

A bill for an act

relating to state government finance; modifying provisions for general legislative and administrative expenses of state government; regulating state and local government operations; enhancing state financial management and internal controls; implementing procedures for dealing with false claims made involving state funds or property; requiring Web site with searchable database on state expenditures; establishing technology development lease-purchase financing; creating the Minnesota Geospatial Information Office; establishing a preference for service-disabled veteran-owned small businesses on state procurement contract bid solicitations; establishing a statewide electronic licensing system; creating the management analysis revolving fund; modifying provisions on use of property in certain areas; requiring state institutions in the colleges and university system to prepare a residential housing list for use in election day registration; modifying provisions for small business contracts; modifying voter registration provisions; allowing municipalities to participate in the state's cooperative purchasing; setting standards on use of state employees' electronic personal health records; prohibiting transfer of Environmental Quality Board duties or staff; requiring LRT mitigation impacts in the capitol area; transferring duties and staff from Land Management Information Center to Minnesota Geospatial Information Office; modifying provisions for secretary of state duties; requiring reports; establishing penalties; appropriating money; amending Minnesota Statutes 2008, sections 3.97, by adding a subdivision; 3.971, subdivision 6; 3.975; 4A.02; 5.12, subdivision 1; 5.29; 5.32; 5A.03; 5A.06; 10.43; 10.60, subdivision 2, by adding a subdivision; 10A.31, subdivision 4; 11A.07, subdivision 4; 13.64; 16A.055, subdivision 1, by adding a subdivision; 16A.11, by adding a subdivision; 16A.126, subdivision 1; 16A.133, subdivision 1; 16A.139; 16A.152, by adding a subdivision; 16B.24, by adding subdivisions; 16B.54, subdivision 2; 16C.16, by adding a subdivision; 16C.19; 16C.20; 43A.02, by adding a subdivision; 43A.1815; 43A.24, subdivision 1; 43A.49; 116G.15; 129D.13; 129D.14, subdivisions 4, 5, 6; 129D.155; 135A.17, subdivision 2; 161.321; 179A.03, subdivision 14; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 211B.37; 270C.63, subdivision 13; 302A.821; 303.14; 303.16, subdivision 4; 308A.995; 308B.121, subdivisions 1, 2; 317A.823; 321.0206; 321.0210; 321.0810; 322B.960; 323A.1003; 333.055; 336A.04, subdivision 3; 336A.09, subdivision 2; 359.01, subdivision 3; 471.345, subdivision 15; 473.142; Laws 2005, chapter 156, article 2, section 45, as amended; Laws 2005, chapter 162, section 34, subdivision 2; Laws 2007, chapter 131, article 2, section 22; Laws 2007, chapter 148, article 2, section 79; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5;

10; 15B; 16A; 16B; 16E; 43A; 116G; 270C; proposing coding for new law as Minnesota Statutes, chapter 15C; repealing Minnesota Statutes 2008, sections 4A.05; 16C.046; 116G.151; 240A.08; 645.44, subdivision 19.

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

ARTICLE 1
STATE GOVERNMENT APPROPRIATIONS

Section 1. STATE GOVERNMENT APPROPRIATIONS.

The sums shown in the columns marked "appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2010</u>	<u>2011</u>

Sec. 2. LEGISLATURE

Subdivision 1. <u>Total Appropriation</u>	\$	<u>67,352,000</u>	\$	<u>67,326,000</u>
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<u>Appropriations by Fund</u>			
	<u>2010</u>	<u>2011</u>	
<u>General</u>	<u>67,174,000</u>	<u>67,148,000</u>	
<u>Health Care Access</u>	<u>178,000</u>	<u>178,000</u>	

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <u>Senate</u>	<u>21,810,000</u>	<u>21,810,000</u>
Subd. 3. <u>House of Representatives</u>	<u>29,940,000</u>	<u>29,940,000</u>

During the biennium ending June 30, 2011, any revenues received by the house of representatives from sponsorship notices in broadcast or print media are appropriated to the house of representatives.

3.1	<u>The house must develop a system under</u>		
3.2	<u>which members and employees have</u>		
3.3	<u>electronic access to their payroll and payroll</u>		
3.4	<u>deduction information.</u>		
3.5	<u>Subd. 4. Legislative Coordinating Commission</u>	<u>15,602,000</u>	<u>15,576,000</u>
3.6	<u>Appropriations by Fund</u>		
3.7	<u>General</u>	<u>15,424,000</u>	<u>15,398,000</u>
3.8	<u>Health Care Access</u>	<u>178,000</u>	<u>178,000</u>
3.9	<u>(a) \$5,657,000 the first year and \$5,657,000</u>		
3.10	<u>the second year are for the Office of the</u>		
3.11	<u>Revisor of Statutes.</u>		
3.12	<u>(b) \$1,379,000 the first year and \$1,379,000</u>		
3.13	<u>the second year are for the Legislative</u>		
3.14	<u>Reference Library.</u>		
3.15	<u>(c) \$5,833,000 the first year and \$5,833,000</u>		
3.16	<u>the second year are for the Office of the</u>		
3.17	<u>Legislative Auditor.</u>		
3.18	<u>(d) \$10,000 the first year is for purposes</u>		
3.19	<u>of the legislators' forum, through which</u>		
3.20	<u>Minnesota legislators meet with counterparts</u>		
3.21	<u>from South Dakota, North Dakota, and</u>		
3.22	<u>Manitoba to discuss issues of mutual</u>		
3.23	<u>concern. This appropriation is available until</u>		
3.24	<u>June 30, 2011.</u>		
3.25	<u>Sec. 3. GOVERNOR AND LIEUTENANT</u>		
3.26	<u>GOVERNOR</u>	<u>\$ 4,245,000</u>	<u>\$ 4,245,000</u>
3.27	<u>This appropriation is to fund the Office of the</u>		
3.28	<u>Governor and Lieutenant Governor.</u>		
3.29	<u>\$19,000 the first year and \$19,000 the</u>		
3.30	<u>second year are for necessary expenses in</u>		
3.31	<u>the normal performance of the governor's</u>		
3.32	<u>and lieutenant governor's duties for which no</u>		
3.33	<u>other reimbursement is provided.</u>		

4.1	Sec. 4. <u>STATE AUDITOR</u>	\$	<u>9,858,000</u>	\$	<u>9,178,000</u>
4.2	<u>\$680,000 the first year is for additional audit</u>				
4.3	<u>activities under the American Recovery</u>				
4.4	<u>and Reinvestment Act of 2009. This</u>				
4.5	<u>appropriation remains available through June</u>				
4.6	<u>30, 2011.</u>				
4.7	Sec. 5. <u>ATTORNEY GENERAL</u>	\$	<u>25,631,000</u>	\$	<u>25,631,000</u>
4.8	<u>Appropriations by Fund</u>				
4.9		<u>2010</u>	<u>2011</u>		
4.10	<u>General</u>	<u>23,409,000</u>	<u>23,409,000</u>		
4.11	<u>State Government</u>				
4.12	<u>Special Revenue</u>	<u>1,827,000</u>	<u>1,827,000</u>		
4.13	<u>Environmental</u>	<u>145,000</u>	<u>145,000</u>		
4.14	<u>Remediation</u>	<u>250,000</u>	<u>250,000</u>		
4.15	Sec. 6. <u>SECRETARY OF STATE</u>	\$	<u>5,910,000</u>	\$	<u>5,909,000</u>
4.16	<u>Any funds available in the account</u>				
4.17	<u>established in Minnesota Statutes, section</u>				
4.18	<u>5.30, pursuant to the Help America Vote Act,</u>				
4.19	<u>are appropriated for the purposes and uses</u>				
4.20	<u>authorized by federal law.</u>				
4.21	Sec. 7. <u>CAMPAIGN FINANCE AND PUBLIC</u>				
4.22	<u>DISCLOSURE BOARD</u>	\$	<u>698,000</u>	\$	<u>698,000</u>
4.23	Sec. 8. <u>INVESTMENT BOARD</u>	\$	<u>151,000</u>	\$	<u>151,000</u>
4.24	Sec. 9. <u>OFFICE OF ENTERPRISE</u>				
4.25	<u>TECHNOLOGY</u>	\$	<u>5,758,000</u>	\$	<u>5,758,000</u>
4.26	<u>The requirements imposed on the</u>				
4.27	<u>commissioner of finance and the chief</u>				
4.28	<u>information officer under Laws 2007, chapter</u>				
4.29	<u>148, article 1, section 10, paragraph (e),</u>				
4.30	<u>regarding the determination of the savings</u>				
4.31	<u>attributable to the electronic licensing</u>				
4.32	<u>system and information technology security</u>				
4.33	<u>improvements are inoperative.</u>				

5.1	Sec. 10. <u>ADMINISTRATIVE HEARINGS</u>	\$	<u>7,525,000</u>	\$	<u>7,525,000</u>
5.2	<u>Appropriations by Fund</u>				
5.3		<u>2010</u>	<u>2011</u>		
5.4	<u>General</u>	<u>275,000</u>	<u>275,000</u>		
5.5	<u>Workers'</u>				
5.6	<u>Compensation</u>	<u>7,250,000</u>	<u>7,250,000</u>		
5.7	Sec. 11. <u>ADMINISTRATION</u>				
5.8	<u>Subdivision 1. Total Appropriation</u>	\$	<u>19,260,000</u>	\$	<u>18,905,000</u>
5.9	<u>Appropriations by Fund</u>				
5.10		<u>2010</u>	<u>2011</u>		
5.11	<u>General</u>	<u>19,010,000</u>	<u>18,905,000</u>		
5.12	<u>Special Revenue</u>				
5.13	<u>Fund</u>	<u>250,000</u>	<u>0</u>		
5.14	<u>The amounts that may be spent for each</u>				
5.15	<u>purpose are specified in the following</u>				
5.16	<u>subdivisions.</u>				
5.17	<u>Subd. 2. Government and Citizen Services</u>		<u>17,384,000</u>		<u>17,054,000</u>
5.18	<u>Appropriations by Fund</u>				
5.19	<u>General</u>	<u>17,134,000</u>	<u>17,054,000</u>		
5.20	<u>Special Revenue</u>				
5.21	<u>Fund</u>	<u>250,000</u>	<u>0</u>		
5.22	<u>(a) \$802,000 the first year and \$802,000</u>				
5.23	<u>the second year are for the Minnesota</u>				
5.24	<u>Geospatial Information Office. Of the total</u>				
5.25	<u>appropriation, \$10,000 per year is intended</u>				
5.26	<u>for preparation of township acreage data in</u>				
5.27	<u>Laws 2008, chapter 366, article 17, section</u>				
5.28	<u>7, subdivision 3.</u>				
5.29	<u>(b) \$74,000 the first year and \$74,000</u>				
5.30	<u>the second year are for the Council on</u>				
5.31	<u>Developmental Disabilities.</u>				
5.32	<u>(c) \$134,000 the first year and \$134,000 the</u>				
5.33	<u>second year are for a grant to the Council on</u>				
5.34	<u>Developmental Disabilities for the purpose</u>				
5.35	<u>of establishing a statewide self-advocacy</u>				

6.1 network for persons with intellectual and
6.2 developmental disabilities (ID/DD). The
6.3 self-advocacy network shall: (1) ensure
6.4 that persons with ID/DD are informed
6.5 of their rights in employment, housing,
6.6 transportation, voting, government policy,
6.7 and other issues pertinent to the ID/DD
6.8 community; (2) provide public education
6.9 and awareness of the civil and human
6.10 rights issues persons with ID/DD face; (3)
6.11 provide funds, technical assistance, and
6.12 other resources for self-advocacy groups
6.13 across the state; and (4) organize systems of
6.14 communications to facilitate an exchange of
6.15 information between self-advocacy groups.
6.16 (d) \$250,000 the first year and \$170,000 the
6.17 second year are to fund activities to prepare
6.18 for and promote the 2010 census.
6.19 (e) \$206,000 the first year and \$206,000 the
6.20 second year are for the Office of the State
6.21 Archaeologist.
6.22 (f) The requirements imposed on
6.23 the commissioner of finance and the
6.24 commissioner of administration under
6.25 Laws 2007, chapter 148, article 1, section
6.26 12, subdivision 2, paragraph (b), relating
6.27 to the savings attributable to the real
6.28 property portfolio management system are
6.29 inoperative.
6.30 (g) \$250,000 is appropriated to the
6.31 commissioner of administration from the
6.32 information and telecommunications account
6.33 in the special revenue fund to continue
6.34 planning for data center consolidation,
6.35 including completing a predesign study

7.1 and lifecycle cost analysis, and exploring
7.2 technologies to reduce energy consumption
7.3 and operating costs.

7.4 (f) \$8,388,000 the first year and \$8,388,000
7.5 the second year are for office space costs of
7.6 the legislature and veterans organizations,
7.7 for ceremonial space, and for statutorily free
7.8 space.

7.9	<u>Subd. 3. Administrative Management Support</u>	<u>1,876,000</u>	<u>1,851,000</u>
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7.10 \$125,000 each year is for the Office of
7.11 Grant Management. During the biennium
7.12 ending June 30, 2011, the commissioner
7.13 must recover this amount through deductions
7.14 in state grants subject to the jurisdiction
7.15 of the office. The amount deducted from
7.16 appropriations for these grants must be
7.17 deposited in the general fund.

7.18 \$25,000 the first year is for the Office
7.19 of Grants Management to study and
7.20 make recommendations on improving
7.21 collaborative activities between the state,
7.22 nonprofit entities, and the private sector,
7.23 including: (1) recommendations for
7.24 expanding successful initiatives involving
7.25 not-for-profit organizations that have
7.26 demonstrated measurable, positive results
7.27 in addressing high-priority community
7.28 issues; and (2) recommendations on grant
7.29 requirements and design to encourage
7.30 programs receiving grants to become
7.31 self-sufficient. The office may appoint an
7.32 advisory group to assist in the study and
7.33 recommendations. The office must report
7.34 its recommendations to the legislature by
7.35 January 15, 2010.

8.1	Sec. 12. <u>CAPITOL AREA</u>			
8.2	<u>ARCHITECTURAL AND PLANNING</u>			
8.3	<u>BOARD</u>	\$	<u>354,000</u>	\$ <u>354,000</u>
8.4	Sec. 13. <u>FINANCE</u>	\$	<u>20,530,000</u>	\$ <u>20,030,000</u>
8.5	<u>\$500,000 the first year is for oversight and</u>			
8.6	<u>reporting of federal funds received under the</u>			
8.7	<u>American Recovery and Reinvestment Act</u>			
8.8	<u>of 2009. This appropriation is available until</u>			
8.9	<u>June 30, 2011.</u>			
8.10	Sec. 14. <u>REVENUE</u>			
8.11	Subdivision 1. <u>Total Appropriation</u>	\$	<u>127,802,000</u>	\$ <u>130,275,000</u>
8.12	<u>Appropriations by Fund</u>			
8.13		<u>2010</u>	<u>2011</u>	
8.14	<u>General</u>	<u>123,555,000</u>	<u>126,040,000</u>	
8.15	<u>Health Care Access</u>	<u>1,761,000</u>	<u>1,749,000</u>	
8.16	<u>Highway User Tax</u>			
8.17	<u>Distribution</u>	<u>2,183,000</u>	<u>2,183,000</u>	
8.18	<u>Environmental</u>	<u>303,000</u>	<u>303,000</u>	
8.19	<u>The amounts that may be spent for each</u>			
8.20	<u>purpose are specified in subdivisions 2 and 3.</u>			
8.21	Subd. 2. <u>Tax System Management</u>		<u>103,528,000</u>	<u>105,379,000</u>
8.22	<u>Appropriations by Fund</u>			
8.23	<u>General</u>	<u>99,281,000</u>	<u>101,144,000</u>	
8.24	<u>Health Care Access</u>	<u>1,761,000</u>	<u>1,749,000</u>	
8.25	<u>Highway User Tax</u>			
8.26	<u>Distribution</u>	<u>2,183,000</u>	<u>2,183,000</u>	
8.27	<u>Environmental</u>	<u>303,000</u>	<u>303,000</u>	
8.28	<u>The requirements imposed on the</u>			
8.29	<u>commissioners of finance and revenue under</u>			
8.30	<u>Laws 2007, chapter 148, article 1, section</u>			
8.31	<u>16, subdivision 2, paragraph (d), relating to</u>			
8.32	<u>the determination of savings attributable to</u>			
8.33	<u>implementing the integrated tax software</u>			
8.34	<u>package are inoperative.</u>			

9.1 (a) \$1,925,000 the first year and \$3,788,000
 9.2 the second year are for additional activities
 9.3 to identify and collect tax liabilities from
 9.4 individuals and businesses that currently
 9.5 do not pay all taxes owed. This initiative
 9.6 is expected to result in new general fund
 9.7 revenues of \$12,825,000 for the biennium
 9.8 ending June 30, 2011.

9.9 (b) The department must report to the chairs
 9.10 of the house of representatives Ways and
 9.11 Means and senate Finance Committees by
 9.12 March 1, 2010, and January 15, 2011, on the
 9.13 following performance indicators:

9.14 (1) the number of corporations noncompliant
 9.15 with the corporate tax system each year and
 9.16 the percentage and dollar amounts of valid
 9.17 tax liabilities collected;

9.18 (2) the number of businesses noncompliant
 9.19 with the sales and use tax system and the
 9.20 percentage and dollar amount of the valid tax
 9.21 liabilities collected; and

9.22 (3) the number of individual noncompliant
 9.23 cases resolved and the percentage and dollar
 9.24 amounts of valid tax liabilities collected.

9.25	<u>Subd. 3. Debt Collection Management</u>	<u>24,274,000</u>	<u>24,896,000</u>
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9.26 \$588,000 the first year and \$1,120,000 the
 9.27 second year are for additional activities
 9.28 to identify and collect tax liabilities from
 9.29 individuals and businesses that currently
 9.30 do not pay all taxes owed. This initiative
 9.31 is expected to result in new general fund
 9.32 revenues of \$17,250,000 for the biennium
 9.33 ending June 30, 2011.

