

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2664

03/03/2014 Authored by Nelson
The bill was read for the first time and referred to the Committee on Government Operations
03/26/2014 Adoption of Report: Placed on the General Register
Read Second Time

1.1 A bill for an act
1.2 relating to state government; eliminating or modernizing antiquated, unnecessary,
1.3 and obsolete language; amending Minnesota Statutes 2012, sections 16E.01, as
1.4 amended; 16E.03, subdivision 2; 16E.035; 16E.05, subdivision 1; Minnesota
1.5 Statutes 2013 Supplement, sections 16E.04, subdivision 2; 16E.18, subdivision
1.6 8; repealing Minnesota Statutes 2012, sections 16E.02, subdivisions 2, 3; 16E.03,
1.7 subdivision 8; 16E.0475.

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

1.9 Section 1. Minnesota Statutes 2012, section 16E.01, as amended by Laws 2013,
1.10 chapter 134, section 21, is amended to read:

1.11 16E.01 OFFICE OF MN.IT SERVICES.

1.12 Subdivision 1. Creation; chief information officer. The Office of MN.IT Services,
1.13 referred to in this chapter as the "office," is an agency in the executive branch headed by
1.14 a commissioner, who also is the state chief information officer. The appointment of the
1.15 commissioner is subject to the advice and consent of the senate under section 15.066.

1.16 Subd. 1a. Responsibilities. The office shall provide oversight, leadership, and
1.17 direction for information and telecommunications technology policy and the management,
1.18 delivery, accessibility, and security of information and telecommunications technology
1.19 systems and services in Minnesota. The office shall manage strategic investments in
1.20 information and telecommunications technology systems and services to encourage the
1.21 development of a technically literate society, to ensure sufficient access to and efficient
1.22 delivery of accessible government services, and to maximize benefits for the state
1.23 government as an enterprise.

1.24 Subd. 2. Discretionary powers. The office may:

2.1 (1) enter into contracts for goods or services with public or private organizations
2.2 and charge fees for services it provides;

2.3 (2) apply for, receive, and expend money from public agencies;

2.4 (3) apply for, accept, and disburse grants and other aids from the federal government
2.5 and other public or private sources;

2.6 (4) enter into contracts with agencies of the federal government, local governmental
2.7 units, the University of Minnesota and other educational institutions, and private persons
2.8 and other nongovernmental organizations as necessary to perform its statutory duties;

2.9 ~~(5) appoint committees and task forces of not more than two years' duration to~~
2.10 ~~assist the office in carrying out its duties;~~

2.11 ~~(6)~~ (5) sponsor and conduct conferences and studies, collect and disseminate
2.12 information, and issue reports relating to information and communications technology
2.13 issues;

2.14 ~~(7) participate in the activities of standards bodies and other appropriate conferences~~
2.15 ~~related to information and communications technology issues;~~

2.16 ~~(8)~~ (6) review the technology infrastructure of regions of the state and cooperate
2.17 with and make recommendations to the governor, legislature, state agencies, local
2.18 governments, local technology development agencies, the federal government, private
2.19 businesses, and individuals for the realization of information and communications
2.20 technology infrastructure development potential;

2.21 ~~(9)~~ (7) sponsor, support, and facilitate innovative and collaborative economic
2.22 and community development and government services projects, including technology
2.23 initiatives related to culture and the arts, with public and private organizations; and

2.24 ~~(10)~~ (8) review and recommend alternative sourcing strategies for state information
2.25 and communications systems.

2.26 Subd. 3. **Duties.** (a) The office shall:

2.27 (1) manage the efficient and effective use of available federal, state, local, and
2.28 public-private resources to develop statewide information and telecommunications
2.29 technology systems and services and its infrastructure;

2.30 (2) approve state agency and intergovernmental information and telecommunications
2.31 technology systems and services development efforts involving state or intergovernmental
2.32 funding, including federal funding, provide information to the legislature regarding
2.33 projects reviewed, and recommend projects for inclusion in the governor's budget under
2.34 section 16A.11;

2.35 (3) ensure cooperation and collaboration among state and local governments in
2.36 developing intergovernmental information and telecommunications technology systems

3.1 and services, and define the structure and responsibilities of a representative governance
3.2 structure;

3.3 (4) cooperate and collaborate with the legislative and judicial branches in the
3.4 development of information and communications systems in those branches;

3.5 (5) continue the development of North Star, the state's official comprehensive online
3.6 service and information initiative;

3.7 (6) promote and collaborate with the state's agencies in the state's transition to an
3.8 effectively competitive telecommunications market;

