

MINNESOTA STATUTES 1977 SUPPLEMENT

15A.083 STATE AND OTHER PUBLIC OFFICERS

Public defender	\$35,000
State court administrator	27,400-37,400
District administrator	25,000-35,000
County attorneys	
council executive	
director	20,400-29,700

Subd. 5. **Tax court of appeals.** Salaries of judges of the tax court of appeals shall be the same as the base salary for district judges as provided in subdivision 1.

Subd. 6. **Referee salaries.** Notwithstanding any other law or ordinance to the contrary, no referee or hearing examiner employed by a court in this state shall receive a salary which is in excess of 90 percent of the salary paid a judge of the court by which he is employed.

[1977 c 35 s 13; 1977 c 307 s 1; 1977 c 432 s 46]

CHAPTER 16. DEPARTMENT OF ADMINISTRATION

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16.01 Commissioner of administration.

The department of administration shall be under the supervision and control of a commissioner of administration, in chapter 16 also referred to as the commissioner.

The commissioner shall be appointed by the governor under the provisions of section 15.06.

[1977 c 305 s 6]

16.015 Regional service center for economic development region three.

Subdivision 1. The commissioner of administration shall establish a regional service center in economic development region number three. The state planning agency shall cooperate with the commissioner in establishing the need and location of the service center. The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the service center. The service center shall be established only after determination by the commissioner that total costs to the state shall not increase.

Subd. 2. The commissioner may enter into a rental lease for a base term of five years with a five year leasehold renewal option for the purpose of acquiring suitable space for the service center.

Subd. 3. Nothing contained in this section shall be considered as granting authority to the commissioner of administration to purchase property or construct buildings for the regional service center.

[1977 c 414 s 2]

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16.016 Service center; regional development commission district 3.

The commissioner of administration may establish a service center in regional development commission district 3. The state planning agency and the regional development commission of region 3 shall cooperate with the commissioner in establishing the service center. The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the service center. The commissioner may enter into a rental lease for a base term of five years with a five year leasehold renewal option for the purpose of acquiring suitable space for the service center.

[1977 c 451 s 15]

16.02 Powers, duties.

[For text of subd 1, see M.S.1976]

Subd. 2. To purchase, rent, or otherwise provide for the furnishing of all supplies, materials, equipment, printing, and utility services, prescribe standard specifications therefor, to provide for inspecting and testing the same, and otherwise to enforce compliance with such specifications; to prescribe and designate classes of state printing. The commissioner may also lease, rent or sell equipment, supplies and services to any state department or agency.

[For text of subds 2a to 6a, see M.S.1976]

Subd. 6b. To establish rental rates for all living accommodations provided by the state for its employees. All moneys collected as rent by state agencies pursuant to this subdivision shall be deposited in the state treasury and credited to the general fund.

[For text of subds 7 to 10, see M.S.1976]

Subd. 13. To provide for the printing and distribution of official reports, and other publications of all kinds, and to supervise and control the form of such reports and publications so as to coordinate them, avoid duplications, and make them useful and informative to the public.

[For text of subds 14 and 15, see M.S.1976]

Subd. 16. To maintain and operate for state departments and agencies a central mailing service, and a duplicating and printing division in which all duplication and printing shall be done; to require that all equipment now or hereafter owned by the state be turned into the central duplicating and printing division for use therein with the following exceptions:

(a) duplicating machines may be used by any department, institution, or state agency not located in St. Paul or Minneapolis, or by the state division of emergency services, or by the attorney general, or by the bureau of criminal apprehension in the administration of police training;

(b) the department of personnel may continue to produce work of confidential nature on their own duplicating machines;

(c) the department of public service may utilize a duplicating machine for the purpose of issuing its orders and other work which is confidential until the time of its release;

(d) the board of investment may lease or purchase a duplicating machine.

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The duplicating and printing work to be done by the duplicating and printing division shall be restricted to producing any form, booklet or pamphlet to the extent deemed appropriate by the commissioner of administration.

The terms "duplicating and printing" as used in this subdivision means that material produced by use of stencils, masters and plates.

[For text of subds 17 and 18, see M.S.1976]

Subd. 19. To purchase from the state penal institutions, University of Minnesota printing department and other state institutions all articles manufactured by them which are usable by the state.

Subd. 21. [Repealed, 1977 c 410 s 19]

[For text of subds 24 to 26, see M.S.1976]

[1977 c 414 s 3-7]

16.023 State's share of property found put into general fund.

All lost or abandoned moneys found under the permit granted hereunder, and the proceeds from the sale of other abandoned or lost property found under such permit, shall be deposited in the general fund. The commissioner shall authorize in a manner provided by law the payment to the finder of the share due him under the terms and conditions provided when permission to search therefor was granted.