9.34	Sec. 15. <u>GAMBLING CONTROL</u>	<u>\$</u>	<u>2,940,000</u>	<u>\$</u>	<u>2,940,000</u>
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10.1	<u>These appropriations are from the lawful</u>			
10.2	<u>gambling regulation account in the special</u>			
10.3	<u>revenue fund.</u>			
10.4	Sec. 16. <u>RACING COMMISSION</u>	<u>\$</u>	<u>899,000</u>	<u>\$ 899,000</u>
10.5	<u>These appropriations are from the racing</u>			
10.6	<u>and card playing regulation accounts in the</u>			
10.7	<u>special revenue fund.</u>			
10.8	Sec. 17. <u>STATE LOTTERY</u>			
10.9	<u>Notwithstanding Minnesota Statutes, section</u>			
10.10	<u>349A.10, subdivision 3, the operating budget</u>			
10.11	<u>must not exceed \$28,111,000 in fiscal year</u>			
10.12	<u>2010 and \$28,740,000 in fiscal year 2011.</u>			
10.13	Sec. 18. <u>TORT CLAIMS</u>	<u>\$</u>	<u>161,000</u>	<u>\$ 161,000</u>
10.14	<u>To be spent by the commissioner of finance</u>			
10.15	<u>according to Minnesota Statutes, section</u>			
10.16	<u>3.736, subdivision 7. If the appropriation for</u>			
10.17	<u>either year is insufficient, the appropriation</u>			
10.18	<u>for the other year is available for it.</u>			
10.19	Sec. 19. <u>MINNESOTA STATE RETIREMENT</u>			
10.20	<u>SYSTEM</u>			
10.21	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>2,346,000</u>	<u>\$ 2,405,000</u>
10.22	<u>The amounts that may be spent for each</u>			
10.23	<u>purpose are specified in the following</u>			
10.24	<u>subdivisions.</u>			
10.25	<u>Subd. 2. Legislators</u>		<u>1,889,000</u>	<u>1,937,000</u>
10.26	<u>Under Minnesota Statutes, sections 3A.03,</u>			
10.27	<u>subdivision 2; 3A.04, subdivisions 3 and 4;</u>			
10.28	<u>and 3A.115.</u>			
10.29	<u>Subd. 3. Constitutional Officers</u>		<u>457,000</u>	<u>468,000</u>
10.30	<u>Under Minnesota Statutes, section 352C.001.</u>			

11.1 If an appropriation in this section for either
11.2 year is insufficient, the appropriation for the
11.3 other year is available for it.

11.4 Sec. 20. MINNEAPOLIS EMPLOYEES
11.5 RETIREMENT FUND \$ 9,000,000 \$ 9,000,000

11.6 These amounts are estimated to be needed
11.7 under Minnesota Statutes, section 422A.101,
11.8 subdivision 3.

11.9 Sec. 21. TEACHERS RETIREMENT
11.10 ASSOCIATION \$ 15,454,000 \$ 15,454,000

11.11 The amounts estimated to be needed are as
11.12 specified in paragraphs (a) and (b):

11.13 (a) \$12,954,000 the first year and
11.14 \$12,954,000 the second year are for special
11.15 direct state aid authorized under Minnesota
11.16 Statutes, section 354A.12, subdivisions 3a
11.17 and 3c.

11.18 (b) \$2,500,000 the first year and \$2,500,000
11.19 the second year are for special direct state
11.20 matching aid authorized under Minnesota
11.21 Statutes, section 354A.12, subdivision 3b.

11.22 Sec. 22. ST. PAUL TEACHERS
11.23 RETIREMENT FUND \$ 2,827,000 \$ 2,827,000

11.24 The amounts estimated to be needed for
11.25 special direct state aid to first class city
11.26 teachers retirement funds authorized under
11.27 Minnesota Statutes, section 354A.12,
11.28 subdivisions 3a and 3c.

11.29 Sec. 23. DULUTH TEACHERS
11.30 RETIREMENT FUND \$ 346,000 \$ 346,000

11.31 The amounts estimated to be needed for
11.32 special direct state aid to first class city
11.33 teachers retirement funds authorized under

12.1	<u>Minnesota Statutes, section 354A.12,</u>			
12.2	<u>subdivisions 3a and 3c.</u>			
12.3	Sec. 24. <u>GENERAL CONTINGENT</u>			
12.4	<u>ACCOUNTS</u>	<u>\$</u>	<u>2,775,000</u>	<u>\$</u> <u>500,000</u>
12.5	<u>Appropriations by Fund</u>			
12.6		<u>2010</u>	<u>2011</u>	
12.7	<u>General</u>	<u>2,275,000</u>	<u>0</u>	
12.8	<u>State Government</u>			
12.9	<u>Special Revenue</u>	<u>400,000</u>	<u>400,000</u>	
12.10	<u>Workers'</u>			
12.11	<u>Compensation</u>	<u>100,000</u>	<u>100,000</u>	
12.12	<u>(a) The appropriations in this section</u>			
12.13	<u>may only be spent with the approval of</u>			
12.14	<u>the governor after consultation with the</u>			
12.15	<u>Legislative Advisory Commission pursuant</u>			
12.16	<u>to Minnesota Statutes, section 3.30.</u>			
12.17	<u>(b) Of the appropriation to the general fund</u>			
12.18	<u>contingent account, \$1,775,000 is a onetime</u>			
12.19	<u>appropriation for potential state matching</u>			
12.20	<u>requirements needed to maximize receipt of</u>			
12.21	<u>federal funds under the American Recovery</u>			
12.22	<u>and Reinvestment Act of 2009.</u>			
12.23	<u>(c) If an appropriation in this section for</u>			
12.24	<u>either year is insufficient, the appropriation</u>			
12.25	<u>for the other year is available for it.</u>			
12.26	<u>(d) If a contingent account appropriation</u>			
12.27	<u>is made in one fiscal year, it should be</u>			
12.28	<u>considered a biennial appropriation.</u>			
12.29	Sec. 25. <u>AMATEUR SPORTS COMMISSION</u>	<u>\$</u>	<u>270,000</u>	<u>\$</u> <u>270,000</u>
12.30	<u>The amount available for appropriation to</u>			
12.31	<u>the commission under Laws 2005, chapter</u>			
12.32	<u>156, article 2, section 43, is reduced in the</u>			
12.33	<u>first year and the second year by the amounts</u>			
12.34	<u>appropriated in this section.</u>			

13.1 Sec. 26. COUNCIL ON BLACK
13.2 MINNESOTANS \$ 316,000 \$ 316,000

13.3 Sec. 27. COUNCIL ON CHICANO/LATINO
13.4 AFFAIRS \$ 298,000 \$ 298,000

13.5 Sec. 28. COUNCIL ON ASIAN-PACIFIC
13.6 MINNESOTANS \$ 275,000 \$ 275,000

13.7 Sec. 29. INDIAN AFFAIRS COUNCIL \$ 500,000 \$ 500,000

13.8 \$32,000 each year is for activities of the
13.9 council relating to Indian burial sites,
13.10 including activities relating to unfunded
13.11 federal mandates.

13.12 Sec. 30. PROBLEM GAMBLING APPROPRIATION.

13.13 \$225,000 in fiscal year 2010 and \$225,000 in fiscal year 2011 are appropriated from
13.14 the lottery prize fund to the Gambling Control Board for a grant to the state affiliate
13.15 recognized by the National Council on Problem Gambling. The affiliate must provide
13.16 services to increase public awareness of problem gambling, education and training for
13.17 individuals and organizations providing effective treatment services to problem gamblers
13.18 and their families, and research relating to problem gambling. These services must be
13.19 complimentary to and not duplicative of the services provided through the problem
13.20 gambling program administered by the commissioner of human services. Of this
13.21 appropriation, \$50,000 in fiscal year 2010 and \$50,000 in fiscal year 2011 are contingent
13.22 on the contribution of nonstate matching funds. Matching funds may be either cash or
13.23 qualifying in-kind contributions. The commissioner of finance may disburse the state
13.24 portion of the matching funds in increments of \$25,000 upon receipt of a commitment for
13.25 an equal amount of matching nonstate funds. These are onetime appropriations.

13.26 Sec. 31. MANAGERIAL POSITION REDUCTIONS.

13.27 The governor must reduce the number of deputy commissioners, assistant
13.28 commissioners, and positions designated as unclassified under authority of Minnesota
13.29 Statutes, section 43A.08, subdivision 1a, by an amount that will generate savings to the
13.30 general fund of \$16,488,000 in the biennium ending June 30, 2011, and \$16,488,000 in
13.31 the biennium ending June 30, 2013. The commissioner of finance shall determine the

14.1 costs of salaries and benefits attributable to the positions eliminated by this section, and
14.2 reduce the appropriation to each affected agency accordingly.

14.3 **ARTICLE 2**

14.4 **STATE GOVERNMENT OPERATIONS**

14.5 Section 1. **[3.057] ENTERPRISE SERVICES AND GOVERNMENT**
14.6 **EFFICIENCY.**

14.7 The finance committee divisions in the house of representatives and the senate
14.8 with jurisdiction over state government finance issues must be known as the "Enterprise
14.9 Services and Government Efficiency Finance Divisions," and must conduct periodic
14.10 Kaizen events to ensure that the divisions operate in a LEAN manner.

14.11 Sec. 2. Minnesota Statutes 2008, section 3.97, is amended by adding a subdivision to
14.12 read:

14.13 Subd. 2a. **Review of financial management and internal controls.** The
14.14 commission shall monitor internal control systems in state government to the extent
14.15 necessary to ensure that management has established and implemented effective systems
14.16 and procedures. The commission shall also review legislative auditor audits and reports
14.17 and make recommendations, as the commission determines necessary, for improvements
14.18 in the state's system of financial management. In furtherance of these duties, the
14.19 commission shall:

14.20 (1) receive reports and recommendations from the legislative auditor, the financial
14.21 controls council, and from internal auditors in state agencies;

14.22 (2) review significant findings and recommendations from the legislative auditor's
14.23 financial audits of state agencies and from agency internal auditors, together with state
14.24 agency management's responses and action plans;

14.25 (3) review the scope of annual audit plans for the state's internal audit function;

14.26 (4) review the qualifications, performance, and objectivity of the state's internal audit
14.27 function, including the activities of the commissioner in section 16A.056;

14.28 (5) review with the legislative auditor any audit problems or difficulties and
14.29 management's responses, any difficulties the auditor encountered during the course of
14.30 the audit work, including any restrictions on the scope of the auditor's activities or on
14.31 access to requested information, and any significant disagreements between the auditor
14.32 and management;

15.1 (6) make recommendations to the governor and the legislature for changes in laws or
15.2 policies necessary to deal with agencies that have not satisfactorily addressed repeated
15.3 problems with financial controls;

15.4 (7) make recommendations to the governor and the legislature for changes needed in
15.5 state laws, policies, procedures, or personnel, to ensure an effective system of internal
15.6 controls that safeguards public funds and assets and minimizes incidences of fraud, waste,
15.7 and abuse;

15.8 (8) conduct hearings as necessary regarding the effectiveness of internal control or
15.9 internal audit functions of any state agency; and

15.10 (9) contract with outside auditors as the commission determines is beneficial for the
15.11 state's internal audit function and internal controls.

15.12 Sec. 3. Minnesota Statutes 2008, section 3.971, subdivision 6, is amended to read:

15.13 Subd. 6. **Financial audits.** The legislative auditor shall audit the financial
15.14 statements of the state of Minnesota required by section 16A.50 and, as resources permit,
15.15 shall audit Minnesota State Colleges and Universities, the University of Minnesota, state
15.16 agencies, departments, boards, commissions, courts, and other state organizations subject
15.17 to audit by the legislative auditor, including the State Agricultural Society, Agricultural
15.18 Utilization Research Institute, Enterprise Minnesota, Inc., Minnesota Historical
15.19 Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco,
15.20 Metropolitan Sports Facilities Commission, Metropolitan Airports Commission, and
15.21 Metropolitan Mosquito Control District. Financial audits must be conducted according to
15.22 generally accepted government auditing standards. The legislative auditor shall see that
15.23 all provisions of law respecting the appropriate and economic use of public funds are
15.24 complied with and may, as part of a financial audit or separately, investigate allegations of
15.25 noncompliance ~~by employees of departments and agencies of the state government and~~
15.26 ~~the other organizations listed in this subdivision.~~

15.27 Sec. 4. Minnesota Statutes 2008, section 3.975, is amended to read:

15.28 **3.975 DUTIES CONCERNING MISUSE OF PUBLIC MONEY OR OTHER**
15.29 **RESOURCES.**

15.30 If a legislative auditor's examination discloses that a state official or employee has
15.31 used money for a purpose other than the purpose for which the money was appropriated
15.32 or discloses any other misuse of public money or other public resources, the legislative
15.33 auditor shall file a report with the Legislative Audit Commission, the attorney general, and
15.34 the appropriate county attorney. The attorney general shall seek recovery of money and

16.1 other resources as the evidence may warrant. The county attorney shall cause criminal
16.2 proceedings to be instituted as the evidence may warrant.

16.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.4 Sec. 5. **[4.041] GOVERNOR'S OFFICE BUDGET.**

16.5 Any personnel costs attributable to the office of the governor and the lieutenant
16.6 governor must be accounted for through an appropriation to the office of the governor.
16.7 The office of the governor and the lieutenant governor may not enter into agreements with
16.8 other executive branch agencies under which these personnel costs are supported by
16.9 appropriations to other agencies.

16.10 Sec. 6. Minnesota Statutes 2008, section 4A.02, is amended to read:

16.11 **4A.02 STATE DEMOGRAPHER.**

16.12 (a) The director shall appoint a state demographer. The demographer must be
16.13 professionally competent in demography and must possess demonstrated ability based
16.14 upon past performance.

16.15 (b) The demographer shall:

16.16 (1) continuously gather and develop demographic data relevant to the state;

16.17 (2) design and test methods of research and data collection;

16.18 (3) periodically prepare population projections for the state and designated regions
16.19 and periodically prepare projections for each county or other political subdivision of the
16.20 state as necessary to carry out the purposes of this section;

16.21 (4) review, comment on, and prepare analysis of population estimates and
16.22 projections made by state agencies, political subdivisions, other states, federal agencies, or
16.23 nongovernmental persons, institutions, or commissions;

16.24 (5) serve as the state liaison with the United States Bureau of the Census, coordinate
16.25 state and federal demographic activities to the fullest extent possible, and aid the
16.26 legislature in preparing a census data plan and form for each decennial census;

16.27 (6) compile an annual study of population estimates on the basis of county, regional,
16.28 or other political or geographical subdivisions as necessary to carry out the purposes of
16.29 this section and section 4A.03;

16.30 (7) by January 1 of each year, issue a report to the legislature containing an analysis
16.31 of the demographic implications of the annual population study and population projections;

16.32 (8) prepare maps for all counties in the state, all municipalities with a population
16.33 of 10,000 or more, and other municipalities as needed for census purposes, according to

scale and detail recommended by the United States Bureau of the Census, with the maps of cities showing precinct boundaries;

(9) prepare an estimate of population and of the number of households for each governmental subdivision for which the Metropolitan Council does not prepare an annual estimate, and convey the estimates to the governing body of each political subdivision by June 1 of each year;

(10) direct, under section 414.01, subdivision 14, and certify population and household estimates of annexed or detached areas of municipalities or towns after being notified of the order or letter of approval by the chief administrative law judge of the State Office of Administrative Hearings;

(11) prepare, for any purpose for which a population estimate is required by law or needed to implement a law, a population estimate of a municipality or town whose population is affected by action under section 379.02 or 414.01, subdivision 14; and

(12) prepare an estimate of average household size for each statutory or home rule charter city with a population of 2,500 or more by June 1 of each year.

(c) A governing body may challenge an estimate made under paragraph (b) by filing their specific objections in writing with the state demographer by June 24. If the challenge does not result in an acceptable estimate, the governing body may have a special census conducted by the United States Bureau of the Census. The political subdivision must notify the state demographer by July 1 of its intent to have the special census conducted. The political subdivision must bear all costs of the special census. Results of the special census must be received by the state demographer by the next April 15 to be used in that year's June 1 estimate to the political subdivision under paragraph (b).

(d) The state demographer shall certify the estimates of population and household size to the commissioner of revenue by July 15 each year, including any estimates still under objection.

(e) The state demographer shall release a demographic forecast in conjunction with the commissioner of finance and the November state economic forecast.

Sec. 7. Minnesota Statutes 2008, section 5A.03, is amended to read:

5A.03 ORGANIZATION APPLICATION FOR REGISTRATION.

(a) An application for registration as an international student exchange visitor placement organization must be submitted in the form prescribed by the secretary of state. The application must include:

(1) evidence that the organization meets the standards established by the secretary of state by rule;

(2) the name, address, and telephone number of the organization, its chief executive officer, and the person within the organization who has primary responsibility for supervising placements within the state;

(3) the organization's unified business identification number, if any;

(4) the organization's United States Information Agency number, if any;

(5) evidence of Council on Standards for International Educational Travel listing, if any;

(6) whether the organization is exempt from federal income tax; and

(7) a list of the organization's placements in Minnesota for the previous academic year including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements.

(b) The application must be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Minnesota. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered.

(c) Organizations that have registered shall inform the secretary of state of any changes in the information required under paragraph (a), clause (1), within 30 days of the change. There is no fee to amend a registration.

(d) Registration under this chapter is valid for one year. The registration may be renewed annually. The fee to renew a registration is \$50 per year.

(e) Organizations registering for the first time in Minnesota must pay an initial registration fee of \$150.

(f) Fees collected by the secretary of state under this section must be deposited in ~~the state treasury and credited to the general fund and are added to the appropriation from which registration costs are paid~~ as a nondedicated receipt.

Sec. 8. Minnesota Statutes 2008, section 10.43, is amended to read:

10.43 TELEPHONE USE; APPROVAL.

(a) Each representative, senator, constitutional officer, judge, and head of a state department or agency shall sign the person's monthly long-distance telephone bills paid by the state as evidence of the person's approval of each bill. This signature requirement does not apply to a month in which the person's long-distance phone bill paid by the state is less than \$5.

(b) Even if the monthly long-distance phone bill paid by the state for a person subject to this section is less than \$5, the person is responsible for paying that portion of

19.1 the bill that does not relate to state business. As provided in section 10.46, long-distance
19.2 telephone bills paid by the state are public data, regardless of the amount of the bills.

19.3 **EFFECTIVE DATE.** This section is effective for telephone bills for usage on or
19.4 after July 1, 2009.

19.5 Sec. 9. **[10.49] NAMING.**

19.6 Laws must not be named for living people, and laws may not name councils,
19.7 buildings, roads, or other facilities or entities after living people.

19.8 Sec. 10. Minnesota Statutes 2008, section 10.60, subdivision 2, is amended to read:

19.9 Subd. 2. **Purpose of Web site and publications.** The purpose of a Web site and
19.10 ~~a publication~~ publications must be to provide information about the duties and jurisdiction
19.11 of a state agency or political subdivision ~~or~~ and to facilitate access to public services and
19.12 information related to the responsibilities or functions of the state agency or political
19.13 subdivision.

19.14 Sec. 11. Minnesota Statutes 2008, section 10.60, is amended by adding a subdivision to
19.15 read:

19.16 Subd. 2a. **Contact information.** The home page of a Web site maintained by
19.17 a state agency must prominently display an e-mail address at which the agency may be
19.18 contacted and a telephone number that will be answered by a human being to the greatest
19.19 extent possible, located in Minnesota, during normal business hours. A state agency must
19.20 comply with the requirements of this subdivision with existing resources.

19.21 Sec. 12. Minnesota Statutes 2008, section 10A.31, subdivision 4, is amended to read:

19.22 Subd. 4. **Appropriation.** (a) The amounts designated by individuals for the state
19.23 elections campaign fund, less three percent, are appropriated from the general fund, must
19.24 be transferred and credited to the appropriate account in the state elections campaign fund,
19.25 and are annually appropriated for distribution as set forth in subdivisions 5, 5a, 6, and 7.
19.26 The remaining three percent must be kept in the general fund for administrative costs.

