter 636, Section 4; Laws 1951, Chapter 702; Laws 1953, Chapter 270; Laws 1953, Chapter 703, Section 1; Laws 1953, Chapter 753; Laws 1955, Chapter 875; Laws 1957, Chapter 671, Section 7; Laws 1957, Chapter 950; Laws 1959, Chapter 200; Laws 1959, Chapter 297; Extra Session Laws 1959, Chapter 17; Extra Session Laws 1961, Chapter 45; Extra Session Laws 1961, Chapter 47; Laws 1963, Chapter 857; Laws 1965, Chapter 294; Laws 1965, Chapter 633; Laws 1965, Chapter 850; Laws 1967, Chapter 441; Laws 1967, Chapter 588; Laws 1967, Chapter 599, Section 4; Laws 1967, Chapter 796; Laws 1969, Chapter 473; Laws 1969, Chapter 692; Laws 1969, Chapter 918; Laws 1969, Chapter 1053; Laws 1971, Chapter 495; Laws 1971, Chapter 744, Section 2; Laws 1973, Chapter 261, are repealed.

Sec. 15. **EFFECTIVE DATE.** This act shall take effect upon its approval by the board of commissioners of Hennepin County and upon compliance with Minnesota Statutes 1971, Section 645.021.

Approved May 25, 1979.

CHAPTER 199—S.F.No.808

An act relating to waters; redefining public waters; defining wetlands; providing new procedures for the determination of public waters and wetlands; reappropriating money; amending Minnesota Statutes 1978, Sections 105.37, by adding subdivisions; 105.38; 105.39, Subdivision 3; 105.391, Subdivisions 1 and 3, and by adding subdivisions; 105.392, Subdivisions 2 and 5; and 105.42, Subdivision 1; repealing Minnesota Statutes 1978, Sections 105.37, Subdivision 6; and 105.391, Subdivisions 2, and 4 to 8.

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

Section 1. Minnesota Statutes 1978, Section 105.37, is amended by adding a subdivision to read:

Subd. 13. "Meandered lakes" means all bodies of water except streams lying within the meander lines shown on plats made by the United States General Land Office.

Sec. 2. Minnesota Statutes 1978, Section 105.37, is amended by adding a subdivision to read:

Subd. 14. "Public waters" includes and shall be limited to the following waters of the state:

(a) All water basins assigned a shoreland management classification by the commissioner pursuant to section 105.485, except wetlands less than 80 acres in size which are classified as natural environment lakes;

(b) All waters of the state which have been finally determined to be public waters

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