[1977 c 403 s 1]

16.025 Performance of certain work for state agencies.

Subdivision 1. **Nature of work.** The commissioner of administration may repair, alter, or construct machinery, furniture, or other property for any officer, department, or agency of the state, or construct any partition or alter any arrangement of an office upon written requisition by such officer or the head of such department or agency. Any such requisitions involving the public or ceremonial areas of the state capitol building shall be executed in conformance with the policies and standards set for the capitol by the capitol area architectural and planning board and the commissioner of administration pursuant to section 15.50, subdivision 2, clause (h). Such requisition shall be subject to the allotment and encumbrance provisions of Laws 1939, Chapter 431. In addition to the foregoing, the commissioner may provide centralized operation and maintenance services, excluding janitorial cleaning, for such state owned buildings as are specified in section 16.02, subdivision 6. The commissioner shall charge and collect for such services in the manner prescribed in subdivision 3 for repairs, alteration, or construction.

Subd. 2. [Repealed, 1977 c 455 s 95]

[For text of subd 3, see M.S.1976]

[1977 c 455 s 70]

16.026 State agency reports.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. [Repealed, 1977 c 410 s 19]

[For text of subds 6 and 7, see M.S.1976]

16.028 Additional powers.

Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint one deputy commissioner, and

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a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

[For text of subd 2, see M.S.1976]

[1977 c 305 s 7]

16.07 Competitive bids.

[For text of subds 1 to 8, see M.S.1976]

Subd. 8a. **Certain vehicles.** Upon the written request of the commissioner of public safety, motor vehicles for the specific use by investigative and undercover agents of the department of public safety shall be purchased by the brand make and model. All other provisions of chapter 16 relating to competitive bidding shall apply to the above purchases.

[For text of subds 10 to 15, see M.S.1976]

Subd. 16. **Electronic data processing equipment.** The commissioner may purchase, sell, repurchase or otherwise undertake the acquisition, rental or disposal of electronic data processing equipment as best serves the interests of the state, provided, however, the commissioner shall adhere to the competitive bidding requirements of chapter 16.

[1977 c 379 s 1; 1977 c 414 s 8]

16.082 Definitions.

[For text of subds 1 to 5, see M.S.1976]

Subd. 6. "Second party bond" means a bond which designates as principal, guarantor, or both, a person or persons in addition to the person to whom the contract is proposed for award.

[1977 c 44 s 1]

16.083 Procurement from small businesses.

[For text of subd 1, see M.S.1976]

Subd. 2. **Negotiated price or bid contract.** The commissioner may elect to use either a negotiated price or bid contract procedure in the awarding of a procurement contract under the set-aside program established in sections 16.081 to 16.086. The amount of an award shall not exceed by more than five percent the commissioner's estimated price for the goods or services, if they were to be purchased on the open market and not under this set-aside program. Surety bonds guaranteed by the federal small business administration and second party bonds shall be acceptable security for a construction award under this section.

[For text of subds 3 to 6, see M.S.1976]

[1977 c 44 s 2]

16.125 Transfer of powers or duties.

Subdivision 1. The commissioner of administration, in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor. The commissioner of administration shall no later than January 15 of each year submit to the legislature a bill making all statutory changes required by reorganization orders issued by the commissioner during the preceding calendar year.

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Subd. 2. A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.

Subd. 3. The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the power or duty is transferred represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department or agency.

[1977 c 305 s 10]

16.13 [Repealed, 1977 c 305 s 46]

16.172 Provisions inapplicable.

The office of revisor of statutes not being in the executive branch of the state government, the provisions of this chapter, relating to departments and agencies in the executive branch are inapplicable to that office, including but not limited to contract signing and approval requirements prescribed by sections 16.09 and 16.10, and rules and regulations of the department of administration prescribed pursuant to section 16.02, or any other law. Allotment and encumbrance procedures prescribed by section 16A.14 or any other law are likewise inapplicable to the office of revisor of statutes.

[1977 c 410 s 3]

16.173 [Repealed, 1977 c 455 s 95]

16.281 Sheltered workshops; procurement of products and services; work activity programs.

Subdivision 1. The commissioner of administration in consultation with the commissioner of vocational rehabilitation shall prepare a list containing products and services of state certified sheltered workshops and work activity programs for procurement use by departments, agencies and institutions of state government. The commissioner of administration shall determine the fair market price for listed products and services. In determining the fair market price the commissioner shall consider (a) open market bid prices in previous years for similar products and services, and (b) cost increases for both labor and materials. The price paid shall not exceed by more than five percent the fair market price. Departments, agencies and institutions of the state shall, after promulgation of the product and service list by the commissioner, except as hereinafter provided, procure listed products and services from sheltered workshops and work activity programs in preference to procurement from other suppliers or sources. The provisions of this chapter relating to competitive bidding shall not apply to purchases made in accordance with this section.