19.27 (b) In addition to the amounts in paragraph (a), ~~\$1,250,000~~ \$1,020,000 for each
19.28 general election is appropriated from the general fund for transfer to the general account
19.29 of the state elections campaign fund.

19.30 In addition, \$50,000 each fiscal year is appropriated from the general fund to the
19.31 Campaign Finance and Public Disclosure Board to supplement its operating budget.

20.1 Amounts remaining unspent at the end of the biennium must be transferred and canceled
20.2 to the general account of the state elections campaign fund.

20.3 ~~Of this appropriation, \$65,000 each fiscal year must be set aside to pay assessments~~
20.4 ~~made by~~ In addition, \$130,000 for each two-year period beginning on July 1 of each
20.5 odd-numbered year is appropriated from the general fund to the Office of Administrative
20.6 Hearings to perform its duties under section 211B.37. Amounts remaining after all
20.7 assessments have been paid must be canceled to the general account of the state elections
20.8 campaign fund.

20.9 Sec. 13. Minnesota Statutes 2008, section 11A.07, subdivision 4, is amended to read:

20.10 Subd. 4. **Duties and powers.** The director, at the direction of the state board, shall:

20.11 (1) plan, direct, coordinate, and execute administrative and investment functions
20.12 in conformity with the policies and directives of the state board and the requirements of
20.13 this chapter and of chapter 356A;

20.14 (2) prepare and submit biennial and annual budgets to the board and with the
20.15 approval of the board submit the budgets to the Department of Finance;

20.16 (3) employ professional and clerical staff as necessary. Employees whose primary
20.17 responsibility is to invest or manage money or employees who hold positions designated
20.18 as unclassified under section 43A.08, subdivision 1a, are in the unclassified service of the
20.19 state. Other employees are in the classified service. Unclassified employees who are
20.20 not covered by a collective bargaining agreement are employed under the terms and
20.21 conditions of the compensation plan approved under section 43A.18, subdivision 3b;

20.22 (4) report to the state board on all operations under the director's control and
20.23 supervision;

20.24 (5) maintain accurate and complete records of securities transactions and official
20.25 activities;

20.26 (6) establish a policy relating to the purchase and sale of securities on the basis of
20.27 competitive offerings or bids. The policy is subject to board approval;

20.28 (7) cause securities acquired to be kept in the custody of the commissioner of finance
20.29 or other depositories consistent with chapter 356A, as the state board deems appropriate;

20.30 (8) prepare and file with the director of the Legislative Reference Library, by
20.31 December 31 of each year, a report summarizing the activities of the state board, the
20.32 council, and the director during the preceding fiscal year. The report must be prepared
20.33 so as to provide the legislature and the people of the state with a clear, comprehensive
20.34 summary of the portfolio composition, the transactions, the total annual rate of return,
20.35 and the yield to the state treasury and to each of the funds whose assets are invested by

21.1 the state board, and the recipients of business placed or commissions allocated among
21.2 the various commercial banks, investment bankers, money managers, and brokerage
21.3 organizations and the amount of these commissions or other fees. The report must contain
21.4 financial statements for funds managed by the board prepared in accordance with generally
21.5 accepted accounting principles. The report must include an executive summary;

21.6 (9) include on the state board's Web site its annual and quarterly reports, including
21.7 executive summaries;

21.8 ~~(9)~~ (10) require state officials from any department or agency to produce and provide
21.9 access to any financial documents the state board deems necessary in the conduct of
21.10 its investment activities;

21.11 ~~(10)~~ (11) receive and expend legislative appropriations; and

21.12 ~~(11)~~ (12) undertake any other activities necessary to implement the duties and
21.13 powers set forth in this subdivision consistent with chapter 356A.

21.14 Sec. 14. Minnesota Statutes 2008, section 13.64, is amended to read:

21.15 **13.64 DEPARTMENT OF ~~ADMINISTRATION~~ FINANCE DATA.**

21.16 (a) Notes and preliminary drafts of reports created, collected, or maintained by the
21.17 Management Analysis Division, Department of ~~Administration~~ finance, and prepared
21.18 during management studies, audits, reviews, consultations, or investigations are classified
21.19 as confidential or protected nonpublic data until the final report has been published or
21.20 preparation of the report is no longer being actively pursued.

21.21 (b) Data that support the conclusions of the report and that the commissioner of
21.22 ~~administration~~ finance reasonably believes will result in litigation are confidential or
21.23 protected nonpublic until the litigation has been completed or until the litigation is no
21.24 longer being actively pursued.

21.25 (c) Data on individuals that could reasonably be used to determine the identity of an
21.26 individual supplying data for a report are private if:

21.27 (1) the data supplied by the individual were needed for a report; and

21.28 (2) the data would not have been provided to the Management Analysis Division
21.29 without an assurance to the individual that the individual's identity would remain private,
21.30 or the Management Analysis Division reasonably believes that the individual would not
21.31 have provided the data.

21.32 Sec. 15. **[15B.055] PARKING SPACES.**

21.33 To provide the public with greater access to legislative proceedings, all parking
21.34 spaces on Aurora Avenue in front of the Capitol building must be reserved for the public.

Sec. 16. **[15C.01] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of this chapter, the terms in this section have the meanings given them.

Subd. 2. **Claim.** "Claim" includes any request or demand, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other recipient if the state has provided or will provide any portion of the money or property which is requested or demanded, or if the state has reimbursed or will reimburse the contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

Subd. 3. **Knowing and knowingly.** "Knowing" and "knowingly" mean that a person, with respect to information:

(1) has actual knowledge of the information;

(2) acts in deliberate ignorance of the truth or falsity of the information; or

(3) acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required.

Subd. 4. **Original source.** "Original source" means a person who has direct and independent knowledge of information which is probative of any essential element of the allegations in an action brought pursuant to this section which was not obtained from a public source and who either voluntarily provided the information to the state before bringing an action based on the information or whose information provided the basis for or caused an investigation, hearing, audit, or report that led to the public disclosure of the allegations or transactions upon which an action brought pursuant to this section is based.

Subd. 5. **Person.** "Person" means any natural person, partnership, corporation, association or other legal entity, including the state and any department, agency, or political subdivision of the state.

Subd. 6. **State.** "State" means the state of Minnesota and includes any department, agency, or political subdivision of the state.

Sec. 17. **[15C.02] LIABILITY FOR CERTAIN ACTS.**

Subdivision 1. **Liability.** (a) Any person who commits any of the acts in clauses (1) to (8) is liable to the state for a civil penalty of not less than \$5,000 and not more than \$10,000 per false claim, plus three times the amount of damages which the state sustains because of the act of that person, except as otherwise provided in paragraph (b):

(1) knowingly presents, or causes to be presented, to an officer or employee of the state of Minnesota a false or fraudulent claim for payment or approval;

23.1 (2) knowingly makes or uses, or causes to be made or used, a false record or
23.2 statement to get a false or fraudulent claim paid or approved by the state;

23.3 (3) knowingly conspires to either present a false or fraudulent claim to the state for
23.4 payment or approval or make, use, or cause to be made or used a false record or statement
23.5 to obtain payment or approval of a false or fraudulent claim;

23.6 (4) has possession, custody, or control of public property or money used, or to be
23.7 used, by the state and knowingly delivers or causes to be delivered to the state less money
23.8 or property than the amount for which the person receives a receipt;

23.9 (5) is authorized to prepare or deliver a receipt for money or property used, or to
23.10 be used, by the state and knowingly prepares or delivers a receipt that falsely represents
23.11 the money or property;

23.12 (6) knowingly buys, or receives as a pledge of an obligation or debt, public property
23.13 from an officer or employee of the state who lawfully may not sell or pledge the property;
23.14 or

23.15 (7) knowingly makes or uses, or causes to be made or used, a false record or
23.16 statement to conceal, avoid, or decrease an obligation to pay or transmit money or
23.17 property to the state.

23.18 (b) The court may assess not less than two times the amount of damages which the
23.19 state sustains because of the act of the person if:

23.20 (1) the person committing a violation under paragraph (a) furnished officials of the
23.21 state responsible for investigating the false claims violations with all information known
23.22 to the person about the violation within 30 days after the date on which the defendant first
23.23 obtained the information;

23.24 (2) the person fully cooperated with any state investigation of the violation; and

23.25 (3) at the time the person furnished the state with information about the violation,
23.26 no criminal prosecution, civil action, or administrative action had commenced under this
23.27 section with respect to the violation, and the person did not have actual knowledge of the
23.28 existence of an investigation into the violation.

23.29 (c) A person violating this section is also liable to the state for the costs of a civil
23.30 action brought to recover any penalty or damages.

23.31 Subd. 2. **Right to cure.** A person is not liable under this section for mere
23.32 inadvertence or mistake with respect to activities involving a false or fraudulent claim.

23.33 Sec. 18. **[15C.03] EXCLUSION.**

23.34 This chapter does not apply to claims, records, or statements made under portions
23.35 of Minnesota Statutes relating to taxation.

24.1 Sec. 19. **[15C.04] RESPONSIBILITIES OF ATTORNEY GENERAL.**

24.2 The attorney general may investigate violations of section 15C.02. If the attorney
24.3 general finds that a person has violated or is violating section 15C.02, the attorney general
24.4 may bring a civil action under this section against the person to enjoin any act in violation
24.5 of section 15C.02 and to recover damages and penalties.

24.6 Sec. 20. **[15C.05] PRIVATE REMEDIES; COMPLAINT UNDER SEAL; COPY**
24.7 **OF COMPLAINT AND WRITTEN DISCLOSURE OF EVIDENCE TO BE SENT**
24.8 **TO ATTORNEY GENERAL.**

24.9 (a) Except as otherwise provided in this section, a person may maintain an action
24.10 pursuant to this section on the person's own account and that of the state if money,
24.11 property, or services provided by the state are involved; the person's own account and
24.12 that of a political subdivision if money, property, or services provided by the political
24.13 subdivision are involved; or on the person's own account and that of both the state and a
24.14 political subdivision if both are involved. After such an action is commenced, it may be
24.15 voluntarily dismissed only if the court and the attorney general give written consent to the
24.16 dismissal and their reasons for consenting.

24.17 (b) If an action is brought pursuant to this section, no other person may bring
24.18 another action pursuant to this section based on the same facts which are the subject of
24.19 the pending action.

24.20 (c) An action may not be maintained by a person pursuant to this section:

24.21 (1) against the legislature, the judiciary, an executive department of the state, or a
24.22 political subdivision, and their members or employees;

24.23 (2) if the action is based upon allegations or transactions that are the subject of a
24.24 civil action or an administrative proceeding for a monetary penalty to which the state or a
24.25 political subdivision of the state is already a party; or

24.26 (3) unless the action is brought by an original source of the information or the
24.27 attorney general initiates or intervenes in the action, if the action is based upon the public
24.28 disclosure of allegations or transactions: (i) in a criminal, civil, or administrative hearing;
24.29 (ii) in an investigation, report, hearing, or audit conducted by or at the request of the house
24.30 of representatives or the senate; (iii) by an auditor or the governing body of a political
24.31 subdivision; or (iv) from the news media.

24.32 (d) A complaint in an action pursuant to this section must be commenced by filing
24.33 the complaint with the court in camera, and the court must place it under seal for at least
24.34 60 days. No service may be made upon the defendant until the complaint is unsealed.

(e) If a complaint is filed under this section, the plaintiff shall serve a copy of the complaint on the attorney general in accordance with the Minnesota Rules of Civil Procedure and shall also serve at the same time a written disclosure of substantially all material evidence and information the plaintiff possesses.

Sec. 21. [15C.06] ATTORNEY GENERAL INTERVENTION; MOTION TO EXTEND TIME; UNSEALING OF COMPLAINT.

(a) Within 60 days after receiving a complaint and disclosure pursuant to section 15C.05, the attorney general shall intervene or decline intervention or, for good cause shown, move the court to extend the time for doing so. The motion may be supported by affidavits or other submissions in chambers.

(b) The complaint must be unsealed after the attorney general decides whether or not to intervene.

(c) Notwithstanding the attorney general's decision regarding intervention in an action brought by a plaintiff under section 15C.05, the attorney general may pursue the claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil money penalty. If the attorney general pursues any such alternate remedy in another proceeding, the person initiating the action has the same rights in that proceeding as if the action had continued under section 15C.05. Any finding of fact or conclusion of law made in the other proceeding that has become final is conclusive on all parties to an action under section 15C.05. For purposes of this paragraph, a finding or conclusion is final if it has been finally determined on appeal to the appropriate state court, if the time for filing an appeal has expired, or if the finding or conclusion is not subject to judicial review.

Sec. 22. [15C.07] SERVICE OF UNSEALED COMPLAINT AND RESPONSE BY DEFENDANT.

When unsealed, the complaint shall be served on the defendant pursuant to Rule 3 of the Minnesota Rules of Civil Procedure.

The defendant must respond to the complaint within 20 days after it is served on the defendant.

Sec. 23. [15C.08] ATTORNEY GENERAL AND PRIVATE PARTY ROLES.

(a) Except as otherwise provided by this section, if the attorney general does not intervene at the outset in an action brought by a person pursuant to section 15C.05, the person has the same rights in conducting the action as the attorney general would have

had. A copy of each pleading or other paper filed in the action, and a copy of the transcript of each deposition taken, must be mailed to the attorney general if the attorney general so requests and pays the cost of doing so.

(b) If the attorney general elects not to intervene at the outset in the action, the attorney general may intervene subsequently, upon timely application and good cause shown. If the attorney general so intervenes, the attorney general subsequently has primary responsibility for conducting the action.

(c) If the attorney general elects at the outset of the action to intervene, the attorney general has the primary responsibility for prosecuting the action. The person who initially brought the action remains a party, but the person's acts do not bind the attorney general.

(d) Whether or not the attorney general intervenes in the action, the attorney general may move to dismiss the action for good cause. The person who brought the action must be notified of the filing of the motion and may oppose it and present evidence at the hearing. The attorney general may also settle the action. If the attorney general intends to settle the action, the attorney general shall notify the person who brought the action. The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such a hearing may be held in camera.

Sec. 24. **[15C.09] STAY OF DISCOVERY; EXTENSION.**

(a) The court may stay discovery by a person who brought an action under section 15C.05 for not more than 60 days if the attorney general shows that the proposed discovery would interfere with the investigation or prosecution of a civil or criminal matter arising out of the same facts, whether or not the attorney general participates in the action.

(b) The court may extend the stay upon a further showing that the attorney general has pursued the civil or criminal investigation or proceeding with reasonable diligence and that the proposed discovery would interfere with its continuation.

(c) Discovery may not be stayed for a total of more than six months over the objection of the person who brought the action, except for good cause shown by the attorney general.

(d) A showing made pursuant to this section must be made in chambers.

Sec. 25. **[15C.10] COURT-IMPOSED LIMITATION UPON PARTICIPATION OF PRIVATE PLAINTIFF IN ACTION.**

Upon a showing by the attorney general in an action in which the attorney general has intervened that unrestricted participation by a person under this chapter would interfere with or unduly delay the conduct of the action, or would be repetitious, irrelevant, or solely for harassment, the court may limit the person's participation by, among other measures, limiting the number of witnesses, the length of the testimony of the witnesses, or the cross-examination of witnesses by the person.

Sec. 26. [15C.11] LIMITATION OF ACTIONS; REMEDIES.

(a) An action pursuant to this chapter may not be commenced more than three years after the date of discovery of the fraudulent activity by the attorney general or more than six years after the fraudulent activity occurred, whichever occurs last, but in no event more than ten years after the date on which the violation is committed.

(b) A finding of guilt in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty or a plea of guilty or nolo contendere, stops the person found guilty from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

(c) In any action under this chapter, the state and any qui tam plaintiff must prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

Sec. 27. [15C.12] AWARD OF EXPENSES AND ATTORNEY FEES.

If the attorney general or a person who brought an action under section 15C.05 prevails in or settles an action pursuant to this chapter, the court may authorize the person to recover reasonable costs, reasonable attorney fees, and the reasonable fees of expert consultants and expert witnesses. Those expenses must be awarded against the defendant, and may not be allowed against the state or a political subdivision. If the attorney general does not intervene in the action and the person bringing the action conducts the action, and if the defendant prevails in the action, the court shall award to the defendant reasonable expenses and attorney fees against the party or parties who participated in the action if it finds that the action was clearly frivolous or vexatious or brought in substantial part for harassment.

Sec. 28. [15C.13] DISTRIBUTION TO PRIVATE PLAINTIFF IN CERTAIN ACTIONS.

If the attorney general intervenes at the outset in an action brought by a person under section 15C.05, the person shall receive not less than 15 percent or more than 25

percent of any recovery in proportion to the person's contribution to the conduct of the action. If the attorney general does not intervene in the action at the outset, the person is entitled to receive not less than 25 percent or more than 30 percent of any recovery of the civil penalty and damages, or settlement, as the court determines to be reasonable. For recoveries whose distribution is governed by federal code or rule, the basis for calculating the portion of the recovery the person is entitled to receive shall not include such amounts reserved for distribution to the federal government or designated in their use by such federal code or rule.

Sec. 29. **[15C.14] EMPLOYER RESTRICTIONS; LIABILITY.**

(a) An employer shall not adopt or enforce any rule or policy forbidding an employee to disclose information to the state, a political subdivision, or a law enforcement agency, or to act in furtherance of an action pursuant to this chapter, including investigation for bringing or testifying in such an action.

(b) An employer shall not discharge, demote, suspend, threaten, harass, deny promotion to, or otherwise discriminate against an employee in the terms or conditions of employment because of lawful acts done by the employee on the employee's behalf or on behalf of others in disclosing information to the state, a political subdivision, or a law enforcement agency in furtherance of an action pursuant to this chapter, including investigation for bringing or testifying in such an action.

(c) An employer who violates this section is liable to the affected employee in a civil action for damages and other relief, including reinstatement, twice the amount of lost compensation, interest on the lost compensation, any special damage sustained as a result of the discrimination, and punitive damages if appropriate. The employer is also liable for expenses recoverable pursuant to section 15C.12, including costs and attorney fees.

Sec. 30. **[16A.0115] NAME.**

The commissioner of finance and the Department of Finance may not be identified by a title or name other than the title and name assigned by law. The Commissioner must ensure that the department's documents, publications, and Web site comply with this section.

Sec. 31. Minnesota Statutes 2008, section 16A.055, subdivision 1, is amended to read:

Subdivision 1. **List.** (a) The commissioner shall:

(1) receive and record all money paid into the state treasury and safely keep it until lawfully paid out;

- 29.1 (2) manage the state's financial affairs;
- 29.2 (3) keep the state's general account books according to generally accepted
- 29.3 government accounting principles;
- 29.4 (4) keep expenditure and revenue accounts according to generally accepted
- 29.5 government accounting principles;
- 29.6 (5) develop, provide instructions for, prescribe, and manage a state uniform
- 29.7 accounting system; and
- 29.8 (6) provide to the state the expertise to ensure that all state funds are accounted for
- 29.9 under generally accepted government accounting principles; ~~and.~~
- 29.10 ~~(7) coordinate the development of, and maintain standards for, internal auditing in~~
- 29.11 ~~state agencies and, in cooperation with the commissioner of administration, report to the~~
- 29.12 ~~legislature and the governor by January 31 of odd-numbered years, on progress made.~~
- 29.13 (b) In addition to the duties in paragraph (a), the commissioner has the powers and
- 29.14 duties given to the commissioner in chapter 43A.

