

CHAPTER 572—H.F.No. 2162

An act relating to the operation of state government; changing certain procedures and limits for contracts with the state; creating a cooperative purchasing revolving fund; directing commissioner of administration to consider making state-owned space available for a work-place school; establishing an advisory task force; authorizing reimbursement of certain expenses; changing certain vehicle marking and color provisions; clarifying certain transfer authority; permitting exemptions from building and other codes to preserve historic state buildings; exempting certain land transfers from certain reviews; providing for certain intergovernmental agreements; amending Minnesota Statutes 1988, sections 16B.09, subdivision 5; 16B.17, subdivisions 3 and 4; 16B.24, subdivisions 5 and 10; 16B.41, subdivision 4; 16B.58, subdivision 7; 16B.60, by adding subdivisions; 471.59, subdivision 1; Minnesota Statutes 1989 Supplement, sections 16B.28, subdivision 3; 16B.54, subdivision 2; 40.46, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Section 1. Minnesota Statutes 1988, section 16B.09, subdivision 5, is amended to read:

Subd. 5. **COOPERATIVE AGREEMENTS PURCHASING REVOLVING FUND.** The cooperative purchasing revolving fund is a separate account in the state treasury. The commissioner may charge a fee to cover the commissioner's administrative expenses to government units that have joint or cooperative purchasing agreements with the state under section 471.59. The fees collected must be deposited in the revolving fund established by this subdivision. Money in the fund is appropriated to the commissioner to administer the programs and services covered by this section.

Sec. 2. Minnesota Statutes 1988, section 16B.17, subdivision 3, is amended to read:

Subd. 3. **DUTIES OF CONTRACTING AGENCY.** Before an agency may seek approval of a consultant or professional and technical services contract valued in excess of ~~\$2,000~~ \$5,000, it must certify to the commissioner that:

- (1) no state employee is able to perform the services called for by the contract;
- (2) the normal competitive bidding mechanisms will not provide for adequate performance of the services;
- (3) the services are not available as a product of a prior consultant or professional and technical services contract, and the contractor has certified that the product of the services will be original in character;
- (4) reasonable efforts were made to publicize the availability of the contract;
- (5) the agency has received, reviewed, and accepted a detailed work plan from the contractor for performance under the contract; and

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(6) the agency has developed, and fully intends to implement, a written plan providing for the assignment of specific agency personnel to a monitoring and liaison function; the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services.

Sec. 3. Minnesota Statutes 1988, section 16B.17, subdivision 4, is amended to read:

Subd. 4. **REPORTS.** ~~After completion of performance under a consultant or professional and technical services contract, the agency shall evaluate the performance under the contract and the utility of the final product. This evaluation must be delivered to the commissioner, who shall retain all the evaluations for future reference.~~ The commissioner shall submit to the governor and the legislature a monthly listing of all contracts for consultant services and for professional and technical services executed or disapproved in the preceding month. The report must identify the parties and the contract amount, duration, and tasks to be performed. The commissioner shall also issue quarterly reports summarizing the contract review activities of the department during the preceding quarter.

Sec. 4. Minnesota Statutes 1988, section 16B.24, subdivision 5, is amended to read:

Subd. 5. **RENTING OUT STATE PROPERTY.** (a) **AUTHORITY.** The commissioner may rent out state property, real or personal, that is not needed for public use, if the rental is not otherwise provided for or prohibited by law. The property may not be rented out for more than five years at a time without the approval of the state executive council and may never be rented out for more than 25 years. A rental agreement may provide that the state will reimburse a tenant for a portion of capital improvements that the tenant makes to state real property if the state does not permit the tenant to renew the lease at the end of the rental agreement.

(b) **RESTRICTIONS.** Paragraph (a) does not apply to state trust fund lands, other state lands under the jurisdiction of the department of natural resources, lands forfeited for delinquent taxes, lands acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the department of agriculture.

(c) **FORT SNELLING CHAPEL; RENTAL.** The Fort Snelling Chapel, located within the boundaries of Fort Snelling State Park, is available for use only on payment of a rental fee. The commissioner shall establish rental fees for both public and private use. The rental fee for private use by an organization or individual must reflect the reasonable value of equivalent rental space. Rental fees collected under this section must be deposited in the general fund.