[For text of subd 2, see M.S.1976]

Subd. 3. The commissioner of administration shall promulgate rules necessary to carry out the purposes of this section, including but not limited to rules providing for a procedure by which the commissioner shall determine product specifications, quality standards and timing of delivery to be complied with by the sheltered workshop and work activity program boards on purchases made under this section. The list to be prepared pursuant to subdivision 1 shall not be promulgated as a rule.

[For text of subd 4, see M.S.1976]

[1977 c 94 s 1,2]

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16.71 State employees suggestion board.

Subdivision 1. **Membership.** Within the office of the commissioner of administration is created and established the state employees suggestion board, herein called the board, composed of seven members, appointed by the governor, each of whom is a state officer or employee. The board shall annually elect a member to be chairman.

Subd. 1a. **Terms, expenses, removal, vacancies.** The membership terms, expenses, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575. Members shall not receive the daily compensation provided by section 15.0575.

[For text of subds 2 to 5, see M.S.1976]

[1977 c 444 s 4,5]

16.72 State parking facilities.

[For text of subd 1, see M.S.1976]

Subd. 2. **Rules.** The commissioner of administration may adopt and enforce rules governing the parking of motor vehicles upon any such parking lot or facility so owned and operated by the state. Such rules shall be enacted in conformity with law and copies thereof shall be provided to all persons who first become contract parkers after July 1, 1977, and shall also be provided upon request to any other contract parker. Each parking lot or facility shall be posted with notice of who is entitled to park there.

[For text of subds 3 and 4, see M.S.1976]

Subd. 5. **Moneys collected.** All moneys collected by the commissioner of administration as rents, charges, or fees in connection with and for the use of any parking lot or facility are appropriated to the commissioner of administration for the purpose of operating, maintaining, and improving parking lots or facilities owned or operated by the state of Minnesota and to carry out the purposes of this section, except as provided in subdivision 7.

[For text of subd 6, see M.S.1976]

Subd. 7. **Surcharge for vehicles occupied by one person.** The commissioner of administration 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 shall be used by the commissioner to acquire or lease commuter vans pursuant to section 16.756 and, within such limits and upon such conditions as the commissioner determines to be necessary, to reimburse state departments or agencies for costs resulting from agreements with the metropolitan transit commission or other operators pursuant to section 473.409. The commissioner may adopt rules necessary to administer the provisions of this subdivision, subdivision 5, and section 473.409.

[1977 c 414 s 9; 1977 c 454 s 11, 12]

16.75 Central motor pool, establishment.

[For text of subds 1 to 6, see M.S.1976]

Subd. 7. The commissioner of administration shall establish all rules necessary for the efficient and economical operation, maintenance, repair, and replace-

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ment 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 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.1976]

[1977 c 414 s 10]

16.753 Use of state-owned vehicles.

[For text of subd 1, see M.S.1976]

Subd. 2. The provisions of subdivision 1 shall not apply to any member of the state highway patrol, crime bureau investigators, nor to the commissioner and deputy commissioner of public safety.

[1977 c 146 s 1]

16.756 Commuter vans; state employees and blind vending operators.

Subdivision 1. In order to conserve energy and to alleviate traffic congestion in and about the location of state offices, the commissioner of administration shall, in cooperation with the director of the Minnesota energy agency, the commissioner of transportation and interested nonprofit agencies, establish and operate an employee transportation program utilizing commuter vans with a capacity of not less than seven nor more than 16 passengers. The commissioner shall acquire or lease commuter vans, or otherwise contract for the provision of commuter vans, and shall make the vans available for the use of state employees and blind vending operators in a manner consistent with standards and procedures adopted by the commissioner. Standards and procedures adopted pursuant to this subdivision shall not be subject to chapter 15. Commuter vans may be used by state employees and blind vending operators to travel between their homes and their work locations, and for personal purposes after working hours, not including partisan political activity. The commissioner shall provide in his standards and procedures for the recovery by the state of vehicle acquisition, lease, operation and insurance costs through efficient and convenient assignment of vans, and for the billing of costs and collection of fees. A state employee using a van for personal use shall pay, pursuant to the standards and procedures adopted by the commissioner, for operating and routine maintenance costs incurred as a result of the personal use. The commissioner shall promote the maximum practicable participation of state employees and blind vending operators in the use of the vans. Fees collected pursuant to this subdivision shall be deposited in the accounts from which the costs of operating, maintaining and leasing or amortizing acquisition costs for the specific vehicle are paid.