29.15 Sec. 32. Minnesota Statutes 2008, section 16A.055, is amended by adding a

29.16 subdivision to read:

29.17 Subd. 1a. **Additional duties.** The commissioner may assist state agencies by

29.18 providing analytical, statistical, and organizational development services to state agencies

29.19 in order to assist the agency to achieve the agency's mission and to operate efficiently

29.20 and effectively.

29.21 Sec. 33. **[16A.056] WEB SITE WITH SEARCHABLE DATABASE ON STATE**

29.22 **EXPENDITURES.**

29.23 Subdivision 1. **Web database requirement.** The commissioner, in consultation

29.24 with the commissioners of administration and revenue, must maintain a Web site with

29.25 a searchable database providing the public with information on state contracts, state

29.26 appropriations, state expenditures, and state tax expenditures. For each data field identified

29.27 in subdivisions 2 to 5, the searchable database must allow a user of the Web site to:

- 29.28 (1) perform a search using that field;
- 29.29 (2) sort by that field;
- 29.30 (3) obtain information grouped or aggregated by that field, where groups or subtotals
- 29.31 are feasible; and
- 29.32 (4) view information in that field by each fiscal year or an aggregation of fiscal years.

29.33 Subd. 2. **Contracts.** (a) The searchable database on the Web site must include

29.34 at least the following data fields:

- 30.1 (1) the name of the entity receiving the contract;
- 30.2 (2) the name of the agency entering into the contract;
- 30.3 (3) an indication if the contract is for (i) goods; (ii) professional or technical services;
- 30.4 (iii) services other than professional and technical services; or (iv) a grant; and
- 30.5 (4) the fund or funds from which the entity receiving the contract will be paid.
- 30.6 (b) For each contract, the database must also include:
- 30.7 (1) an address for each entity receiving a contract; and
- 30.8 (2) a brief statement of the purpose of the contract or grant.
- 30.9 (c) Information on a new contract or grant must be entered into the database within
- 30.10 30 days of the time the contract or grant is entered into.
- 30.11 (d) For purposes of this section, a "grant" is a contract between a state agency and
- 30.12 a recipient, the primary purpose of which is to transfer cash or a thing of value to the
- 30.13 recipient to support a public purpose. Grant does not include payments to units of local
- 30.14 governments, payments to state employees, or payments made under laws providing for
- 30.15 assistance to individuals.
- 30.16 Subd. 3. **Appropriations.** The searchable database on the Web site must include
- 30.17 at least the following data fields on state appropriations:
- 30.18 (1) the agency receiving the appropriation, or the name of the nonstate entity
- 30.19 receiving the appropriation;
- 30.20 (2) the agency program, to the extent applicable;
- 30.21 (3) the agency activity, to the extent applicable;
- 30.22 (4) an item within an activity if applicable;
- 30.23 (5) the fund from which the appropriation is made; and
- 30.24 (6) the object of expenditure.
- 30.25 Subd. 4. **State expenditures.** The searchable database on the Web site must include
- 30.26 at least the following data fields on state expenditures:
- 30.27 (1) the agency making the expenditure, or the name of the nonstate entity making
- 30.28 the appropriation;
- 30.29 (2) the agency program, to the extent applicable;
- 30.30 (3) the agency activity, to the extent applicable;
- 30.31 (4) an item within an activity if applicable;
- 30.32 (5) the fund from which the expenditure is made; and
- 30.33 (6) the object of expenditure.
- 30.34 Subd. 5. **Tax expenditures.** The Web site must include a searchable database of
- 30.35 state tax expenditures. For each fiscal year, the database must include data fields showing

the estimated impact on state revenues of each tax expenditure item listed in the report prepared under section 270C.11.

Subd. 6. **Retention of data.** The database required under this section must include information beginning with fiscal year 2010 funds and must retain data for at least ten years.

Subd. 7. **Consultation.** The commissioner of finance must consult with the chairs of the house of representatives Ways and Means and senate Finance Committees before encumbering any funds appropriated on or after July 1, 2009, for the planning, development, and implementation of state accounting or procurement systems. No funds appropriated for these purposes may be spent unless the commissioner certifies that the systems will allow compliance with requirements of this section.

Sec. 34. [16A.057] INTERNAL CONTROLS AND INTERNAL AUDITING.

Subdivision 1. **Establishment of system.** The commissioner is responsible for the system of internal controls across the executive branch. The commissioner must coordinate the design, implementation, and maintenance of an effective system of internal controls and internal auditing for all executive agencies. The system must:

(1) safeguard public funds and assets and minimize incidences of fraud, waste, and abuse;

(2) ensure that programs are administered in compliance with federal and state laws and rules;

(3) require documentation of internal control procedures over financial management activities, provide for analysis of risks, and provide for periodic evaluation of control procedures to satisfy the commissioner that these procedures are adequately designed, properly implemented, and functioning effectively; and

(4) provide for periodic internal audit of major systems and controls, including accounting systems and controls; administrative systems and controls; and, in conjunction with the Office of Enterprise Technology, information and telecommunications technology systems and controls.

Subd. 2. **Standards.** The commissioner must adopt internal control standards and policies that agencies must follow to meet the requirements of subdivision 1. These standards and policies may include separation of duties, safeguarding receipts, time entry, approval of travel, and other topics the commissioner determines are necessary to comply with subdivision 1.

Subd. 3. **Training and assistance.** The commissioner shall coordinate training for accounting personnel and financial managers in state agencies on internal controls

as necessary to ensure financial integrity in the state's financial transactions. The commissioner shall provide internal control support to agencies that the commissioner determines need this assistance.

Subd. 4. Sharing internal audit resources. The commissioner must administer a program for sharing internal auditors among executive agencies that do not have their own internal auditors and for assembling interagency teams of internal auditors as necessary.

Subd. 5. Monitoring Office of the Legislative Auditor audits. The commissioner must review audit reports from the Office of the Legislative Auditor and take appropriate steps to address internal control problems found in executive agencies.

Subd. 6. Budget for internal controls. The commissioner of finance may require that each executive agency spend a specified percentage of its operating budget on internal control systems. The commissioner of finance may require that an agency transfer a portion of its operating budget to the commissioner to pay for internal control functions performed by the commissioner.

Subd. 7. Annual report. The commissioner must report to the legislature and the governor by January 31 of each odd-numbered year on the system of internal controls and internal auditing in executive agencies.

Subd. 8. Agency head responsibilities. The head of each executive agency is responsible for designing, implementing, and maintaining an effective internal control system within the agency that complies with the requirements of subdivision 1, clauses (1) to (4). The head of each executive agency must annually certify that the agency head has reviewed the agency's internal control systems, and that these systems are in compliance with standards and policies established by the commissioner. The agency head must submit the signed certification form to the commissioner of finance, in a form specified by the commissioner.

Subd. 9. State colleges and universities. This section does not apply to the Minnesota state colleges and universities system.

Sec. 35. [16A.058] FINANCIAL CONTROLS COUNCIL.

Subdivision 1. Membership. The executive council shall appoint a five-member financial controls council. Members must have public or private sector experience in internal control issues. The council shall annually elect a chair and vice-chair from among its members.

Subd. 2. Duties. (a) The council shall advise the commissioner of finance, the governor, the Legislative Audit Commission, and the legislature on the system of internal controls for executive agencies. In performing this duty, the council shall:

33.1 (1) review audits and other reports of the Office of the Legislative Auditor and
33.2 from internal auditors in executive agencies;

33.3 (2) review the state's system of internal controls and make recommendations for
33.4 changes in practices of specific executive agencies or on general changes needed in state
33.5 laws, procedures, or policies;

33.6 (3) recommend guidelines and best practices to produce an effective system of
33.7 internal controls;

33.8 (4) recommend the number of internal audit employees required for executive
33.9 agencies, individually and in total; and

33.10 (5) review and comment on the performance of the commissioner of finance in
33.11 carrying out duties under section 16A.057.

33.12 (b) The council may:

33.13 (1) require reports from any executive agency relative to an internal control or
33.14 an internal audit matter;

33.15 (2) receive and review reports from internal auditors in executive agencies;

33.16 (3) conduct hearings relative to attempts to interfere with, compromise, or intimidate
33.17 an internal auditor; and

33.18 (4) conduct hearings on the effectiveness of internal control or internal audit
33.19 functions within an executive agency.

33.20 Subd. 3. **Terms; compensation; removal; vacancies; expiration.** The membership
33.21 terms, compensation, removal of members, and filling of vacancies shall be as provided in
33.22 section 15.059, except that council members shall not receive a per diem. The council is
33.23 not subject to the expiration date provisions of section 15.059.

33.24 Subd. 4. **Administrative support.** The commissioner of finance shall provide
33.25 administrative support to the council upon request of its chair.

33.26 Subd. 5. **MnSCU.** The Minnesota State Colleges and Universities system is not an
33.27 executive agency for purposes of this section.

33.28 Sec. 36. Minnesota Statutes 2008, section 16A.11, is amended by adding a subdivision
33.29 to read:

33.30 Subd. 3d. **Information technology budget proposals.** A proposal in the detailed
33.31 budget documents for a new investment in information technology systems or equipment
33.32 costing \$100,000 or more must request that money for the system or equipment be
33.33 appropriated to the Office of Enterprise Technology.

33.34 Sec. 37. Minnesota Statutes 2008, section 16A.126, subdivision 1, is amended to read:

34.1 Subdivision 1. **Set rates.** The commissioner shall approve the rates an agency must
34.2 pay to a revolving fund for services. Funds subject to this subdivision include, but are
34.3 not limited to, the revolving funds established in sections 4A.05; 14.46; 14.53; 16B.48;
34.4 16B.54; 16B.58; 16B.85; 16C.03, subdivision 11; 16E.14; 43A.55; and 176.591; and the
34.5 fund established in section 43A.30.

34.6 Sec. 38. Minnesota Statutes 2008, section 16A.133, subdivision 1, is amended to read:

34.7 Subdivision 1. **Payroll direct deposit and deductions.** An agency head in the
34.8 executive, judicial, and legislative branch shall, upon written request signed by an
34.9 employee, directly deposit all or part of an employee's pay to those credit unions or
34.10 financial institutions, as defined in section 47.015, designated by the employee.

34.11 An agency head ~~may~~ must, upon written request of an employee, deduct from the
34.12 pay of the employee a requested amount to be paid to the Minnesota Benefit Association,
34.13 or to any ~~organization~~ organizations contemplated by section 179A.06, of which the
34.14 employee is a member. ~~If an employee has more than one account with the Minnesota~~
34.15 ~~Benefit Association or more than one organization under section 179A.06, only the~~
34.16 ~~Minnesota Benefit Association and one organization, as defined under section 179A.06,~~
34.17 ~~may be paid money by payroll deduction from the employee's pay.~~

34.18 Sec. 39. Minnesota Statutes 2008, section 16A.139, is amended to read:

34.19 **16A.139 MISAPPROPRIATION OF MONEY.**

34.20 ~~It is illegal for any~~ (a) No official or head of any state department in the executive,
34.21 legislative, or judicial branches, or any employee thereof of a state department in those
34.22 branches, to may intentionally use moneys money appropriated by law, or fees collected
34.23 knowing that the use is for any other a purpose other than the purpose for which the
34.24 ~~moneys have been~~ money was appropriated, ~~and any such act by any.~~ Unless a greater
34.25 penalty is specified elsewhere in law, a person who violates this paragraph is guilty of a
34.26 gross misdemeanor.

34.27 (b) A violation of paragraph (a) by a head of a department, or any state official, is
34.28 cause for immediate removal of the official or head of a state department from the position
34.29 held with the government of this state. A criminal conviction under paragraph (a) is not a
34.30 prerequisite for removal. This paragraph does not apply to a judge, a constitutional officer,
34.31 or a legislator, except as potential grounds for expulsion, impeachment, or recall in the
34.32 manner specified in article IV, section 7, and article VIII of the Minnesota Constitution.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 40. **[16A.1391] BEST PRACTICES FOR INVESTIGATIONS.**

The commissioner of finance must develop and make available to appointing authorities in the executive, legislative, and judicial branches a best practices policy for conducting investigations in which the appointing authority compels its employees to answer questions about allegedly inappropriate activity. The best practices policy must be designed to facilitate effective investigations, without compromising the ability to prosecute criminal cases when appropriate. Each appointing authority must follow the best practices policy or, in consultation with the attorney general, must develop its own policy for conducting these investigations.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 41. Minnesota Statutes 2008, section 16A.152, is amended by adding a subdivision to read:

Subd. 8. **Report on budget reserve percentage.** (a) The commissioner of finance must periodically review the formula developed as part of the Budget Trends Study Commission authorized by Laws 2007, chapter 148, article 2, section 81, to estimate the percentage of the preceding biennium's general fund expenditures and transfers recommended as a budget reserve.

(b) The commissioner must annually review the variables and coefficients in the formula used to model the base of the general fund taxes and the mix of taxes that provide revenues to the general fund. If the commissioner determines that the variables and coefficients have changed enough to result in a change in the percentage of the preceding biennium's general fund expenditures and transfers recommended as a budget reserve, the commissioner must update the variables and coefficients in the formula to reflect the current base and mix of general fund taxes.

(c) Every ten years, the commissioner must review the methodology underlying the formula, taking into consideration relevant economic literature from the past ten years, and determine if the formula remains adequate as a tool for estimating the percentage of the preceding biennium's general fund expenditures and transfers recommended as a budget reserve. If the commissioner determines that the methodology underlying the formula is outdated, the commissioner must revise the formula.

(d) By January 15 of each year, the commissioner must report to the chairs of the house of representatives Committee on Ways and Means and the senate Committee on

Finance, in compliance with sections 3.195 and 3.197, on the percentage of the preceding biennium's general fund expenditures and transfers recommended as a budget reserve.

The report must specify:

(1) if the commissioner updated the variables and coefficients in the formula to reflect significant changes to either the base of one or more general fund taxes or to the mix of taxes that provide revenues to the general fund as provided in paragraph (b);

(2) if the commissioner revised the formula after determining the methodology was outdated as provided in paragraph (c); and

(3) if the percentage of the preceding biennium's general fund expenditures and transfers recommended as a budget reserve has changed as a result of an update of or a revision to the formula.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 42. **[16A.81] TECHNOLOGY DEVELOPMENT LEASE-PURCHASE FINANCING.**

Subdivision 1. **Definitions.** The following definitions apply to this section.

(a) "Technology system project" means the development, acquisition, installation, and implementation of a technology system that is essential to state operations and is expected to have a long useful life.

(b) "Lease-purchase agreement" means an agreement for the lease and installment purchase of a technology system project, or a portion of the project, between the commissioner, on behalf of the state, and a vendor or a third-party financing source.

(c) "Technology development lease-purchase guidelines" means policies, procedures, and requirements established by the commissioner for technology system projects that are financed pursuant to a lease-purchase agreement.

Subd. 2. **Lease-purchase financing.** The commissioner may enter into a lease-purchase agreement in an amount sufficient to fund a technology system project and authorize the public or private sale and issuance of certificates of participation, provided that:

(1) the technology system project has been authorized by law to be funded pursuant to a lease-purchase agreement;

(2) the term of the lease-purchase agreement and the related certificates of participation shall not exceed the lesser of the expected useful life of the technology system project financed by the lease-purchase agreement and the certificates or ten years from the date of issuance of the lease-purchase agreement and the certificates;

(3) the principal amount of the lease-purchase agreement and the certificates is sufficient to provide for the costs of issuance, capitalized interest, credit enhancement, or reserves, if any, as required under the lease-purchase agreement;

(4) funds sufficient for payment of lease obligations have been committed in the authorizing legislation for the technology system project for the fiscal year during which the lease-purchase agreement is entered into; provided that no lease-purchase agreement shall obligate the state to appropriate funds sufficient to make lease payments due under such agreement in any future fiscal year; and

(5) planned expenditures for the technology system project are permitted within the technology development lease-purchase guidelines.

Subd. 3. **Covenants.** The commissioner may covenant in a lease-purchase agreement that the state will abide by the terms and provisions that are customary in lease-purchase financing transactions, including but not limited to, covenants providing that the state:

(1) will maintain insurance as required under the terms of the lease-purchase agreement;

(2) is responsible to the lessor for any public liability or property damage claims or costs related to the selection, use, or maintenance of the technology system project, to the extent of insurance or self-insurance maintained by the state, and for costs and expenses incurred by the lessor as a result of any default by the state; or

(3) authorizes the lessor to exercise the rights of a secured party with respect to the technology system project or any portion of the project in the event of default or nonappropriation of funds by the state, and for the present recovery of lease payments due during the current term of the lease-purchase agreement as liquidated damages in the event of default.

Subd. 4. **Credit and appropriation of proceeds.** Proceeds of the lease-purchase agreement and certificates of participation must be credited to a technology lease project fund in the state treasury. Net income from investment of the proceeds, as estimated by the commissioner, must be credited to the appropriate accounts in the technology lease project fund. Funds in the technology lease project fund are appropriated for the purposes described in the authorizing law for each technology development project and this section.

Subd. 5. **Transfer of funds.** Before the lease-purchase proceeds are received in the technology lease project fund, the commissioner may transfer to that fund from the general fund amounts not exceeding the expected proceeds from the lease-purchase agreement and certificates of participation. The commissioner shall return these amounts to the

general fund by transferring proceeds when received. The amounts of these transfers are appropriated from the general fund and from the technology lease project fund.

Subd. 6. **Administrative expenses.** Actual and necessary travel and subsistence expenses of employees and all other nonsalary expenses incidental to the sale, printing, execution, and delivery of the lease-purchase agreement and certificates of participation may be paid from the lease-purchase proceeds. The lease-purchase proceeds are appropriated for this purpose.

Subd. 7. **Treatment of technology lease project fund.** Lease-purchase proceeds remaining in the technology lease project fund after the purposes for which the lease-purchase agreement was undertaken are accomplished or abandoned, as determined by the commissioner, must be transferred to the general fund.

Subd. 8. **Lease-purchase not public debt.** A lease-purchase agreement does not constitute or create a general or moral obligation or indebtedness of the state in excess of the money from time to time appropriated or otherwise available for payments or obligations under such agreement. Payments due under a lease-purchase agreement during a current lease term for which money has been appropriated is a current expense of the state.

