

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2165

(SENATE AUTHORS: DIBBLE)

DATE
02/27/2023

D-PG
1138

OFFICIAL STATUS
Introduction and first reading
Referred to State and Local Government and Veterans

1.1 A bill for an act
1.2 relating to Hennepin County; dissolving the Municipal Building Commission;
1.3 authorizing the transfer of property, assets, and obligations of the Municipal
1.4 Building Commission to the city of Minneapolis; repealing Minnesota Statutes
1.5 2022, sections 383B.75; 383B.751; 383B.752; 383B.753; 383B.754.

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

1.7 Section 1. **PREEMPTION.**

1.8 This act supersedes any other law, home rule charter provision, and city ordinance to
1.9 the contrary.

1.10 Sec. 2. **DEFINITIONS.**

1.11 (a) For the purposes of this act, the terms defined in this section have the meanings given
1.12 unless the context indicates otherwise.

1.13 (b) "City hall and courthouse" means the city hall building and courthouse owned by
1.14 the city of Minneapolis and Hennepin County and under the care and control of the Municipal
1.15 Building Commission pursuant to Minnesota Statutes, sections 383B.75 to 383B.754.

1.16 (c) "Dissolution date" means the day after the Municipal Building Commission, the city
1.17 of Minneapolis, and Hennepin County fully execute the transactional documents.

1.18 (d) "Municipal Building Commission" means the entity created by Minnesota Statutes,
1.19 section 383B.75.

1.20 (e) "Transactional documents" means the agreements and documents, including any real
1.21 estate ownership structure or joint powers agreement under Minnesota Statutes, section

2.1 471.59, needed to effectuate the efficient dissolution of the Municipal Building Commission
2.2 pursuant to this act.

2.3 Sec. 3. **TRANSFER OF ASSETS.**

2.4 Notwithstanding any other law to the contrary, the transaction documents shall provide
2.5 for the transfer of all assets of the Municipal Building Commission including but not limited
2.6 to all furniture, fixtures, equipment, and other personal property of the Municipal Building
2.7 Commission to the city of Minneapolis or other legal entity as necessary and appropriate
2.8 for the use of the assets in the ongoing operation and management of the city hall and
2.9 courthouse.

2.10 Sec. 4. **MUNICIPAL BUILDING COMMISSION DISSOLUTION.**

2.11 (a) Notwithstanding any other law or home rule charter provision to the contrary, the
2.12 Municipal Building Commission and all its functions will be dissolved upon the dissolution
2.13 date.

2.14 (b) The transactional documents must include how the city of Minneapolis and Hennepin
2.15 County will manage the outstanding liabilities of the Municipal Building Commission that
2.16 exist as of the dissolution date.

2.17 Sec. 5. **TRANSACTIONAL DOCUMENTS; AGREEMENTS.**

2.18 (a) The Municipal Building Commission, city of Minneapolis, and Hennepin County
2.19 may execute transactional documents to effectuate the transfer of assets and dissolution
2.20 provided for in this act.

2.21 (b) The Municipal Building Commission, city of Minneapolis, and the representatives
2.22 of the Municipal Building Commission employees must reach an agreement addressing the
2.23 impact of a dissolution on employees before fully executing the transactional documents.

2.24 (c) The Municipal Building Commission, city of Minneapolis, and Hennepin County
2.25 must fully execute the transactional documents before the filing of a certificate of local
2.26 approval of this act.

2.27 Sec. 6. **REPEALER.**

2.28 Minnesota Statutes 2022, sections 383B.75; 383B.751; 383B.752; 383B.753; and
2.29 383B.754, are repealed.

3.1 **Sec. 7. EFFECTIVE DATE.**

3.2 This act is effective the day after the governing body of the city of Minneapolis and its
3.3 chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and

3.4 3.

383B.75 MUNICIPAL BUILDING COMMISSION.

That from and after the first Monday in January, 1904, all of the completed portions of the Hennepin County and Minneapolis Courthouse and City Hall Building, erected pursuant to chapter 395 of the Special Laws of 1887, shall be under the exclusive care of a commission of four members, styled "the municipal building commission," which shall be constituted as follows: The chair of the Board of County Commissioners of Hennepin County, the mayor of the city of Minneapolis, a person appointed by the Board of County Commissioners of Hennepin County, who shall serve at its pleasure, and a person appointed by the city council of the city of Minneapolis, who shall serve at its pleasure. The chair of the Board of County Commissioners of Hennepin County shall be president of said commission, and the mayor of the city of Minneapolis, vice-president thereof. The person appointed by the Board of County Commissioners of Hennepin County shall be the secretary of said commission and as such shall keep the records and accounts thereof. The comptroller treasurer of the city of Minneapolis shall keep a correct account of the receipts and expenditures of the commission. The commission shall by resolution establish regular meeting dates.