3.9 (7) collaborate with entities carrying out education and lifelong learning initiatives
3.10 to assist Minnesotans in developing technical literacy and obtaining access to ongoing
3.11 learning resources;

3.12 (8) promote and coordinate public information access and network initiatives,
3.13 consistent with chapter 13, to connect Minnesota's citizens and communities to each
3.14 other, to their governments, and to the world;

3.15 (9) promote and coordinate electronic commerce initiatives to ensure that Minnesota
3.16 businesses and citizens can successfully compete in the global economy;

3.17 (10) manage and promote the regular and periodic reinvestment in the information
3.18 and telecommunications technology systems and services infrastructure so that state and
3.19 local government agencies can effectively and efficiently serve their customers;

3.20 (11) facilitate the cooperative development of and ensure compliance with standards
3.21 and policies for information and telecommunications technology systems and services,
3.22 electronic data practices and privacy, and electronic commerce among international,
3.23 national, state, and local public and private organizations;

3.24 (12) eliminate unnecessary duplication of existing information and
3.25 telecommunications technology systems and services provided by ~~other public and private~~
3.26 ~~organizations while building on the existing governmental, educational, business, health~~
3.27 ~~care, and economic development infrastructures~~ state agencies;

3.28 (13) identify, sponsor, develop, and execute shared information and
3.29 telecommunications technology projects and ongoing operations;

3.30 (14) ensure overall security of the state's information and technology systems and
3.31 services; and

3.32 (15) manage and direct compliance with accessibility standards for informational
3.33 technology, including hardware, software, Web sites, online forms, and online surveys.

3.34 (b) The chief information officer, in consultation with the commissioner of
3.35 management and budget, must determine when it is cost-effective for agencies to develop
3.36 and use shared information and telecommunications technology systems and services for

4.1 the delivery of electronic government services. The chief information officer may require
4.2 agencies to use shared information and telecommunications technology systems and
4.3 services. The chief information officer shall establish reimbursement rates in cooperation
4.4 with the commissioner of management and budget to be billed to agencies and other
4.5 governmental entities sufficient to cover the actual development, operating, maintenance,
4.6 and administrative costs of the shared systems. The methodology for billing may include
4.7 the use of interagency agreements, or other means as allowed by law.

4.8 (c) A state agency that has an information and telecommunications technology
4.9 project with a total expected project cost of more than \$1,000,000, whether funded as part
4.10 of the biennial budget or by any other means, shall register with the office by submitting
4.11 basic project startup documentation, as specified by the chief information officer in both
4.12 format and content, before any project funding is requested or committed and before
4.13 the project commences. State agency project leaders must demonstrate that the project
4.14 will be properly managed, provide updates to the project documentation as changes are
4.15 proposed, and regularly report on the current status of the project on a schedule agreed to
4.16 with the chief information officer.

4.17 (d) The chief information officer shall monitor progress on any active information
4.18 and telecommunications technology project with a total expected project cost of more than
4.19 \$5,000,000 and report on the performance of the project in comparison with the plans for
4.20 the project in terms of time, scope, and budget. The chief information officer may conduct
4.21 an independent project audit of the project. The audit analysis and evaluation of the
4.22 projects subject to paragraph (c) must be presented to agency executive sponsors, the
4.23 project governance bodies, and the chief information officer. All reports and responses
4.24 must become part of the project record.

4.25 (e) For any active information and telecommunications technology project with a
4.26 total expected project cost of more than \$10,000,000, the state agency must perform an
4.27 annual independent audit that conforms to published project audit principles promulgated
4.28 by the office.

4.29 (f) The chief information officer shall report by January 15 of each year to the
4.30 chairs and ranking minority members of the legislative committees and divisions with
4.31 jurisdiction over the office regarding projects the office has reviewed under paragraph (a),
4.32 clause ~~(2)~~ (13). The report must include the reasons for the determinations made in the
4.33 review of each project and a description of its current status.