Subd. 9. **Refunding certificates.** The commissioner from time to time may enter into a new lease-purchase agreement and issue and sell certificates of participation for the purpose of refunding any lease-purchase agreement and related certificates of participation then outstanding, including the payment of any redemption premiums, any interest accrued or that is to accrue to the redemption date, and costs related to the issuance and sale of such refunding certificates. The proceeds of any refunding certificates may, in the discretion of the commissioner, be applied to the purchase or payment at maturity of the certificates to be refunded, to the redemption of outstanding lease-purchase agreements and certificates on any redemption date, or to pay interest on the refunding lease-purchase agreements and certificates and may, pending such application, be placed in escrow to be applied to such purchase, payment, retirement, or redemption. Any escrowed proceeds, pending such use, may be invested and reinvested in obligations that are authorized investments under section 11A.24. The income earned or realized on any authorized investment may also be applied to the payment of the lease-purchase agreements and certificates to be refunded, interest or premiums on the refunded certificates, or to pay interest on the refunding lease-purchase agreements and certificates. After the terms of the escrow have been fully satisfied, any balance of proceeds and any investment income may be returned to the general fund, or if applicable, the technology lease project fund, for use in a lawful manner. All refunding lease-purchase agreements and certificates issued under the provisions of

39.1 this subdivision must be prepared, executed, delivered, and secured by appropriations in
39.2 the same manner as the lease-purchase agreements and certificates to be refunded.

39.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

39.4 Sec. 43. **[16A.82] TECHNOLOGY LEASE-PURCHASE APPROPRIATION.**

39.5 \$8,975,000 is appropriated annually from the general fund to the commissioner
39.6 to make payments under a lease-purchase agreement as defined in section 16A.81 for
39.7 replacement of the state's accounting and procurement systems, provided that the state is
39.8 not obligated to continue such appropriation of funds or to make lease payments in any
39.9 future fiscal year. Any unexpended portions of this appropriation cancel to the general
39.10 fund at the close of each biennium. This section expires June 30, 2020.

39.11 **EFFECTIVE DATE.** This section is effective July 1, 2010.

39.12 Sec. 44. **[16B.1225] LETTER-SIZED PAPER FOR DOCUMENTS.**

39.13 State entities in the executive, legislative, and judicial branches must use standard
39.14 letter-sized paper to print documents to the extent practical, and may not print documents
39.15 on legal-sized paper unless this is the only possible size paper for a particular document.

39.16 Sec. 45. Minnesota Statutes 2008, section 16B.24, is amended by adding a subdivision
39.17 to read:

39.18 Subd. 5b. **Employee fitness and wellness facilities.** An entity in the executive,
39.19 legislative, or judicial branch may use space under its control to offer fitness, wellness,
39.20 or similar classes or activities to its employees, and may allow persons conducting these
39.21 classes or activities to charge employees a fee to participate. Revenue received by a public
39.22 entity under this section is appropriated to the entity. This authorization applies to all state
39.23 space, including property in the Capitol area, and other designated property as defined
39.24 in rules adopted by the commissioner of public safety. Persons conducting these classes
39.25 or activities, and participating employees, waive any and all claims of liability against
39.26 the state for any damage or injury arising from the use of state space for employee fitness
39.27 and wellness classes or similar classes or activities. Persons conducting these classes or
39.28 activities agree to indemnify, save, and hold the state, its agents, and employees harmless
39.29 from any claims or causes of action, including attorney fees incurred by the state that arise
39.30 from these classes or activities.

Sec. 46. Minnesota Statutes 2008, section 16B.24, is amended by adding a subdivision to read:

Subd. 5c. **Rulemaking.** The commissioner of public safety must amend Minnesota Rules, part 7525.0400, and any other rules as necessary to conform with subdivision 5b. The commissioner may use the good cause exemption, under authority of Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform with subdivision 5b.

Sec. 47. **[16B.242] ENTERPRISE REAL PROPERTY ACCOUNT.**

The enterprise real property technology system and services account is created in the special revenue fund. Receipts credited to the account are appropriated to the commissioner of administration for the purpose of funding the personnel and technology to maintain the enterprise real property system and services.

Sec. 48. **[16B.2421] BIRD-SAFE BUILDINGS.**

Between March 15 and May 31 and between August 15 and October 31 each year, occupants of state-owned or state-leased buildings must attempt to reduce dangers posed to migrating birds by turning off building lights between midnight and dawn, to the extent turning off lights is consistent with the normal use of the buildings. The commissioner of administration may adopt policies to implement this requirement.

Sec. 49. **[16B.243] NAMING RIGHTS.**

The commissioner of administration may enter into a contract to sell the naming rights to a state-owned building, or to meeting rooms within a state-owned building. This section does not apply to the State Capitol building, to the Minnesota Judicial Center, or the State Office Building.

Sec. 50. **[16B.351] ADVERTISING.**

The commissioner of administration may enter into a contract to sell advertising on temporary fences or other temporary barriers adjacent to construction or repair projects on state-owned buildings or grounds.

Sec. 51. Minnesota Statutes 2008, section 16B.54, subdivision 2, is amended to read:

Subd. 2. **Vehicles.** (a) The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an

41.1 agency whose motor vehicles have been paid for with funds dedicated by the Constitution
41.2 for a special purpose and which are assigned to the central motor pool. The amount of
41.3 reimbursement for a motor vehicle is its average wholesale price as determined from the
41.4 midwest edition of the National Automobile Dealers Association official used car guide.

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

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

41.15 (d) The commissioner shall provide for the uniform marking of all motor vehicles.
41.16 Motor vehicle colors must be selected from the regular color chart provided by the
41.17 manufacturer each year. The commissioner may further provide for the use of motor
41.18 vehicles without marking by:

41.19 (1) the governor;

41.20 ~~(2) the lieutenant governor;~~

41.21 ~~(3)~~ (2) the Division of Criminal Apprehension, the Division of Alcohol and
41.22 Gambling Enforcement, and arson investigators of the Division of Fire Marshal in the
41.23 Department of Public Safety;

41.24 ~~(4)~~ (3) the Financial Institutions Division of the Department of Commerce;

41.25 ~~(5)~~ (4) the Division of Disease Prevention and Control of the Department of Health;

41.26 ~~(6)~~ (5) the State Lottery;

41.27 ~~(7)~~ (6) criminal investigators of the Department of Revenue;

41.28 ~~(8)~~ (7) state-owned community service facilities in the Department of Human
41.29 Services;

41.30 ~~(9)~~ (8) the investigative staff of the Department of Employment and Economic
41.31 Development;

41.32 ~~(10)~~ (9) the Office of the Attorney General; and

41.33 ~~(11)~~ (10) the investigative staff of the Gambling Control Board.

41.34 (e) The state may not provide a car for use of the lieutenant governor.

41.35 Sec. 52. **[16B.90] MILESTONES REPORT REQUIRED.**

42.1 The commissioner of administration must establish a statewide system of economic
42.2 (including tax implications), social, and environmental performance measures. The
42.3 milestones must provide the economic (including tax implications), social, and
42.4 environmental information necessary for public and elected officials to understand and
42.5 evaluate the sustainability of the state's long-term trends. The commissioner must report
42.6 on the trends and their implications each year. The commissioner may contract for the
42.7 development of information and measures.

42.8 Sec. 53. **[16B.99] GEOSPATIAL INFORMATION OFFICE.**

42.9 Subdivision 1. **Creation.** The Minnesota Geospatial Information Office is created
42.10 under the supervision of the commissioner of administration.

42.11 Subd. 2. **Responsibilities; authority.** The office has authority to provide
42.12 coordination, guidance, and leadership, and to plan the implementation of Minnesota's
42.13 geospatial information technology. The office shall identify, coordinate, and guide
42.14 strategic investments in geospatial information technology systems, data, and services to
42.15 ensure effective implementation and use of Geospatial Information Systems (GIS) by state
42.16 agencies to maximize benefits for state government as an enterprise.

42.17 Subd. 3. **Duties.** (a) The office must:

42.18 (1) coordinate and guide the efficient and effective use of available federal,
42.19 state, local, and public-private resources to develop statewide geospatial information
42.20 technology, data, and services;

42.21 (2) provide leadership and outreach, and ensure cooperation and coordination for
42.22 all GIS functions in state and local government, including coordination between state
42.23 agencies, intergovernment coordination between state and local units of government, and
42.24 extragovernment coordination, which includes coordination with academic and other
42.25 private and nonprofit sector GIS stakeholders;

42.26 (3) review state agency and intergovernment geospatial technology, data, and
42.27 services development efforts involving state or intergovernment funding, including federal
42.28 funding;

42.29 (4) provide information to the legislature regarding projects reviewed, and
42.30 recommend projects for inclusion in the governor's budget under section 16A.11;

42.31 (5) coordinate management of geospatial technology, data, and services between
42.32 state and local governments;

42.33 (6) provide coordination, leadership, and consultation to integrate government
42.34 technology services with GIS infrastructure and GIS programs;

(7) work to avoid or eliminate unnecessary duplication of existing GIS technology services and systems, including services provided by other public and private organizations while building on existing governmental infrastructures;

(8) promote and coordinate consolidated geospatial technology, data, and services and shared geospatial Web services for state and local governments; and

(9) promote and coordinate geospatial technology training, technical guidance, and project support for state and local governments.

Subd. 4. Duties of chief geospatial information officer. (a) In consultation with the state geospatial advisory council, the commissioner of administration, the commissioner of finance, and the Minnesota chief information officer, the chief geospatial information officer must identify when it is cost-effective for agencies to develop and use shared information and geospatial technology systems, data, and services. The chief geospatial information officer may require agencies to use shared information and geospatial technology systems, data, and services.

(b) The chief geospatial information officer, in consultation with the state geospatial advisory council, must establish reimbursement rates in cooperation with the commissioner of finance to bill agencies and other governmental entities sufficient to cover the actual development, operation, maintenance, and administrative costs of the shared systems. The methodology for billing may include the use of interagency agreements, or other means as allowed by law.

Subd. 5. Fees. (a) The chief geospatial information officer must set fees under section 16A.1285 that reflect the actual cost of providing information products and services to clients. The fees must be approved by the commissioner of finance. Fees are not subject to rulemaking under chapter 14 and section 14.386 does not apply. Fees collected must be deposited in the state treasury and credited to the Minnesota Geospatial Information Office revolving account. Money in the account is appropriated to the chief geospatial information officer for providing GIS consulting services, software, data, Web services, and map products on a cost-recovery basis, including the cost of services, supplies, material, labor, and equipment as well as the portion of the general support costs and statewide indirect costs of the office that is attributable to the delivery of these products and services. Money in the account shall not be used for the general operation of the Minnesota Geospatial Information Office.

(b) The chief geospatial information officer may require a state agency to make an advance payment to the revolving fund sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving fund is abolished or liquidated, the total net profit from the operation of the fund must be distributed to the various funds

from which purchases were made. For a given period of time, the amount of total net profit to be distributed to each fund shall reflect the same ratio of total purchases attributable to each fund divided by the total purchases from all funds.

Subd. 6. **Accountability.** The chief geospatial information officer is appointed by the commissioner of administration and shall work closely with the Minnesota chief information officer who shall play an advisory role on technology projects, standards, and services.

Subd. 7. **Discretionary powers.** The office may:

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

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

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

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

(5) appoint committees and task forces to assist the office in carrying out its duties;

(6) sponsor and conduct conferences and studies, collect and disseminate information, and issue reports relating to geospatial information and technology issues;

(7) participate in the activities and conferences related to geospatial information and communications technology issues;

(8) review the GIS technology infrastructure of regions of the state and cooperate with and make recommendations to the governor, legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of GIS information and technology infrastructure development potential;

(9) sponsor, support, and facilitate innovative and collaborative geospatial systems technology, data, and services projects; and

(10) review and recommend alternative sourcing strategies for state geospatial information systems technology, data, and services.

Subd. 8. **Geospatial advisory councils created.** The chief geospatial information officer must establish a governance structure that includes advisory councils to obtain expert advice from stakeholders on issues focusing on improving the operations and management of geospatial technology within state government and also on issues of importance to users of geospatial technology throughout the state.

45.1 (a) A statewide geospatial advisory council must advise the Minnesota Geospatial
45.2 Information Office about issues concerning the improvement of services statewide
45.3 through the coordinated, affordable, reliable, and effective use of geospatial technology.
45.4 Membership of the statewide council must include voting members selected to represent a
45.5 cross section of organizations that include counties, cities, universities, business, nonprofit
45.6 organizations, federal agencies, and state agencies. State agency membership must be
45.7 limited to no more than 20 percent of the total voting membership. In addition, the chief
45.8 geospatial information officer must be a nonvoting member.

45.9 (b) A state government geospatial advisory council must advise the Minnesota
45.10 Geospatial Information Office on issues concerning improving state government services
45.11 through the coordinated, affordable, reliable, and effective use of geospatial technology.
45.12 Membership of the state government council must include voting members representing
45.13 up to 15 state government agencies and constitutional offices, including the Office of
45.14 Enterprise Technology and the Minnesota Geospatial Information Office and shall be
45.15 chaired by the chief geographic information officer. A representative of the statewide
45.16 geospatial advisory council must serve as a nonvoting member.

45.17 (c) Members of both the statewide geospatial advisory council and the state
45.18 government advisory council must be recommended by a process that ensures that each
45.19 member is designated to represent a clearly identified agency or stakeholder category
45.20 and that complies with the state's open appointment process. Appointments must be
45.21 made by the commissioner of administration for a period of two years. Members serve
45.22 at the pleasure of the commissioner. Members must be reimbursed for expenses in the
45.23 manner specified in section 15.059, but do not receive per diem under that section. The
45.24 advisory councils expire June 30, 2013.

45.25 (d) The Minnesota Geospatial Information Office must provide administrative
45.26 support for both geospatial advisory councils.

45.27 Subd. 9. **Report to legislature.** By January 15, 2010, the chief geospatial
45.28 information officer must provide a report to the appropriate chairs of the state government
45.29 committees of the legislature that addresses all statutes that refer to the land management
45.30 information center or land management information system and makes a recommendation
45.31 about whether they should be continued, amended, or repealed.

45.32 **EFFECTIVE DATE.** This section is effective July 1, 2009.

45.33 Sec. 54. Minnesota Statutes 2008, section 16C.16, is amended by adding a subdivision
45.34 to read:

Subd. 6a. Service-disabled veteran-owned small businesses. (a) The commissioner shall award up to a six percent preference in the amount bid on state procurement to certified small businesses that are majority-owned and operated by veterans having service-connected disabilities, as determined by the United States Department of Veterans Affairs.

(b) The purpose of this designation is to facilitate the transition of service-disabled veterans from military to civilian life, and to help compensate them for their sacrifices, including but not limited to their sacrifice of health and time, for the state and nation during their military service, as well as to enhance economic development within Minnesota.

(c) For purposes of this section and section 16C.19, the following terms have the meanings given them:

(1) "veteran" has the meaning given in section 197.447; and

(2) "service-connected disability" has the meaning given in United States Code, title 38, section 101(16), as determined by the United States Department of Veterans Affairs.

EFFECTIVE DATE. This section is effective July 1, 2009, and applies to procurement contract bid solicitations issued on and after that date.

Sec. 55. Minnesota Statutes 2008, section 16C.19, is amended to read:

16C.19 ELIGIBILITY; RULES.

(a) A small business wishing to participate in the programs under section 16C.16, subdivisions 4 to 7, must be certified by the commissioner. The commissioner shall adopt by rule standards and procedures for certifying that small businesses, small targeted group businesses, and small businesses located in economically disadvantaged areas are eligible to participate under the requirements of sections 16C.16 to 16C.21. The commissioner shall adopt by rule standards and procedures for hearing appeals and grievances and other rules necessary to carry out the duties set forth in sections 16C.16 to 16C.21.

(b) The commissioner may make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers, manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21.

(c) The commissioner may make rules that set time limits and other eligibility limits on business participation in programs under sections 16C.16 to 16C.21.

(d) Notwithstanding paragraph (c), for purposes of sections 16C.16 to 16C.21, a service-disabled veteran-owned small business, the principal place of business of which is in Minnesota, is certified if it has been verified by the United States Department of

47.1 Veterans Affairs as being a service-disabled veteran-owned small business in accordance
47.2 with Public Law 109-461 and Code of Federal Regulations, title 38, part 74.

47.3 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
47.4 procurement contract bid solicitations issued on and after that date.

47.5 Sec. 56. Minnesota Statutes 2008, section 16C.20, is amended to read:

47.6 **16C.20 CERTIFICATION.**

47.7 A business that is certified by the commissioner of administration as a small
47.8 business, small targeted group business ~~or~~, a small business located in an economically
47.9 disadvantaged area, or a service-disabled veteran-owned small business is eligible to
47.10 participate under the requirements of sections 137.31 and 161.321 and, if certified as a
47.11 small business ~~or~~, small targeted group business, or service-disabled veteran-owned small
47.12 business, under section 473.142 without further certification by the contracting agency.

47.13 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
47.14 procurement contract bid solicitations issued on and after that date.

47.15 Sec. 57. **[16E.22] STATEWIDE ELECTRONIC LICENSING SYSTEM.**

47.16 Subdivision 1. **Account established; appropriation.** The statewide electronic
47.17 licensing account is created in the special revenue fund. Receipts credited to the account
47.18 are appropriated to the state chief information officer for completion of the Minnesota
47.19 electronic licensing system, for transferring licensing agencies to the system, and for
47.20 operation and maintenance of the system during the completion and transfer period.

47.21 Subd. 2. **Temporary licensing surcharge.** Executive branch state agencies shall
47.22 collect a temporary surcharge of ten percent of the licensing fee, but no less than \$5 and no
47.23 more than \$150 on each business, commercial, professional, or occupational license that:

47.24 (1) requires a fee; and

47.25 (2) will be transferred to the Minnesota electronic licensing system, as determined
47.26 by the state chief information officer.

47.27 The surcharge applies to initial license applications and license renewals. Each agency
47.28 that issues a license subject to this subdivision shall collect the surcharge for the license
47.29 for up to six years between July 1, 2009, and June 30, 2015, as directed by the state
47.30 chief information officer. Receipts from the surcharge shall be deposited in the statewide
47.31 licensing account established in subdivision 1. Department of Commerce licensees who
47.32 are paying for an existing electronic licensing database system under section 45.24 must
47.33 not be required to pay the surcharge under this section. The funds acquired under section

45.24 must be used in part, as determined by the commissioner of commerce, to fund the statewide electronic licensing system under this section and the fee imposed on licensees who pay for the system under section 45.24 may not exceed the maximum fee allowed under that section.

Subd. 3. **Priority.** In completing the statewide electronic licensing system, the chief information officer must give priority to the extent practical to licenses that are not currently issued electronically.

Subd. 4. **Contract authority.** The state chief information officer may enter into a risk-share or phased agreement with a vendor to complete the Minnesota electronic licensing system and to transfer licensing agencies to the system, provided that the payment for the vendor's services under the agreement is limited to the revenue from the surcharge enacted under subdivision 2, after payment of state operating and maintenance costs. The agreement must clearly indicate that the state chief information officer may only expend amounts actually collected from the surcharge, after state operations and maintenance costs have been paid, in payment for the vendor's services and that the vendor assumes this risk when performing work under the contract. This section does not require the state chief information officer to pay the vendor the entire amount of the surcharge revenue that remains after payment of state operations and maintenance costs. Before entering into a contract under this subdivision, the state chief information officer must consult with the commissioner of finance regarding the implementation of the surcharge and the terms of the contract.