(d) **RENTAL OF LIVING ACCOMMODATIONS.** The commissioner

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shall establish rental rates for all living accommodations provided by the state for its employees. Money collected as rent by state agencies pursuant to this paragraph must be deposited in the state treasury and credited to the general fund.

(e) **LEASE OF SPACE IN CERTAIN STATE BUILDINGS TO STATE AGENCIES.** The commissioner may lease portions of the state owned buildings in the capitol complex, the capitol square building, the health building, and the building at 1246 University Avenue, St. Paul, Minnesota, to state agencies and charge rent on the basis of space occupied. Notwithstanding any law to the contrary, all money collected as rent pursuant to the terms of this section shall be deposited in the state treasury. Money collected as rent to recover the depreciation cost of a building built with state dedicated funds shall be credited to the dedicated fund which funded the original acquisition or construction. All other money received shall be credited to the general services revolving fund.

Sec. 5. Minnesota Statutes 1988, section 16B.24, subdivision 10, is amended to read:

Subd. 10. **CHILD CARE SERVICES CARE/WORK-PLACE SCHOOL SPACE.** For state office space that is leased, purchased, or substantially remodeled after August 1, 1988, the commissioner shall consider including space usable for child care services or for a workplace school. ~~Child care~~ Space must be included if the commissioner determines that it is needed and that it could be provided at reasonable cost. The commissioner may prepare a day care site sites as a common usage space for the capitol complex.

Sec. 6. Minnesota Statutes 1989 Supplement, section 16B.28, subdivision 3, is amended to read:

Subd. 3. **REVOLVING FUND. (a) CREATION.** The materials distribution revolving fund is a separate fund in the state treasury. All money relating to the resource recovery program established under section 115A.15, subdivision 1, all money resulting from the acquisition, acceptance, warehousing, distribution, and public sale of surplus property, and all money resulting from the sale of centrally acquired, warehoused, and distributed supplies, materials, and equipment; ~~and all money relating to the cooperative purchasing venture established under section 471.59~~ must be deposited in the fund. Money paid into the materials distribution revolving fund is appropriated to the commissioner for the purposes of the programs and services referred to in this section.

(b) **TRANSFER OR SALE TO STATE AGENCY.** When the state or an agency operating under a legislative appropriation obtains surplus property from the commissioner, the commissioner of finance must, at the commissioner's request, transfer the cost of the surplus property, including any expenses of acquiring, accepting, warehousing, and distributing the surplus property, from the appropriation of the state agency receiving the surplus property to the materials distribution revolving fund. The determination of the commissioner is

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final as to the cost of the surplus property to the state agency receiving the property.

(c) **TRANSFER OR SALE TO OTHER GOVERNMENTAL UNITS OR NONPROFIT ORGANIZATIONS.** When any governmental unit or nonprofit organization other than a state agency receives surplus property, supplies, materials, or equipment from the commissioner, the governmental unit or nonprofit organization must reimburse the materials distribution revolving fund for the cost of the property, including the expenses of acquiring, accepting, warehousing, and distributing it, in an amount the commissioner sets. The commissioner may, however, require the governmental unit or nonprofit organization to deposit in advance in the materials distribution revolving fund the cost of the surplus property, supplies, materials, and equipment upon mutually agreeable terms and conditions. The commissioner may charge a fee to political subdivisions and nonprofit organizations to establish their eligibility for receiving the property and to pay for costs of storage and distribution.

Sec. 7. Minnesota Statutes 1988, section 16B.41, subdivision 4, is amended to read:

Subd. 4. **ADVISORY TASK FORCE.** The commissioner must appoint a state information systems advisory task force to help develop and coordinate a state information architecture that is consistent with the information management direction developed by the information policy council, and make recommendations to the commissioner concerning the progress, direction, and needs of the state's information systems. The task force must include representatives of state agencies, the supreme court, higher education systems, librarians, local government, and private industry. The task force must also have two members of the house of representatives appointed by the speaker of the house and two members of the senate appointed by the senate committee on committees. No more than one member from the house of representatives and one from the senate shall be chosen from the same political party. ~~The task force expires and the terms, compensation, and removal of nonlegislative members are as provided in section 15.059, but the task force does not expire until June 30, 1993.~~

Sec. 8. Minnesota Statutes 1989 Supplement, section 16B.54, subdivision 2, is amended to read:

Subd. 2. **VEHICLES.** (a) **ACQUISITION FROM AGENCY; APPROPRIATION.** The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck presently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the national automobile dealers association official used car guide.