4.34 Sec. 2. Minnesota Statutes 2012, section 16E.03, subdivision 2, is amended to read:

5.1 Subd. 2. **Chief information officer's responsibility.** ~~The chief information officer~~
 5.2 ~~shall coordinate the state's information and telecommunications technology systems and~~
 5.3 ~~services to serve the needs of the state government.~~ The chief information officer shall:

5.4 (1) design a master plan for information and telecommunications technology
 5.5 systems and services in the state and its political subdivisions and shall report on the plan
 5.6 to the governor and legislature at the beginning of each regular session;

5.7 (2) coordinate, review, and approve all information and telecommunications
 5.8 technology projects and oversee the state's information and telecommunications
 5.9 technology systems and services;

5.10 (3) establish and enforce compliance with standards for information and
 5.11 telecommunications technology systems and services that are cost-effective and support
 5.12 open systems environments and that are compatible with state, national, and international
 5.13 standards, including accessibility standards;

5.14 (4) maintain a library of systems and programs developed by the state and its
 5.15 political subdivisions for use by agencies of government;

5.16 (5) direct and manage the shared operations of the state's information and
 5.17 telecommunications technology systems and services; and

5.18 (6) establish and enforce standards and ensure acquisition of hardware and software
 5.19 necessary to protect data and systems in state agency networks connected to the Internet.

5.20 Sec. 3. Minnesota Statutes 2012, section 16E.035, is amended to read:

5.21 **16E.035 TECHNOLOGY INVENTORY.**

5.22 The chief information officer must prepare ~~an~~ a financial inventory of technology
 5.23 owned or leased by ~~state agencies~~ MN.IT Services. The inventory must include: (1)
 5.24 information on how the technology fits into the state's information technology architecture;
 5.25 and (2) a projected replacement schedule. The chief information officer must report the
 5.26 inventory to the legislative committees with primary jurisdiction over state technology
 5.27 issues by July 1 of each even-numbered year.

5.28 Sec. 4. Minnesota Statutes 2013 Supplement, section 16E.04, subdivision 2, is
 5.29 amended to read:

5.30 Subd. 2. **Responsibilities.** ~~(a) In addition to other activities prescribed by law, the~~
 5.31 ~~office shall carry out the duties set out in this subdivision.~~

5.32 ~~(b)~~ (a) The office shall develop and establish a state information architecture to ensure:

5.33 (1) that state agency development and purchase of information and communications
 5.34 systems, equipment, and services ~~is designed to ensure that individual agency information~~

6.1 ~~systems complement and~~ do not needlessly duplicate or conflict with the systems of other
6.2 agencies; and

6.3 (2) enhanced public access to data can be provided consistent with standards
6.4 developed under section 16E.05, subdivision 4.

6.5 When state agencies have need for the same or similar public data, the chief information
6.6 officer, in coordination with the affected agencies, shall manage the most efficient and
6.7 cost-effective method of producing and storing data for or sharing data between those
6.8 agencies. The development of this information architecture must include the establishment
6.9 of standards and guidelines to be followed by state agencies. The office shall ensure
6.10 compliance with the architecture.

6.11 ~~(e) The office shall, in cooperation with state agencies, plan and manage the~~
6.12 ~~development and improvement of information systems so that an individual information~~
6.13 ~~system reflects and supports the state agency's mission and the state's requirements and~~
6.14 ~~functions.~~

6.15 ~~(d)~~ (b) The office shall review and approve agency requests for funding for the
6.16 development or purchase of information systems equipment or software before the
6.17 requests may be included in the governor's budget.

6.18 ~~(e)~~ (c) The office shall review and approve agency requests for grant funding that
6.19 have an information and technology component.

6.20 ~~(f)~~ (d) The office shall review major purchases of information systems equipment to:

6.21 (1) ensure that the equipment follows the standards and guidelines of the state
6.22 information architecture;

6.23 (2) ensure the agency's proposed purchase reflects a cost-effective policy regarding
6.24 volume purchasing; and

6.25 (3) ensure that the equipment is consistent with other systems in other state agencies
6.26 so that data can be shared among agencies, unless the office determines that the agency
6.27 purchasing the equipment has special needs justifying the inconsistency.

6.28 ~~(g)~~ (e) The office shall review the operation of information systems by state agencies
6.29 and ensure that these systems are operated efficiently and securely and continually meet
6.30 the standards and guidelines established by the office. The standards and guidelines must
6.31 emphasize uniformity that is cost-effective for the enterprise, that encourages information
6.32 interchange, open systems environments, and portability of information whenever
6.33 practicable and consistent with an agency's authority and chapter 13.

6.34 Sec. 5. Minnesota Statutes 2012, section 16E.05, subdivision 1, is amended to read:

6.35 Subdivision 1. **Duties.** The office, in consultation with interested persons, shall:

- 7.1 (1) coordinate statewide efforts by units of state and local government to plan for
7.2 and develop a system for providing access to government services; and
7.3 ~~(2) make recommendations to facilitate coordination and assistance of demonstration~~
7.4 ~~projects; and~~
7.5 ~~(3)~~ (2) explore ways and means to improve citizen and business access to public
7.6 services, including implementation of technological improvements.