Subd. 2. Use of the vans shall be limited to areas not having adequate public transportation between the residences of state employees and blind vending operators and their places of employment. During the first year, the van program shall be implemented both in the seven-county metropolitan area and in one other region of the state.

Subd. 3. The program shall be evaluated after its first year of operation, and the commissioner of administration shall at that time recommend to the legislature whether the program should be expanded or discontinued. The commissioner shall at least semi-annually inform the metropolitan council and the capitol area architectural and planning board on the operation of the program.

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Subd. 4. Notwithstanding section 15.31 or any other law to the contrary, the commissioner of administration may purchase, pursuant to this chapter, collision insurance coverage for the commuter vans. Notwithstanding sections 16.75, subdivision 7, and 168.012, the vans shall not be marked. The vans shall not be equipped with tax-exempt motor vehicle number plates.

Subd. 5. "Blind vending operator" means a blind person licensed to operate a vending stand or machine pursuant to section 248.07.

[1977 c 107 s 1]

16.80 General services and computer services revolving funds.

Subdivision 1. All fees prescribed pursuant to section 16.026, subdivision 3, for the rendering of the services therein provided shall be deposited in the state treasury by the collecting department or agency and credited to the general services revolving fund.

All moneys in the state treasury credited to the general services revolving fund and any moneys which may hereafter be deposited therein are appropriated annually to the commissioner of administration for the following purposes:

- (a) The operation of a central store and equipment service;
 - (b) The operation of a central duplication and reproduction service;
 - (c) The purchase of postage and related items, and the refund of postage deposits, necessary to the operation of a central mailing service;
 - (d) The operation of a documents service as prescribed by section 16.026;
 - (e) The performing of services for any other state department or agency.
- Money shall be expended for this purpose only when directed by the governor. The department or agency receiving the services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials, equipment and other articles and things used by or furnished to any department or agency of the state government; and utility services, including telephone, telegraph, postal, electric light and power, and other services for the maintenance, operation and upkeep of buildings and offices of the state government. All moneys in the computer services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of computer services.

Except as specifically provided for by other statutory provisions, each department or agency shall reimburse the computer services and general services revolving funds for the cost of all services, supplies, materials, labor and depreciation of equipment including reasonable overhead costs which the commissioner of administration is authorized and directed to furnish a department or agency. The cost of all publications or any other materials which may be produced by the commissioner of administration and financed from the general services revolving fund shall include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration may require a department or agency to make advance payments to any of the aforesaid revolving funds sufficient to cover the department's or agency's estimated obligation for a period of at least 60 days. All such reimbursements and any other moneys received by the commissioner of administration under this section shall be deposited in the appropriate revolving fund.

[For text of subd 2, see M.S.1976]

[1977 c 410 s 4]

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16.84 Definitions, state building code.

Subdivision 1. For the purposes of sections 16.83 to 16.867, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of administration.

Subd. 2a. "City" means a home rule charter or statutory city.

Subd. 3. "Municipality" means any city, county, or town meeting the requirements of section 368.01, subdivision 1, or the University of Minnesota.

Subd. 4. "Code" means the state building code or any amendment thereof promulgated by the commissioner in accordance with the terms of sections 16.83 to 16.867.

Subd. 5. "Committee" means the state building code standards committee established pursuant to sections 16.83 to 16.867.

Subd. 6. "Agricultural building" means a structure on agricultural land as defined in section 273.13, subdivision 6, designed, constructed and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

[1977 c 381 s 1]

16.85 General powers of commissioner, state building code.

Subdivision 1. Subject to the provisions of sections 16.83 to 16.867, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The commissioner may amend the code from time to time as provided in sections 16.83 to 16.867. The code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code consideration shall be given to the existing state-wide specialty codes presently in use in the state of Minnesota. Such model codes with modifications as may be deemed necessary and state-wide specialty codes may be adopted by reference. The code so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests, and professional judgment; and to the extent that it is practical so to do the code shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code shall encourage the use of new methods and new materials.