Subd. 5. **Unused funds.** Money remaining in the statewide electronic licensing account after payment of all costs of completing the Minnesota electronic licensing system, transferring licensing agencies to the system, and operating and maintaining the system during the completion and transfer period is appropriated for the costs of operating and maintaining the Minnesota electronic licensing system after the system has been completed.

Subd. 6. **Expiration.** This section expires on June 30, 2017.

Sec. 58. Minnesota Statutes 2008, section 43A.02, is amended by adding a subdivision to read:

Subd. 18a. **Domestic partner.** "Domestic partner" means a person who has entered into a committed interdependent relationship with one other adult, where the partners:

(1) are responsible for each other's basic common welfare;

(2) share a common residence and intend to do so indefinitely;

(3) are not related by blood or adoption to an extent that would prohibit marriage in this state; and

(4) are legally competent and qualified to enter into a contract.

For purposes of this subdivision, domestic partners may be considered to share a common residence, even if they do not each have a legal right to possess the residence or one or both domestic partners possess additional real property.

If one domestic partner temporarily leaves the common residence with the intention to return, the domestic partners continue to share a common residence for the purposes of this subdivision.

Sec. 59. Minnesota Statutes 2008, section 43A.1815, is amended to read:

43A.1815 ~~VACATION~~ DONATION TO SICK LEAVE ACCOUNT.

(a) In addition to donations under section 43A.181, a state employee may donate a total of up to ~~12~~ 40 hours of accrued vacation or sick leave each fiscal year to the sick leave account of one or more state employees. A state employee may not be paid for more than 80 hours in a payroll period during which the employee uses sick leave credited to the employee's account as a result of a transfer from another state employee's vacation or sick leave account.

(b) The recipient employee must receive donations, as available, for an illness or condition of the employee or a member of the employee's family that prevents the employee from working. The donations must be available without a waiting period as soon as the employee's sick and vacation leave is exhausted. Donations may be used for up to a total of 1,044 hours during the duration of eligible employment. Recipients must continue to accrue vacation and sick leave while they are on donation leave.

(c) An applicant for benefits under this section who receives an unfavorable determination may select a designee to consult with the commissioner or commissioner's designee on the reasons for the determination.

(d) The commissioner shall establish procedures under section 43A.04, subdivision 4, for eligibility, duration of need based on individual cases, monitoring and evaluation of individual eligibility status, and other topics related to administration of this program.

Sec. 60. Minnesota Statutes 2008, section 43A.24, subdivision 1, is amended to read:

Subdivision 1. **General.** Employees, including persons on layoff from a civil service position, and employees who are employed less than full time, shall be eligible for state paid life insurance and hospital, medical and dental benefits as provided in collective bargaining agreements or plans established pursuant to section 43A.18. If a

50.1 collective bargaining agreement or plan provides state paid health insurance for spouses of
50.2 employees, the insurance must be made available to a domestic partner of a state employee
50.3 on the same terms and conditions.

50.4 **EFFECTIVE DATE.** This section is effective January 1, 2012.

50.5 Sec. 61. Minnesota Statutes 2008, section 43A.49, is amended to read:

50.6 **43A.49 VOLUNTARY UNPAID LEAVE OF ABSENCE.**

50.7 (a) Appointing authorities in state government may allow each employee to take
50.8 unpaid leaves of absence for up to 1,040 hours ~~between June 1, 2007, and June 30, 2009.~~
50.9 ~~The 1,040 hour limit replaces, and is not in addition to, limits set in prior laws in each~~
50.10 two-year period beginning July 1 of each odd-numbered year. Each appointing authority
50.11 approving such a leave shall allow the employee to continue accruing vacation and sick
50.12 leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue
50.13 service credit and credited salary in the state retirement plans as if the employee had
50.14 actually been employed during the time of leave. An employee covered by the unclassified
50.15 plan may voluntarily make the employee contributions to the unclassified plan during the
50.16 leave of absence. If the employee makes these contributions, the appointing authority
50.17 must make the employer contribution. If the leave of absence is for one full pay period or
50.18 longer, any holiday pay shall be included in the first payroll warrant after return from the
50.19 leave of absence. The appointing authority shall attempt to grant requests for the unpaid
50.20 leaves of absence consistent with the need to continue efficient operation of the agency.
50.21 However, each appointing authority shall retain discretion to grant or refuse to grant
50.22 requests for leaves of absence and to schedule and cancel leaves, subject to the applicable
50.23 provisions of collective bargaining agreements and compensation plans.

50.24 (b) To receive eligible service credit and credited salary in a defined benefit plan, the
50.25 member shall pay an amount equal to the applicable employee contribution rates. If an
50.26 employee pays the employee contribution for the period of the leave under this section,
50.27 the appointing authority must pay the employer contribution. The appointing authority
50.28 may, at its discretion, pay the employee contributions. Contributions must be made in a
50.29 time and manner prescribed by the executive director of the Minnesota State Retirement
50.30 Association System.

50.31 Sec. 62. **[43A.55] MANAGEMENT ANALYSIS REVOLVING FUND.**

50.32 Subdivision 1. Creation. The management analysis revolving fund is created in the
50.33 state treasury.

51.1 Subd. 2. **Appropriation and use of funds.** Money in the management analysis
51.2 revolving fund is appropriated annually to the commissioner to provide analytical,
51.3 statistical, and organizational development services to state agencies, local units of
51.4 government, metropolitan and regional agencies, school districts, and other public entities
51.5 in the state.

51.6 Subd. 3. **Reimbursements.** Except as specifically provided otherwise, each
51.7 agency shall reimburse the management analysis revolving fund for the cost of all
51.8 services, supplies, materials, labor, and depreciation of equipment, including reasonable
51.9 overhead costs, that the commissioner is authorized and directed to furnish an agency.
51.10 The commissioner shall report the rates to be charged for the revolving fund no later than
51.11 July 1 of each year to the chair of the committee or division of the senate or the house of
51.12 representatives with primary jurisdiction over the budget of the Department of Finance.

51.13 Subd. 4. **Cash flow.** The commissioner may make appropriate transfers to the
51.14 revolving fund according to section 16A.126. The commissioner may make allotment
51.15 and encumbrances in anticipation of these transfers. In addition, the commissioner may
51.16 require an agency to make advance payments to the revolving fund sufficient to cover
51.17 the office's estimated obligation for a period of at least 60 days. All reimbursements
51.18 and other money received by the commissioner under this section must be deposited in
51.19 the management analysis revolving fund.

51.20 Subd. 5. **Liquidation.** If the management analysis revolving fund is abolished or
51.21 liquidated, the total net profit from the operation of the fund must be distributed to the
51.22 various funds from which purchases were made. For a given period of time, the amount of
51.23 total net profit to be distributed to each fund shall reflect the same ratio of total purchases
51.24 attributable to each fund divided by the total purchases from all funds.

51.25 Sec. 63. Minnesota Statutes 2008, section 116G.15, is amended to read:

51.26 **116G.15 MISSISSIPPI RIVER CRITICAL AREA.**

51.27 ~~(a)~~ The federal Mississippi National River and Recreation Area established
51.28 pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of
51.29 critical concern in accordance with this chapter. The governor shall review the existing
51.30 Mississippi River critical area plan and specify any additional standards and guidelines
51.31 to affected communities in accordance with section 116G.06, subdivision 2, paragraph
51.32 (b), clauses (3) and (4), needed to insure preservation of the area pending the completion
51.33 of the federal plan.

51.34 ~~The results of an environmental impact statement prepared under chapter 116D~~
51.35 ~~begun before and completed after July 1, 1994, for a proposed project that is located in~~

~~the Mississippi River critical area north of the United States Army Corps of Engineers Lock and Dam Number One must be submitted in a report to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph shall be submitted by the responsible governmental unit that prepared the environmental impact statement, and must list alternatives to the project that are determined by the environmental impact statement to be economically less expensive and environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives. This paragraph does not apply to a proposed project to be carried out by the Metropolitan Council or a metropolitan agency as defined in section 473.121.~~

~~(b) If the results of an environmental impact statement required to be submitted by paragraph (a) indicate that there is an economically less expensive and environmentally superior alternative, then no member agency of the Environmental Quality Board shall issue a permit for the facility that is the subject of the environmental impact statement, other than an economically less expensive and environmentally superior alternative, nor shall any government bonds be issued for the facility, other than an economically less expensive and environmentally superior alternative, until after the legislature has adjourned its regular session sine die in 1996.~~

Sec. 64. **[116G.152] CRITICAL AREA.**

The Metropolitan Council, in consultation with the Environmental Quality Board, shall consider for inclusion in the regional recreational open space system created in chapter 473 property adjacent to Main Street and southeast of 6th Avenue Southeast in the city of Minneapolis. The Council and the Environmental Quality Board shall report to the legislature by January 15, 2011, on the extent to which inclusion of the property in the open space system would support official plans for the area, including local comprehensive plans, regional park plans, and Mississippi River Critical Area standards. No rezoning, conditional use permit, or variance may be granted with respect to any property in the area described in this section until the legislature determines that the property is not suitable for inclusion in the regional recreational open space system.

Sec. 65. Minnesota Statutes 2008, section 129D.13, is amended to read:

129D.13 GRANTS.

Subdivision 1. **Distribution.** The commissioner shall distribute the money provided by sections 129D.11 to 129D.13. ~~Twice~~ Annually the commissioner shall make block grants which shall be distributed in equal amounts to public stations for operational costs. The commissioner shall allocate money appropriated for the purposes of sections 129D.11 to 129D.13 in such a manner that each eligible public station receives a block grant. In addition, the commissioner shall make matching grants to public stations. Matching grants shall be used for operational costs and shall be allocated using the procedure developed for distribution of state money under this section for grants made in fiscal year 1979. No station's matching grant in any fiscal year shall exceed the amount of Minnesota-based contributions received by that station in the previous fiscal year. Grants made pursuant to this subdivision may only be given to those federally licensed stations that are certified as eligible for community service grants through the Corporation for Public Broadcasting. Grant funds not expended by a station during the first year of the biennium do not cancel and may be carried over into the second fiscal year.

Subd. 2. **Exclusions from contribution amount.** In calculating the amount of contributions received by a public station pursuant to subdivision 1, there shall be excluded: contributions, whether monetary or in kind, from the Corporation for Public Broadcasting; tax generated funds, including payments by public or private elementary and secondary schools; that portion of any foundation or corporation donation in excess of ~~\$500~~ \$2,500 from any one contributor in ~~a calendar~~ the previous station fiscal year; contributions from any source if made for the purpose of capital expenditures; and contributions from all sources based outside the state.

Subd. 3. **Report.** Each ~~educational~~ station receiving a grant shall ~~annually~~ report ~~by July 1~~ annually by August 1 to the commissioner the purposes for which the money was used in the past ~~fiscal~~ year and the anticipated use of the money in the next ~~fiscal~~ year. ~~The report shall be certified by an independent auditor or a certified public accountant.~~ This report shall be submitted along with a new grant request submission. If the report is not submitted by ~~September 1~~, the commissioner ~~may withhold from the educational station 45 percent of the amount to which it was entitled based upon the contribution of the previous fiscal year, and may redistribute that money to other educational stations.~~

~~Subd. 4. **Program categories and funding programs.** The Board of the Arts may develop program categories and funding programs in television, film and other public media.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 66. Minnesota Statutes 2008, section 129D.14, subdivision 4, is amended to read:

Subd. 4. **Application.** To be eligible for a grant under this section, a licensee shall submit an application to the commissioner ~~within the deadline prescribed by the commissioner~~ according to state grant policies. Each noncommercial radio station receiving a grant shall report annually ~~within the deadline prescribed by~~ August 1 to the commissioner the purposes for which the money was used in the past ~~fiscal~~ year and the anticipated use of the money for the next ~~fiscal~~ year. This report shall be submitted along with a new grant request submission. If the application and report are not submitted within the deadline prescribed by the commissioner, the grant may be redistributed to the other noncommercial radio stations eligible for a grant under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 67. Minnesota Statutes 2008, section 129D.14, subdivision 5, is amended to read:

Subd. 5. **State community service block grants.** (a) The commissioner shall determine eligibility for block grants and the allocation of block grant money on the basis of audited financial records of the station to receive the block grant funds for the station's fiscal year preceding the year in which the grant is made, as well as on the basis of the other requirements set forth in this section. The commissioner shall annually distribute block grants equally to all stations that comply with the eligibility requirements and for which a licensee applies for a block grant. Grant funds not expended by a station during the first year of the biennium do not cancel and may be carried over into the second fiscal year. The commissioner may promulgate rules to implement this section.

(b) A station may use grant money under this section for any radio station expenses.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 68. Minnesota Statutes 2008, section 129D.14, subdivision 6, is amended to read:

Subd. 6. **Audit.** A station that receives a grant under this section shall have an audit of its financial records made by an independent auditor or Corporation for Public Broadcasting accepted audit ~~at the end of~~ for the ~~fiscal~~ year for which it received the grant. ~~The audit shall include a review of station promotion, operation, and management and an analysis of the station's use of the grant money.~~ A copy of the most recent audit shall be filed with the commissioner. ~~If neither is available,~~ The commissioner may accept a letter of negative assurance from an independent auditor or a certified public accountant.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 69. Minnesota Statutes 2008, section 129D.155, is amended to read:

129D.155 REPAYMENT OF FUNDS.

State funds distributed to public television or noncommercial radio stations and used to purchase equipment assets must be repaid to the state, without interest, if the assets purchased with these funds are sold within five years or otherwise converted to a person other than a nonprofit or municipal corporation. The amount due to the state shall be the net amount realized from the sale of the assets, but shall not exceed the amount of state funds advanced for the purchase of the asset. ~~Public television and noncommercial radio stations receiving state funds must report biennially to the legislature on the location and usage of assets purchased with state funds.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 70. Minnesota Statutes 2008, section 135A.17, subdivision 2, is amended to read:

Subd. 2. **Residential housing list.** ~~All postsecondary institutions that enroll students accepting state or federal financial aid may~~ (a) Institutions within the Minnesota State Colleges and Universities system must prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus Minnesota. The list shall must include each student's name and current address as permitted by applicable privacy laws. The list shall must be certified and sent to the appropriate county auditor or auditors secretary of state no earlier than 30 and no later than 25 days prior to the November general election, in an electronic format specified by the secretary of state, for use in election day registration as provided under section 201.061, subdivision 3. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution, or for institutions within the Minnesota State Colleges and Universities system, by the chancellor, and must state that the list is current and accurate and includes only the names of currently enrolled students residing in Minnesota as of the date of certification. The secretary of state must combine the data received from each postsecondary educational institution under this subdivision and must process the data to locate the precinct in which the address provided for each student is located. If the data submitted by the postsecondary educational institution is insufficient for the secretary of state to locate the proper precinct, the associated student name must not appear in any list forwarded to a county auditor under this subdivision.

At least 14 days prior to the November general election, the secretary of state must forward to the appropriate county auditor lists of students containing the students' names and addresses for which precinct determinations have been made along with their

postsecondary educational institutions. The list must be sorted by precinct and student last name and must be forwarded in an electronic format specified by the secretary of state or other mutually agreed upon medium, if a written agreement specifying the medium is signed by the secretary of state and the county auditor at least 90 days before the November general election. A written agreement is effective for all elections until rescinded by either the secretary of state or the county auditor.

(b) Other postsecondary institutions may provide lists as provided by this subdivision or as provided by the rules of the secretary of state. The University of Minnesota is requested to comply with this subdivision.

(c) A residential housing list provided under this subdivision may not be used or disseminated by a county auditor or the secretary of state for any other purpose.

Sec. 71. Minnesota Statutes 2008, section 161.321, is amended to read:

161.321 SMALL BUSINESS CONTRACTS.

Subdivision 1. **Definitions.** For purposes of this section the following terms have the meanings given them, except where the context clearly indicates a different meaning is intended.

(a) "Award" means the granting of a contract in accordance with all applicable laws and rules governing competitive bidding except as otherwise provided in this section.

(b) "Contract" means an agreement entered into between a business entity and the state of Minnesota for the construction of transportation improvements.

(c) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in paragraph (b).

(d) "Targeted group business" means a business designated under section 16C.16, subdivision 5.

(e) "Service-disabled veteran-owned small business" means a business designated under section 16C.16, subdivision 6a.

Subd. 2. **Small business set-asides.** (a) The commissioner may award up to a six percent preference in the amount bid for specified construction work to small targeted group businesses and service-disabled veteran-owned small businesses.

(b) The commissioner may designate a contract for construction work for award only to small targeted group businesses if the commissioner determines that at least three small targeted group businesses are likely to bid. The commissioner may designate a contract for construction work for award only to service-disabled veteran-owned small businesses

57.1 if the commissioner determines that at least three service-disabled veteran-owned small
57.2 businesses are likely to bid.

57.3 (c) The commissioner, as a condition of awarding a construction contract, may set
57.4 goals that require the prime contractor to subcontract a portion of the contract to small
57.5 targeted group businesses and service-disabled veteran-owned small businesses. The
57.6 commissioner must establish a procedure for granting waivers from the subcontracting
57.7 requirement when qualified small targeted group businesses and service-disabled
57.8 veteran-owned small businesses are not reasonably available. The commissioner may
57.9 establish financial incentives for prime contractors who exceed the goals for use of
57.10 subcontractors and financial penalties for prime contractors who fail to meet goals under
57.11 this paragraph. The subcontracting requirements of this paragraph do not apply to prime
57.12 contractors who are small targeted group businesses or service-disabled veteran-owned
57.13 small businesses.

57.14 (d) The commissioner may award up to a four percent preference in the amount bid
57.15 on procurement to small businesses located in an economically disadvantaged area as
57.16 defined in section 16C.16, subdivision 7.

57.17 Subd. 3. **Awards to small businesses.** At least 75 percent of subcontracts awarded
57.18 to small targeted group businesses must be performed by the business to which the
57.19 subcontract is awarded or another small targeted group business. At least 75 percent
57.20 of subcontracts awarded to service-disabled veteran-owned small businesses must be
57.21 performed by the business to which the subcontract is awarded or another service-disabled
57.22 veteran-owned small business.

57.23 Subd. 4. **Awards, limitations.** Contracts awarded pursuant to this section are
57.24 subject to all limitations contained in rules adopted by the commissioner of administration.

57.25 Subd. 5. **Recourse to other businesses.** If the commissioner is unable to award
57.26 a contract pursuant to the provisions of subdivisions 2 and 3, the award may be placed
57.27 pursuant to the normal solicitation and award provisions set forth in this chapter and
57.28 chapter 16C.

57.29 Subd. 6. **Rules.** The rules adopted by the commissioner of administration to define
57.30 small businesses and to set time and other eligibility requirements for participation in
57.31 programs under sections 16C.16 to 16C.19 apply to this section. The commissioner may
57.32 promulgate other rules necessary to carry out this section.

57.33 Subd. 7. **Noncompetitive bids.** The commissioner is encouraged to purchase from
57.34 small targeted group businesses and service-disabled veteran-owned small businesses
57.35 designated under section 16C.16 when making purchases that are not subject to
57.36 competitive bidding procedures.