7.7 Sec. 6. Minnesota Statutes 2013 Supplement, section 16E.18, subdivision 8, is
7.8 amended to read:

7.9 Subd. 8. **Exemption.** The state information network is exempt from the five-
7.10 and ten-year limitation on contracts set by sections ~~16C.03, subdivision 17;~~ 16C.05,
7.11 subdivision 2, paragraph (b); 16C.06, subdivision 3b; 16C.08, subdivision 3, clause (5);
7.12 and 16C.09, clause (6). A contract compliance review must be performed by the office on
7.13 a five-year basis for any contract that has a total term greater than five years. The review
7.14 must detail any compliance or performance issues on the part of the contractor.

7.15 Sec. 7. **REPEALER.**

7.16 Minnesota Statutes 2012, sections 16E.02, subdivisions 2 and 3; 16E.03, subdivision
7.17 8; and 16E.0475, are repealed the day following final enactment.

16E.02 OFFICE OF ENTERPRISE TECHNOLOGY; STRUCTURE AND PERSONNEL.

Subd. 2. **Intergovernmental participation.** The chief information officer or the chief information officer's designee shall serve as a member of the Geographic Information Systems Council and the Library Planning Task Force or their respective successor organizations and as a nonvoting member of the Minnesota Health Data Institute.

Subd. 3. **Administrative support.** The commissioner of administration must provide office space and administrative support services to the office. The office must reimburse the commissioner for these services.

16E.03 STATE INFORMATION AND COMMUNICATIONS SYSTEMS.

Subd. 8. **Joint actions.** The chief information officer may join with the federal government, other states, local governments, and organizations representing those groups either jointly or severally in the development and implementation of systems analysis, information services, and computerization projects.

16E.0475 ADVISORY COMMITTEE FOR TECHNOLOGY STANDARDS FOR ACCESSIBILITY AND USABILITY.

Subdivision 1. **Membership.** (a) The Advisory Committee for Technology Standards for Accessibility and Usability consists of ten members, appointed as follows:

- (1) the state chief information officer, or the state chief information officer's designee;
 - (2) a representative from State Services for the Blind, appointed by the commissioner of employment and economic development;
 - (3) the commissioner of administration, or the commissioner's designee;
 - (4) a representative selected by the Minnesota system of technology to achieve results program;
 - (5) a representative selected by the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans;
 - (6) the commissioner of education, or the commissioner's designee;
 - (7) the commissioner of health, or the commissioner's designee;
 - (8) the commissioner of human services, or the commissioner's designee;
 - (9) one representative from the Minnesota judicial system designated by the chief justice;
- and
- (10) one staff member from the legislature, appointed by the chair of the Legislative Coordinating Commission.

(b) The appointing authorities under this subdivision must use their best efforts to ensure that the membership of the advisory committee includes at least one representative who is deaf, hard-of-hearing, or deafblind and at least one representative who is blind.

(c) The advisory committee shall elect a chair from its membership.

Subd. 2. **Duties.** (a) The advisory committee shall:

- (1) review processes to be used for the evaluation or certification of accessibility of technology against accessibility standards;
- (2) review the exception process and thresholds for any deviation from the accessibility standards;
- (3) identify, in consultation with state agencies serving Minnesotans with disabilities, resources for training and technical assistance for state agency staff, including instruction regarding compliance with accessibility standards;
- (4) convene customer groups composed of individuals with disabilities to assist in implementation of accessibility standards;
- (5) review customer comments about accessibility and usability issues collected by State Services for the Blind;
- (6) develop proposals for funding captioning of live videoconferencing, live Webcasts, Web streaming, podcasts, and other emerging technologies;
- (7) provide advice and recommendations regarding the technology accessibility program operation and objectives;
- (8) review and make recommendations regarding individual agency accessibility plans;
- (9) review and make recommendations regarding new or amended accessibility standards and policies;

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(10) review and make recommendations regarding assessments of progress in implementing accessibility standards; and

(11) consult with the chief information officer, if the chief information officer determines that any accessibility standard poses an undue burden to the state.

(b) The advisory committee shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state technology systems by January 15 each year regarding the findings, progress, and recommendations made by the advisory committee under this subdivision. The report shall include any draft legislation necessary to implement the committee's recommendations.

Subd. 3. **Terms, compensation, and removal.** The terms, compensation, and removal of members are governed by section 15.059.

Subd. 4. **Expiration.** This section expires June 30, 2013.