The code shall require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

The code shall require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

[1977 c 333 s 1]

16.851 State building code; application.

Subdivision 1. The state building code shall apply state-wide and supersede the building code of any municipality. The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05, 326.244 and 116H.12, subdivision 4. Effective July 1, 1977, or as soon thereafter as possible, but in no event later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions. If a city has adopted or is enforcing

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ing the state building code on the effective date of Laws 1977, Chapter 381, or determines by ordinance thereafter to undertake enforcement, it shall be charged with enforcement of the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on the effective date of Laws 1977, Chapter 381, has not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 2. If the commissioner determines that a municipality is not properly administering and enforcing the state building code as provided in section 16.867, the commissioner may cause administration and enforcement in the involved municipality to be undertaken by the state building inspector. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. In municipalities not properly administering and enforcing the state building code, and municipalities who determine not to administer and enforce the state building code, the commissioner shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector or other inspector certified by the state. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the state building code shall be borne by the subject municipality.

[1977 c 381 s 2]

NOTE: Subdivision 2 of this section as amended by Laws 1977, Chapter 381, Section 2 is effective July 1, 1978 pursuant to Laws 1977, Chapter 381, Section 27.

16.86 Application of administrative procedure act; enforcement.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. The commissioner, notwithstanding any law to the contrary, shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another department or agency proposes to adopt or amend rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the state building code. In no event shall a state agency or department subsequently authorized to adopt rules and regulations involving state building code

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subject matter proceed to adopt the rules and regulations without prior consultation with the commissioner.

[For text of subds 5 to 8, see M.S.1976]

[1977 c 381 s 3]

16.861 Building officials.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. **Duties.** Building officials shall, in the municipality for which they are appointed, attend to all aspects of code administration, including the issuance of all building permits and the inspection of all mobile home installations. The commissioner may direct a municipality having a building official to perform services for another municipality, and in such event the municipality being served shall pay the municipality rendering such services the reasonable costs thereof. Such costs may be subject to approval by the commissioner.

[For text of subds 5 and 6, see M.S.1976]

[1977 c 381 s 4]

16.866 Surcharge.

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

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

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

[For text of subd 2, see M.S.1976]

[1977 c 381 s 5]

16.97 Criminal and juvenile defense grants.

Subdivision 1. Money appropriated for the provision of criminal and juvenile defense to indigent individuals shall be distributed by the commissioner of administration in consultation with the attorney general to the non-profit criminal and juvenile defense corporations designated by law. Money may not be disbursed to a corporation in the Leech Lake reservation area or the White Earth reservation area without prior approval by the respective reservation business committee. Within its geographic area of responsibility each corporation shall accept cases involving felony, gross misdemeanor, and misdemeanor charges, and juvenile cases, where financial eligibility standards are met, unless there is a legal reason for rejecting a case. A corporation may accept cases arising outside of its geographic area of re-

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sponsibility, as it deems appropriate. The commissioner of administration shall give notice 30 days in advance and conduct a hearing if he has reasonable grounds to believe money appropriated for this purpose is being improperly used, or if, in consultation with the attorney general, he has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Payment shall cease from the date of notice until either the commissioner determines that the money appropriated will be properly handled, or the commissioner, in consultation with the attorney general, determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

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

[1976 c 260 s 3; 1977 c 455 s 92]

CHAPTER 16A. DEPARTMENT OF FINANCE

Sec.
16A.01 Creation; commissioner; deputies; employees.
16A.05 Repealed.
16A.095 Budget system.
16A.10 Commissioner to prepare budget.
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16A.129 Commissioner's powers.
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16A.73 State air travel account. [New]

16A.01 Creation; commissioner; deputies; employees.

[For text of subd 1, see M.S.1976]

Subd. 2. The commissioner of finance is appointed by the governor under the provisions of section 15.06. The commissioner shall have broad experience as an executive financial manager.

Subd. 3. The commissioner may appoint one deputy commissioner, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

[For text of subd 4, see M.S.1976]

[1977 c 305 s 8,9]

16A.05 [Repealed, 1977 c 410 s 19]

16A.095 Budget system.

Subdivision 1. [Repealed, 1977 c 455 s 95]

Subd. 2. **Establishment of program.** The commissioner of finance shall promulgate regulations and instructions applicable to budget preparation governing the classification of expenditures and the content, and submission of budget requests and appropriation measures. The commissioner of finance shall from time to time select agencies and departments to implement improvements in the budget system. The commissioner of finance shall make recommendations to the legislature on the subject of any legislation or special appropriations which may be required for implementation of improvements in the budgeting system for all state departments and agencies. The budget system shall, to the greatest extent practicable, emphasize alternative approaches in the program development and criteria for performance evaluation and measurement. All state departments and agencies shall cooperate with the commissioner of finance to assure implementation of budgets which meet the requirements of the commissioner of finance and which give due regard to the requirements of the various departments and agencies involved. No state