Subd. 8. **Report by commissioner.** The commissioner of transportation shall report to the commissioner of administration on compliance with this section. The information must be reported at the time and in the manner requested by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2009, and applies to procurement contract bid solicitations issued on and after that date.

Sec. 72. Minnesota Statutes 2008, section 179A.03, subdivision 14, is amended to read:

Subd. 14. **Public employee or employee.** "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota National Guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;
- (f) employees whose positions are basically temporary or seasonal in character and:
 - (1) are not for more than 67 working days in any calendar year; or (2) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;
- (g) employees providing services for not more than two consecutive quarters to the Board of Trustees of the Minnesota State Colleges and Universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;
- (h) employees of charitable hospitals as defined by section 179.35, subdivision 3;
- (i) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;
- (j) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;
- (k) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities to teach one course for three or fewer credits for one semester in a year;
- (l) with respect to court employees:
 - (1) personal secretaries to judges;

- 59.1 (2) law clerks;
- 59.2 (3) managerial employees;
- 59.3 (4) confidential employees; and
- 59.4 (5) supervisory employees;
- 59.5 (m) with respect to employees of Hennepin Healthcare System, Inc., managerial,
- 59.6 supervisory, and confidential employees.

59.7 The following individuals are public employees regardless of the exclusions of
59.8 clauses (e) and (f):

59.9 (i) An employee hired by a school district or the Board of Trustees of the Minnesota
59.10 State Colleges and Universities except at the university established in ~~section 136F.13~~
59.11 the Twin Cities metropolitan area under section 136F.10 or for community services or
59.12 community education instruction offered on a noncredit basis: (A) to replace an absent
59.13 teacher or faculty member who is a public employee, where the replacement employee
59.14 is employed more than 30 working days as a replacement for that teacher or faculty
59.15 member; or (B) to take a teaching position created due to increased enrollment, curriculum
59.16 expansion, courses which are a part of the curriculum whether offered annually or not, or
59.17 other appropriate reasons;

59.18 (ii) An employee hired for a position under clause (f)(1) if that same position has
59.19 already been filled under clause (f)(1) in the same calendar year and the cumulative
59.20 number of days worked in that same position by all employees exceeds 67 calendar days
59.21 in that year. For the purpose of this paragraph, "same position" includes a substantially
59.22 equivalent position if it is not the same position solely due to a change in the classification
59.23 or title of the position; and

59.24 (iii) an early childhood family education teacher employed by a school district.

59.25 Sec. 73. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

59.26 Subdivision 1. **Prior to election day.** At any time except during the 20 days
59.27 immediately preceding any regularly scheduled election, an eligible voter or any
59.28 individual who will be an eligible voter at the time of the next election may register to vote
59.29 in the precinct in which the voter maintains residence by completing a voter registration
59.30 application as described in section 201.071, subdivision 1, and submitting it in person or
59.31 by mail to the county auditor of that county or to the Secretary of State's Office. If the Web
59.32 site maintained by the secretary of state provides a process for it, an individual who has
59.33 a Minnesota driver's license, identification card, or learner's permit may register online.

59.34 A registration that is received no later than 5:00 p.m. on the 21st day preceding any
59.35 election shall be accepted. An improperly addressed or delivered registration application

60.1 shall be forwarded within two working days after receipt to the county auditor of the
60.2 county where the voter maintains residence. A state or local agency or an individual that
60.3 accepts completed voter registration applications from a voter must submit the completed
60.4 applications to the secretary of state or the appropriate county auditor within ten days
60.5 after the applications are dated by the voter.

60.6 For purposes of this section, mail registration is defined as a voter registration
60.7 application delivered to the secretary of state, county auditor, or municipal clerk by the
60.8 United States Postal Service or a commercial carrier.

60.9 Sec. 74. Minnesota Statutes 2008, section 201.061, subdivision 3, is amended to read:

60.10 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may
60.11 register on election day by appearing in person at the polling place for the precinct in
60.12 which the individual maintains residence, by completing a registration application, making
60.13 an oath in the form prescribed by the secretary of state and providing proof of residence.
60.14 An individual may prove residence for purposes of registering by:

60.15 (1) presenting a driver's license or Minnesota identification card issued pursuant
60.16 to section 171.07;

60.17 (2) presenting any document approved by the secretary of state as proper
60.18 identification;

60.19 (3) presenting one of the following:

60.20 (i) a current valid student identification card from a postsecondary educational
60.21 institution in Minnesota, if a list of students from that institution has been prepared under
60.22 section 135A.17 ~~and certified to the county auditor~~ or in the manner provided in rules of
60.23 the secretary of state; or

60.24 (ii) a current student fee statement that contains the student's valid address in the
60.25 precinct together with a picture identification card; or

60.26 (4) having a voter who is registered to vote in the precinct, or who is an employee
60.27 employed by and working in a residential facility in the precinct and vouching for a
60.28 resident in the facility, sign an oath in the presence of the election judge vouching that the
60.29 voter or employee personally knows that the individual is a resident of the precinct. A
60.30 voter who has been vouched for on election day may not sign a proof of residence oath
60.31 vouching for any other individual on that election day. A voter who is registered to vote in
60.32 the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation
60.33 does not apply to an employee of a residential facility described in this clause. The
60.34 secretary of state shall provide a form for election judges to use in recording the number
60.35 of individuals for whom a voter signs proof-of-residence oaths on election day. The

61.1 form must include space for the maximum number of individuals for whom a voter may
61.2 sign proof-of-residence oaths. For each proof-of-residence oath, the form must include
61.3 a statement that the voter is registered to vote in the precinct, personally knows that the
61.4 individual is a resident of the precinct, and is making the statement on oath. The form must
61.5 include a space for the voter's printed name, signature, telephone number, and address.

61.6 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
61.7 attached to the voter registration application.

61.8 (b) The operator of a residential facility shall prepare a list of the names of its
61.9 employees currently working in the residential facility and the address of the residential
61.10 facility. The operator shall certify the list and provide it to the appropriate county auditor
61.11 no less than 20 days before each election for use in election day registration.

61.12 (c) "Residential facility" means transitional housing as defined in section 256E.33,
61.13 subdivision 1; a supervised living facility licensed by the commissioner of health under
61.14 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
61.15 5; a residence registered with the commissioner of health as a housing with services
61.16 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
61.17 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
61.18 licensed by the commissioner of human services to provide a residential program as
61.19 defined in section 245A.02, subdivision 14; a residential facility for persons with a
61.20 developmental disability licensed by the commissioner of human services under section
61.21 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter
61.22 for battered women as defined in section 611A.37, subdivision 4; or a supervised
61.23 publicly or privately operated shelter or dwelling designed to provide temporary living
61.24 accommodations for the homeless.

61.25 (d) For tribal band members, an individual may prove residence for purposes of
61.26 registering by:

61.27 (1) presenting an identification card issued by the tribal government of a tribe
61.28 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
61.29 contains the name, address, signature, and picture of the individual; or

61.30 (2) presenting an identification card issued by the tribal government of a tribe
61.31 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
61.32 contains the name, signature, and picture of the individual and also presenting one of the
61.33 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

61.34 (e) A county, school district, or municipality may require that an election judge
61.35 responsible for election day registration initial each completed registration application.

62.1 Sec. 75. Minnesota Statutes 2008, section 201.071, subdivision 1, is amended to read:

62.2 Subdivision 1. **Form.** A voter registration application must ~~be of suitable size and~~
62.3 ~~weight for mailing and~~ contain spaces for the following required information: voter's first
62.4 name, middle name, and last name; voter's previous name, if any; voter's current address;
62.5 voter's previous address, if any; voter's date of birth; voter's municipality and county of
62.6 residence; voter's telephone number, if provided by the voter; date of registration; current
62.7 and valid Minnesota driver's license number or Minnesota state identification number,
62.8 or if the voter has no current and valid Minnesota driver's license or Minnesota state
62.9 identification, and the last four digits of the voter's Social Security number, ~~and voter's~~
62.10 ~~signature.~~ The registration application may include the voter's e-mail address, if provided
62.11 by the voter, and the voter's interest in serving as an election judge, if indicated by the
62.12 voter. The application must also contain the following certification of voter eligibility:

62.13 "I certify that I:

62.14 (1) will be at least 18 years old on election day;

62.15 (2) am a citizen of the United States;

62.16 (3) will have resided in Minnesota for 20 days immediately preceding election day;

62.17 (4) maintain residence at the address given on the registration form;

62.18 (5) am not under court-ordered guardianship in which the court order revokes my
62.19 right to vote;

62.20 (6) have not been found by a court to be legally incompetent to vote;

62.21 (7) have the right to vote because, if I have been convicted of a felony, my felony
62.22 sentence has expired (been completed) or I have been discharged from my sentence; and

62.23 (8) have read and understand the following statement: that giving false information
62.24 is a felony punishable by not more than five years imprisonment or a fine of not more
62.25 than \$10,000, or both."

62.26 The certification must include boxes for the voter to respond to the following
62.27 questions:

62.28 "(1) Are you a citizen of the United States?" and

62.29 "(2) Will you be 18 years old on or before election day?"

62.30 And the instruction:

62.31 "If you checked 'no' to either of these questions, do not complete this form."

62.32 The form of the voter registration application and the certification of voter eligibility
62.33 must be as provided in this subdivision and approved by the secretary of state. Voter
62.34 registration forms authorized by the National Voter Registration Act must also be accepted
62.35 as valid. The federal postcard application form must also be accepted as valid if it is not
62.36 deficient and the voter is eligible to register in Minnesota.

63.1 An individual may use a voter registration application to apply to register to vote in
63.2 Minnesota or to change information on an existing registration.

63.3 A paper voter registration application must include space for the voter's signature.
63.4 Paper voter registration applications, other than those used for election day registration,
63.5 must be of suitable size and weight for mailing.

63.6 Sec. 76. Minnesota Statutes 2008, section 201.091, is amended by adding a subdivision
63.7 to read:

63.8 Subd. 5a. **Registration confirmation to registered voter.** The secretary of state
63.9 must ensure that the secretary of state's Web site is capable of providing voter registration
63.10 confirmation to a registered voter. An individual requesting registration confirmation must
63.11 provide the individual's name, address, and date of birth. If the information provided by
63.12 the individual completely matches an active voter record in the statewide voter registration
63.13 system, the Web site must inform the individual that the individual is a registered voter and
63.14 must provide the individual with the individual's polling place location. If the information
63.15 provided by the individual does not completely match an active voter record in the
63.16 statewide voter registration system, the Web site must inform the individual that a voter
63.17 record with that name and date of birth at the address provided cannot be confirmed and the
63.18 Web site must advise the individual to contact the county auditor for further information.

63.19 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
63.20 certified that the Web site has been tested, has been shown to properly retrieve information
63.21 from the correct voter's record, and can handle the expected volume of use.

63.22 Sec. 77. Minnesota Statutes 2008, section 211B.37, is amended to read:

63.23 **211B.37 COSTS ASSESSED.**

63.24 Except as otherwise provided in section 211B.36, subdivision 3, ~~the chief~~
63.25 ~~administrative law judge shall assess~~ the cost of considering complaints filed under section
63.26 211B.32 ~~as provided in this section. Costs of complaints relating to a statewide ballot~~
63.27 ~~question or an election for a statewide or legislative office must be assessed against the~~
63.28 ~~appropriation from the general fund to the general account of the state elections campaign~~
63.29 ~~fund~~ Office of Administrative Hearings in section 10A.31, subdivision 4. ~~Costs of~~
63.30 ~~complaints relating to any other ballot question or elective office must be assessed against~~
63.31 ~~the county or counties in which the election is held. Where the election is held in more~~
63.32 ~~than one county, the chief administrative law judge shall apportion the assessment among~~

64.1 ~~the counties in proportion to their respective populations within the election district to~~
64.2 ~~which the complaint relates according to the most recent decennial federal census.~~

64.3 Sec. 78. **[270C.145] TECHNOLOGY LEASE-PURCHASE APPROPRIATION.**

64.4 \$2,117,000 is appropriated annually from the general fund to the commissioner
64.5 to make payments under a lease-purchase agreement as defined in section 16A.81 for
64.6 completing the purchase and development of an integrated tax software package; provided
64.7 that the state is not obligated to continue the appropriation of funds or to make lease
64.8 payments in any future fiscal year. Any unexpended portions of this appropriation cancel
64.9 to the general fund at the close of each biennium. This section expires June 30, 2019.

64.10 Sec. 79. Minnesota Statutes 2008, section 471.345, subdivision 15, is amended to read:

64.11 Subd. 15. **Cooperative purchasing.** (a) Municipalities may contract for the
64.12 purchase of supplies, materials, or equipment by utilizing contracts that are available
64.13 through the state's cooperative purchasing venture authorized by section 16C.11 whenever
64.14 practicable and cost-effective.

64.15 (b) Unless required to utilize the state's cooperative purchasing venture under
64.16 paragraph (a), a municipality may contract for the purchase of supplies, materials, or
64.17 equipment without regard to the competitive bidding requirements of this section if the
64.18 purchase is through a national municipal association's purchasing alliance or cooperative
64.19 created by a joint powers agreement that purchases items from more than one source on
64.20 the basis of competitive bids or competitive quotations.

64.21 Sec. 80. Minnesota Statutes 2008, section 473.142, is amended to read:

64.22 **473.142 SMALL BUSINESSES.**

64.23 (a) The Metropolitan Council and agencies specified in section 473.143, subdivision
64.24 1, may award up to a six percent preference in the amount bid for specified goods or
64.25 services to small targeted group businesses and service-disabled veteran-owned small
64.26 businesses designated under section 16C.16.

64.27 (b) The council and each agency specified in section 473.143, subdivision 1,
64.28 may designate a purchase of goods or services for award only to small targeted group
64.29 businesses designated under section 16C.16 if the council or agency determines that at
64.30 least three small targeted group businesses are likely to bid. The council and each agency
64.31 specified in section 473.143, subdivision 1, may designate a purchase of goods or services
64.32 for award only to service-disabled veteran-owned small businesses designated under

section 16C.16 if the council or agency determines that at least three service-disabled veteran-owned small businesses are likely to bid.

(c) The council and each agency specified in section 473.143, subdivision 1, as a condition of awarding a construction contract or approving a contract for consultant, professional, or technical services, may set goals that require the prime contractor to subcontract a portion of the contract to small targeted group businesses and service-disabled veteran-owned small businesses designated under section 16C.16. The council or agency must establish a procedure for granting waivers from the subcontracting requirement when qualified small targeted group businesses and service-disabled veteran-owned small businesses are not reasonably available. The council or agency may establish financial incentives for prime contractors who exceed the goals for use of subcontractors and financial penalties for prime contractors who fail to meet goals under this paragraph. The subcontracting requirements of this paragraph do not apply to prime contractors who are small targeted group businesses and service-disabled veteran-owned small businesses. At least 75 percent of the value of the subcontracts awarded to small targeted group businesses under this paragraph must be performed by the business to which the subcontract is awarded or by another small targeted group business. At least 75 percent of the value of the subcontracts awarded to service-disabled veteran-owned small businesses under this paragraph must be performed by the business to which the subcontract is awarded or another service-disabled veteran-owned small business.

(d) The council and each agency listed in section 473.143, subdivision 1, are encouraged to purchase from small targeted group businesses and service-disabled veteran-owned small businesses designated under section 16C.16 when making purchases that are not subject to competitive bidding procedures.

(e) The council and each agency may adopt rules to implement this section.

(f) Each council or agency contract must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the council or agency for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney fees, incurred in bringing the action.

(g) This section does not apply to procurement financed in whole or in part with federal funds if the procurement is subject to federal disadvantaged, minority, or women business enterprise regulations. The council and each agency shall report to the commissioner of administration on compliance with this section. The information must be reported at the time and in the manner requested by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2009, and applies to procurement contract bid solicitations issued on and after that date.

Sec. 81. Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007, chapter 148, article 2, section 73, is amended to read:

Sec. 45. SALE OF STATE LAND.

Subdivision 1. State land sales. The commissioner of administration shall coordinate with the head of each department or agency having control of state-owned land to identify and sell at least \$6,440,000 of state-owned land. Sales should be completed according to law and as provided in this section as soon as practicable but no later than June 30, ~~2009~~ 2011. Notwithstanding Minnesota Statutes, sections 16B.281 and 16B.282, 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land for public sale by only providing notice of lands or an offer of sale of lands to state departments or agencies, the University of Minnesota, cities, counties, towns, school districts, or other public entities.

Subd. 2. Anticipated savings. Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the sale of land under this section that exceeds the actual expenses of selling the land must be deposited in the general fund, except as otherwise provided by the commissioner of finance. Notwithstanding Minnesota Statutes, section 94.11 or 16B.283, the commissioner of finance may establish the timing of payments for land purchased under this section. If the total of all money deposited into the general fund from the proceeds of the sale of land under this section is anticipated to be less than \$6,440,000, the governor must allocate the amount of the difference as reductions to general fund operating expenditures for other executive agencies for the biennium ending June 30, ~~2009~~ 2011.

Subd. 3. Sale of state lands revolving loan fund. \$290,000 is appropriated from the general fund in fiscal year 2006 to the commissioner of administration for purposes of paying the actual expenses of selling state-owned lands to achieve the anticipated savings required in this section. From the gross proceeds of land sales under this section, the commissioner of administration must cancel the amount of the appropriation in this subdivision to the general fund by June 30, ~~2009~~ 2011.

Sec. 82. Laws 2005, chapter 162, section 34, subdivision 2, is amended to read:

Subd. 2. **Optical scan equipment.** \$6,000,000 is appropriated from the Help America Vote Act account to the secretary of state for grants to counties to purchase optical scan voting equipment. Counties are eligible for grants to the extent that they decide to purchase ballot marking machines and as a result do not have sufficient Help America Vote Act grant money remaining to also purchase a compatible precinct-based optical scan machine or central-count machine. These grants must be allocated to counties at a rate of \$3,000 per eligible precinct until the appropriation is exhausted, with priority in the payment of grants to be given to counties currently using hand- and central-count voting systems and counties using precinct-count optical scan voting systems incompatible with assistive voting systems or ballot marking machines. This appropriation is available until June 30, ~~2009~~ 2012.

EFFECTIVE DATE. This section is effective June 30, 2009.

Sec. 83. Laws 2007, chapter 131, article 2, section 22, is amended to read:

Sec. 22. **PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to a governmental subdivision the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner ~~may~~ must sell the land to a governmental subdivision of the state for ~~less than the value of the land as determined by the commissioner~~ no consideration under the conditions and provisions described in paragraph (e), but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the governmental subdivision fails to provide for public use or abandons the public use of the land. The commissioner may include conservation restrictions in the conveyance deed to ensure the property is maintained as open space.

(c) The land that may be sold is located in Hennepin County and is described as follows:

(1) the Northwest Quarter of Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way, containing 39 acres, more or less;

(2) the east six and two-thirds acres of the West Half of the Southeast Quarter of the Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way, containing 6.67 acres, more or less; and

(3) the West Quarter of the East Half of the Southeast Quarter of the Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way, containing 4.87 acres, more or less.