383B.751 CARE AND CONTROL OF BUILDING.

The commission hereby created shall have the entire care and control of all of said courthouse and city hall building. It shall have power to assign unassigned rooms and space in any part of said building with entire control of any room or rooms in said building, and of all halls and corridors and of all boiler and machinery rooms. The commission in its discretion may reassign and reallocate occupied rooms or space therein provided that space already occupied may not be reassigned except after a hearing before said commission on written notice to the occupant or person in charge of such space; and the vote of three members of said commission shall govern as its final action after such hearing; provided further that any interested party may appeal from an adverse ruling of said commission to the district court, which court shall summarily decide the matter after a hearing thereon in the same manner as a civil case, and the determination of said matter by said court shall be final, provided that if the space in controversy is occupied or sought to be occupied by a district court judge or other district court official, that said final determination be made by a judge of the district court from a district other than that comprising Hennepin County, which other judge shall be selected by the governor upon request of the commission. When so determined and after being served with the court order the occupant or person in charge of such space or room shall remove therefrom in accordance with the terms of the order, and failing to do so, shall be deemed in contempt of court.

The commission shall also have the care and control of all engines, boilers, machinery, elevators and all mechanical and electrical appliances of every nature in said building. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, with full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employees. Persons employed by the municipal building commission on or before August 1, 1977, or thereafter, and having at least six months service, shall have tenure based on length of service. Promotions shall be filled from the eligible lists established and maintained by the Minneapolis civil service commission. No employee after six months continuous employment shall be removed or discharged except upon a majority vote of the members of the municipal building commission for cause, upon written charges and after an opportunity to be heard at a hearing conducted by the municipal building commission. The Minneapolis civil service rules relating to cause for removal shall govern. An employee removed for cause may appeal to district court, which decision shall be final.

Nothing herein contained shall be construed to interfere in any manner with the powers and duties of the courthouse and city hall commission engaged in completing and furnishing said building.

383B.752 EXPENSES; WARRANTS.

Said commission shall at the beginning of each calendar month render a detailed statement to the county auditor of Hennepin County and to the city controller of the city of Minneapolis, respectively, of all its expenses necessarily incurred for the purposes contemplated by sections 383B.75 to 383B.754 during the last preceding month in or with reference to portions of said building used or occupied by the county and by the city, respectively, including the proper portions of all expenses rendered for the common benefit of the county and city and properly chargeable to each of such municipalities; whereupon it shall become the duty of the proper officers of said county and of said city to forthwith draw warrants upon their respective treasurers, each for the amount of the account rendered against it by said commission, and it shall be the duty of the treasurer of said

APPENDIX
Repealed Minnesota Statutes: 23-04006

municipal building commission to forthwith pay to the parties properly entitled thereto the several amounts specified in said accounts rendered.

383B.753 EXCLUSIVE CONTROL.

From and after the first Monday in January, 1904, neither the Board of County Commissioners of Hennepin County, nor the city council of the city of Minneapolis shall have anything to do with the care of any portion of the courthouse and city hall building, nor shall they have anything to do with the control of any portions of said building not specifically assigned for official use.

383B.754 BUDGET DATE.

It shall be the duty of the municipal building commission to prepare a detailed statement of the estimated expenditures of such commission for the then ensuing year and transmit the same each year to the Board of County Commissioners of Hennepin County on the date specified by the board. The estimate shall specify what portion of the total expenditures of the commission shall be borne by the county and city, respectively, and it shall be the duty of the county commissioners to levy a tax at its proper meeting sufficient to meet the county share of the final statement of estimated expenditures. A like estimate shall be transmitted each year to the city council of the city of Minneapolis on the date specified by the council, and it shall be the duty of the city council to levy a tax at its proper meeting sufficient to meet the city's portion of the final statement of estimated expenditures. If the dates specified by the city and county are different, the commission shall transmit its budget estimate to both the city and the county on the earlier of the two dates. The commission shall submit a final statement of estimated expenditures ten days before the date Hennepin County and the city of Minneapolis are required to certify their tax levies.