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(b) **PURCHASE.** To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) **TRANSFER AT AGENCY REQUEST.** On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck shall be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) **VEHICLES; MARKING.** The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must 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 governor, the lieutenant governor, the division of criminal apprehension, division of gambling enforcement, arson investigators of the division of fire marshal in the department of public safety, financial institutions division of the department of commerce, division of state lottery in the department of gaming, criminal investigators of the department of revenue, state-owned community service facilities in the department of human services, and the office of the attorney general.

Sec. 9. Minnesota Statutes 1988, section 16B.58, subdivision 7, is amended to read:

Subd. 7. **SURCHARGE FOR VEHICLES OCCUPIED BY ONE PERSON.** The commissioner shall impose a surcharge of 25 percent for vehicles occupied by only one person parking in a state parking facility in the capitol area, as described by section 15.50, subdivision 2. The revenue from this additional charge shall be placed by the commissioner in a special account. For the benefit of employees employed in the capitol area, the money in the account is appropriated to the commissioner and shall be used by the commissioner in the following order of priority: (1) to acquire or lease commuter vans pursuant to section 16B.56; (2) within limits and upon conditions the commissioner determines to be necessary, to reimburse state agencies for all costs resulting from agreements with the metropolitan transit commission or other operators pursuant to section 473.409, including costs related to employees employed outside the capitol area; and (3) to be used for maintaining and improving parking lots or facilities owned or operated by the state. The commissioner may adopt rules necessary to administer the provisions of this subdivision, subdivision 5, and section 473.409. The rules may exempt from the surcharge vehicles operated by persons whom the commissioner determines have job requirements that make car pooling impractical.

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Sec. 10. Minnesota Statutes 1988, section 16B.60, is amended by adding a subdivision to read:

Subd. 9. HISTORIC BUILDING. "Historic building" means a state-owned building that is on the national register of historic places.

Sec. 11. Minnesota Statutes 1988, section 16B.60, is amended by adding a subdivision to read:

Subd. 10. EQUIVALENT PROTECTION. "Equivalent protection" means a measure other than a code requirement that provides essentially the same protection that would be provided by a code requirement.

Sec. 12. [16B.625] EXEMPTIONS.

The commissioner may exempt a part of a historic building occupied by the state from the state or another building, fire, safety, or other code if the exemption is necessary to preserve the historic or esthetic character of the building or to prevent theft, vandalism, terrorism, or another crime. When the commissioner grants an exemption, the commissioner shall consider providing equivalent protection. A certificate of occupancy may not be denied because of an exemption under this section.

Sec. 13. Minnesota Statutes 1989 Supplement, section 40.46, subdivision 1, is amended to read:

Subdivision 1. **RESERVATION OF MARGINAL LAND AND WETLANDS.** (a) Notwithstanding any other law, marginal land and wetlands are withdrawn from sale by the state unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section.

(b) This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 40.43, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

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(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

(c) This section does not apply to transfers of land by the commissioner of administration for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use; or

(2) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10.

Sec. 14. Minnesota Statutes 1988, section 471.59, subdivision 1, is amended to read:

Subdivision 1. **AGREEMENT.** Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, other political subdivision of this or ~~any adjoining~~ another state, another state, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy making and appropriating authority.

Presented to the governor April 26, 1990

Signed by the governor May 4, 1990, 11:44 p.m.

CHAPTER 573—H.F.No. 2365

An act relating to the collection and dissemination of data; providing for classifications of government data; clarifying access to data on decedents; changing classification nomenclature as it relates to medical examiner's data; amending Minnesota Statutes 1988, sections 13.03, subdivision 3; 13.10, subdivision 3; 13.37, subdivision 1, and by adding a subdivision; 13.41, by adding a subdivision; 13.46, subdivision 4; 13.69, subdivision 1; 13.83, subdivisions 4, 5, 7, and 9; 60A.03, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 13.46, subdivision 2; 13.83, subdivision 8; 13.84, subdivision 5a; 144.335, subdivision 1; 171.06, subdivision 3; 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 13.641.

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