(d) The land was conveyed to the state for wild game reservation purposes. Due to adjacent residential use and local zoning restrictions, the land is no longer available for hunting purposes. The Department of Natural Resources has determined that the state's land management interests would best be served if the lands were conveyed to a local unit of government.

(e) The payment in lieu to Hennepin County as provided under Minnesota Statutes, sections 477A.11 to 477A.145, will be reduced by \$18,750 for the amounts payable in each of calendar years 2009 and 2010.

Sec. 84. Laws 2007, chapter 148, article 2, section 79, is amended to read:

Sec. 79. TRAINING SERVICES.

During the biennium ending June 30, ~~2009~~ 2011, state executive branch agencies must consider using services provided by government training services before contracting with other outside vendors for similar services.

Sec. 85. CASH FLOW STUDY.

By January 15, 2010, the commissioner of finance must submit to the chair of the Finance Committee in the senate and the chair of the Ways and Means Committee in the house of representatives, a report on the cash flow condition of the general fund for the fiscal year 2010-2011 biennium and the following biennium, including an assessment of the options for improving the long-term cash flow of the state through changes in the timing of general fund payment dates, revenue collections, or other changes. In addition, the report should identify all major provisions of law that result in state expenditures or revenues being recognized in budget documents in a fiscal year earlier or later than the fiscal year in which the obligation to pay state expenses was incurred or the liability to pay state taxes was incurred.

Sec. 86. STATE EMPLOYEES' PERSONAL HEALTH RECORDS; CRITERIA.

(a) The system that the commissioner of finance selects to provide electronic personal health records under Laws 2007, chapter 148, article 2, section 78, must meet the following criteria:

(1) be interoperable and compliant with the ASTM International's Continuum of Care Record standards and the Continuity of Care Document standards;

(2) provide consumer-owned records that are portable among plans, employers, and providers;

(3) not be tethered to or affiliated with a specific health plan or provider;

(4) support management, storing, and sharing of complete health history information, including but not limited to, medical conditions, medication history, surgeries, medical procedures, immunizations, lab results, radiology reports, health directives, and other medical records;

(5) provide employees the ability to share their health data electronically with health providers and others and give them flexibility and control over which specific health data is shared;

(6) enable each employee to manage multiple personal health record accounts for family members under the employee's account;

(7) provide a range of consumer engagement and decision support tools, such as online provider directories and health care cost management tools;

(8) support integration of third-party applications, such as health risk assessments and wellness and incentive programs; and

(9) provide that participation in the system is voluntary for each employee.

(b) The commissioner of finance must contract with a vendor that demonstrates the following:

(1) a plan and ability to provide Minnesota consumers access to data on prescription history, immunizations, lab and radiology results, and other medical records;

(2) an ability to provide online consumer-owned health records to all Minnesotans;

(3) a plan to serve rural and underserved communities; and

(4) a commitment to providing Minnesota-based staff for onsite assistance in planning and participation in securing and integrating health data from multiple sources for consumers.

(c) The selected system must not permit ad-serving cookies, tracking of clicked links, and server log commercial data mining without the express consent of the consumer. The selected system must require the same privacy terms for all linked services and must not share aggregate, de-identified information without express consent from the consumer.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 87. COLOCATION REPORT.

The Management Analysis Division of the Department of Finance must study and report to the legislature by January 15, 2010, on possible colocation of the offices of the Council on Black Minnesotans, the Council on Affairs of Chicano/Latino People, the

70.1 Council on Asian-Pacific Minnesotans, and the metropolitan area office of the Indian
70.2 Affairs Council. The report must include analysis of potential cost savings, when those
70.3 savings could be realized, and the effect of potential colocation on operations of the
70.4 councils.

70.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

70.6 Sec. 88. **NO TRANSFER OF EQB DUTIES OR STAFF.**

70.7 During the biennium ending June 30, 2011, the executive branch may not use
70.8 authority under Minnesota Statutes, section 16B.37 or any other authority to transfer
70.9 powers, duties, or personnel associated with the Environmental Quality Board.

70.10 Sec. 89. **ACCOUNTING AND PROCUREMENT SYSTEMS.**

70.11 The commissioner of finance must consult with the chairs of the house of
70.12 representatives Ways and Means Committee and senate Finance Committee before
70.13 encumbering any funds appropriated for use on or after July 1, 2009, for the planning,
70.14 development, and implementation of state accounting or procurement systems. No funds
70.15 appropriated for these purposes may be spent unless the commissioner certifies that the
70.16 systems will include an application programming interface that allows public access to the
70.17 system's underlying data on state contracts, appropriations, and expenditures using an open
70.18 format. In developing the public access system, the commissioner must consult with the
70.19 commissioner of administration and the director of the Office of Enterprise Technology to
70.20 ensure that the design and operation of the system are done in compliance with Minnesota
70.21 Statutes, chapter 13, Minnesota Statutes, section 138.17, and other laws governing data
70.22 practices, including but not limited to, ensuring that government data in the system are
70.23 easily accessible for convenient use by the public, ensuring that only public data are placed
70.24 on the Web site, and preparing and following retention schedules for data in the system.

70.25 **EFFECTIVE DATE.** This section is effective July 1, 2009.

70.26 Sec. 90. **RACING LICENSE FEE RATIFICATION.**

70.27 The license fees in Minnesota Rules, part 7877.0120, are ratified by this act.

70.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

70.29 Sec. 91. **TECHNOLOGY LEASE-PURCHASE AUTHORIZATION.**

71.1 Subdivision 1. **Lease-purchase agreements.** The commissioner of finance shall
71.2 enter into one or more lease-purchase agreements as defined in Minnesota Statutes, section
71.3 16A.81, to finance the two projects in subdivisions 2 and 3.

71.4 Subd. 2. **Replacement of state's accounting and procurement systems.**
71.5 Proceeds of lease-purchase agreements and the issuance and sale of related certificates
71.6 of participation are appropriated to the commissioner of finance for development and
71.7 implementation of a new statewide accounting and procurement system.

71.8 Subd. 3. **Completion of integrated tax system.** Proceeds of lease-purchase
71.9 agreements and the issuance and sale of related certificates of participation are appropriated
71.10 to the commissioner of revenue for completing the purchase and implementation of an
71.11 integrated tax software package.

71.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

71.13 Sec. 92. **LRT MITIGATION IMPACTS IN CAPITOL AREA.**

71.14 The Metropolitan Council must include mitigation of impacts in the Capitol Area
71.15 not addressed in the project baseline in preliminary engineering and the final design for
71.16 the Central Corridor Light Rail Transit Line. The Metropolitan Council must include the
71.17 construction of mitigation elements not addressed in the project baseline in the Central
71.18 Corridor Light Rail Transit bid packages as add-alternates. Proceeding with construction
71.19 of these add-alternates will be subject to availability of an appropriation in the 2010
71.20 legislative session for this purpose. The Capitol Area Architectural and Planning Board
71.21 and the Department of Administration, in consultation with the Metropolitan Council, shall
71.22 determine impacts not addressed in the project baseline that require mitigation. By January
71.23 15, 2010, the Metropolitan Council must report to the chairs of the house of representatives
71.24 Capital Investment Finance Division, the senate Capital Investment committee, and the
71.25 house of representatives and senate Finance and Transportation Committees the estimated
71.26 cost to mitigate the impacts not addressed in the project baseline.

71.27 Sec. 93. **ENTERPRISE REAL PROPERTY CONTRIBUTIONS.**

71.28 On or before June 1, 2009, the commissioner of administration shall determine the
71.29 amount to be contributed by each executive agency to maintain the enterprise real property
71.30 technology system for the fiscal year 2010 and fiscal year 2011 biennium. On or before
71.31 June 15, 2009, each executive agency shall enter into an agreement with the commissioner
71.32 of administration setting forth the manner in which the executive agency shall make its
71.33 contribution to the enterprise real property system, either from uncommitted fiscal year
71.34 2009 funds or by contributing from fiscal year 2010 and fiscal year 2011 funds to the real

72.1 property enterprise system and services account to fund the total amount of \$1,688,000 for
72.2 the biennium. Funds contributed under this section must be credited to the enterprise real
72.3 property technology system and services account.

72.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

72.5 Sec. 94. **RENTAL COST SAVINGS.**

72.6 The commissioner of administration must report to the legislature by January 15,
72.7 2010, on savings in state agency costs for rental space in state-owned and state-leased
72.8 buildings that can be achieved by expected decreases in agency complement and that could
72.9 be achieved by encouraging or requiring increased telecommuting by state employees.
72.10 The report must estimate savings by agency and by fund, and must estimate when these
72.11 savings can be realized.

72.12 Sec. 95. **TRANSFER OF ASSETS, EMPLOYEES, EQUIPMENT, AND**
72.13 **SUPPLIES.**

72.14 The existing funds, assets, employees, equipment, and supplies of the Land
72.15 Management Information Center are transferred to the Minnesota Geospatial Information
72.16 Office according to Minnesota Statutes, section 15.039.

72.17 **EFFECTIVE DATE.** This section is effective July 1, 2009.

72.18 Sec. 96. **INFORMATION TECHNOLOGY STUDY.**

72.19 The chief information officer of the Office of Enterprise Technology, in consultation
72.20 with heads of other executive agencies, must report to the legislature by January 15, 2010,
72.21 on a plan to transfer from other state agencies to the Office of Enterprise Technology state
72.22 employees whose work primarily relates to development, upgrading, replacement, problem
72.23 resolution, or maintenance of state data centers, system software, data networks, and office
72.24 systems. The report must include an estimate of the number of employees who would be
72.25 transferred, an estimate of enterprise costs savings, an analysis of potential improvements
72.26 in operations, and a proposed transition plan and schedule. This section does not apply to
72.27 the Minnesota State Colleges and Universities or to employees of constitutional offices.

72.28 Sec. 97. **REVISOR'S INSTRUCTION.**

72.29 In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of
72.30 statutes shall substitute the term "Land Management Information Center" with the term

73.1 "Minnesota Geospatial Information Office," wherever they appear in Minnesota Statutes
73.2 and Minnesota Rules.

73.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

73.4 Sec. 98. **REVISOR'S INSTRUCTION.**

73.5 In the next and subsequent edition of Minnesota Statutes, the revisor of statutes must
73.6 delete the word "Tennessee" from the headnote of Minnesota Statutes, section 13.04,
73.7 subdivision 2; must delete the word "Lessard" from Minnesota Statutes, section 97A.056,
73.8 and other places in Minnesota Statutes where this word appears; and must delete the words
73.9 "Douglas J. Johnson" from Minnesota Statutes, sections 298.291 to 298.298.

73.10 Sec. 99. **REPEALER.**

73.11 (a) Minnesota Statutes 2008, sections 16C.046; and 645.44, subdivision 19, are
73.12 repealed.

73.13 (b) Minnesota Statutes 2008, section 4A.05, is repealed.

73.14 (c) Minnesota Statutes 2008, section 116G.151, is repealed.

73.15 (d) Minnesota Statutes 2008, section 240A.08, is repealed.

73.16 **ARTICLE 3**

73.17 **SECRETARY OF STATE**

73.18 Section 1. **[5.001] DEFINITIONS.**

73.19 Subdivision 1. **Applicability.** As used in this chapter, the terms defined in this
73.20 section have the meanings given them.

73.21 Subd. 2. **Business entity.** "Business entity" means an organization that is formed
73.22 under chapters 300, 301, 302A, 303, 308, 308A, 308B, 315, 317, 317A, 318, 319, 319A,
73.23 321, 322A, 322B, 323, or 323A and that has filed documents with the secretary of state.

73.24 Subd. 3. **Business entity filings.** "Business entity filings" means any filing from a
73.25 business entity and also includes filings made under chapter 333.

73.26 Subd. 4. **Bulk data.** "Bulk data" means data that has commercial value and is a
73.27 substantial or discrete portion of or an entire formula, pattern, compilation, program,
73.28 device, method, technique, process, database, or system.

73.29 Sec. 2. **[5.002] E-MAIL ADDRESSES.**

73.30 The secretary of state is authorized to provide a field on each of the forms and on
73.31 each online entry screen, used to file business entity filings, Uniform Commercial Code

records, and central notification system filings, for the collection of an e-mail address to which the secretary of state can forward official notices required by law and other notices to the business entity, assumed name, or the person filing the uniform commercial code or central notification system record. The e-mail address may be updated by or on behalf of the business entity by sending a notification of the change to the secretary of state. No fee shall be charged for an e-mail address update. If requested by the business entity, the e-mail address provided to the secretary of state pursuant to this section must not be provided as bulk data.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section.

Sec. 3. Minnesota Statutes 2008, section 5.12, subdivision 1, is amended to read:

Subdivision 1. **Fees.** The secretary of state shall charge a fee of \$5 for each certificate or certification of a copy or electronically transmitted image of any document filed in the Office of the Secretary of State. The secretary of state shall charge a fee of \$3 for a copy or electronically transmitted image of an original ~~filing of a corporation, limited partnership, assumed name, or trade or service mark~~ business entity filing. The secretary of state shall charge a fee of \$3 for a copy of ~~any or all~~ each subsequent ~~filings of a corporation, limited partnership, assumed name, or trade or service mark~~ business entity filing. The secretary of state shall charge a fee of ~~\$1 per page for copies~~ \$3 for a copy of any other nonuniform commercial code documents document filed with the secretary of state. At the time of filing, the secretary of state may provide at the public counter, without charge, a copy of a filing, ten or fewer pages in length, to the person making the filing.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section.

Sec. 4. Minnesota Statutes 2008, section 5.29, is amended to read:

5.29 BULK AGENT NAME AND ADDRESS CHANGES GLOBAL FILINGS.

~~The filing fee charged for filing an amendment is charged for each document filed~~ (a) When a registered agent for multiple business entities files an instrument that changes its name or office address pursuant to sections 302A.123, subdivision 3; 303.10; 308A.025, subdivision 5; 317A.123, subdivision 3; 318.02; and 322B.135, subdivision 3; and chapters 321; 323; and 323A, but the cumulative fee shall not exceed \$10,000 for

~~entities governed by the provisions of chapters 302A, 303, 308A, 317A, 318, 322A, 322B, 323, and 323A, the change for each business entity must be filed online as a separate transaction, and a separate filing fee charged.~~

(b) When a secured party wishes to file an amendment to a financing statement making a change in secured party or debtor name and address information, each amendment must be filed online as a separate transaction and a separate filing fee charged.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section.

Sec. 5. Minnesota Statutes 2008, section 5.32, is amended to read:

5.32 TEMPORARY TECHNOLOGY SURCHARGE.

Subdivision 1. **Surcharge.** For fiscal years 2008 ~~and~~ 2009, 2010, and 2011, the following technology surcharges are imposed on the filing fees required under the following statutes:

(1) \$25 for articles of incorporation filed under section 302A.151;

(2) \$25 for articles of organization filed under section 322B.17;

(3) \$25 for applications for certificates of authority to transact business in Minnesota filed under section 303.06;

(4) \$20 for annual reports filed by non-Minnesota corporations under section 303.14; and

(5) \$50 for reinstatements to authority to transact business in Minnesota filed under section 303.19.

Subd. 2. **Deposit.** The surcharges listed in subdivision 1 shall be deposited into the uniform commercial code account.

Subd. 3. **Expiration.** This section expires June 30, ~~2009~~ 2011.

EFFECTIVE DATE. The amendments to this section are effective the day following final enactment.

Sec. 6. **[5.34] ANNUAL RENEWAL FILINGS.**

Any business registered with the secretary of state required to file an annual renewal in order to maintain its active status, good standing, or existence under Minnesota Statutes shall file that renewal, whether online or otherwise, in a format that states:

(1) the name in Minnesota of the organization for which the renewal is filed;

(2) the name of the organization in the jurisdiction in which it is organized, if different;

(3) the address of the registered office or designated office and the name of the registered agent of the organization for service of process, if any;

(4) the jurisdiction in which the organization is organized, if that jurisdiction is not Minnesota;

(5) the name and business address of the officer or other person exercising the principal functions of the president of a nonprofit corporation, manager of a limited liability company, or chief executive officer of a corporation or cooperative;

(6) the address of the principal executive office of a domestic business corporation or of a limited liability company or the principal place of business of a cooperative, if different from the registered office address;

(7) the address of the designated office and the name, street, and mailing address of the agent for service of process in Minnesota of a limited partnership or foreign limited partnership;

(8) the street and mailing address of the principal office of a limited partnership;

(9) the street and mailing address of the chief executive office of a partnership and, if different, the street address of an office of a partnership in Minnesota, if any;

(10) the name, street, mailing address, and telephone number of an individual who may be contacted for purposes other than services of process on behalf of a limited partnership or a limited liability partnership, if the agent for the limited liability partnership, limited partnership, or foreign limited partnership is not an individual; and

(11) the e-mail address of the organization to which notices from the secretary of state will be directed, if the organization has an e-mail address.

Sec. 7. Minnesota Statutes 2008, section 5A.06, is amended to read:

5A.06 COMPLAINTS.

The secretary of state may, upon receipt of a complaint regarding an international student exchange organization, report the matter to the organization involved, ~~the United States Information Agency,~~ the Office of Exchange Coordination and Designation, United States Department of State, or the Council on Standards for International Educational Travel, as the secretary of state considers appropriate. The secretary may also investigate complaints received to determine if the issue raised is limited to one high school or if there are more systemic problems with placements made by a particular organization. An organization's registration automatically terminates if the organization fails to remain in compliance with local, state, and federal statutes and regulations.

Sec. 8. Minnesota Statutes 2008, section 270C.63, subdivision 13, is amended to read:

Subd. 13. **Lien search fees.** Upon request of any person, the filing officer shall issue a certificate showing whether there is recorded in that filing office, on the date and hour stated in the certificate, any notice of lien or certificate or notice affecting any lien filed on or after ten years before the date of the search certificate, naming a particular person, and giving the date and hour of filing of each notice or certificate naming the person. The fee for a certificate shall be as provided by section 336.9-525 or 357.18, subdivision 1, clause (3). Upon request, the filing officer shall furnish a copy of any notice of state lien, or notice or certificate affecting a state lien, for a fee of ~~50 cents~~ \$1 per page, except that after the effective date of section 5.12, subdivision 1, that section shall govern the fee charged by the secretary of state for a copy or electronically transmitted image.

Sec. 9. Minnesota Statutes 2008, section 302A.821, is amended to read:

302A.821 MINNESOTA CORPORATE ~~REGISTRATION~~ RENEWAL.

Subdivision 1. **Annual ~~registration~~ renewal.** (a) The secretary of state ~~must~~ may send annually to each corporation ~~at the registered office of the corporation a postcard,~~ using the information provided by the corporation pursuant to section 5.002 or 5.34 or the articles of incorporation, a notice announcing the need to file the annual ~~registration~~ renewal and informing the corporation that the annual ~~registration~~ renewal may be filed online and that paper filings may also be made, and informing the corporation that failing to file the annual ~~registration~~ renewal will result in an administrative dissolution of the corporation.

(b) Each calendar year beginning in the calendar year following the calendar year in which a corporation incorporates, the corporation must file with the secretary of state by December 31 of each calendar year a ~~registration~~ renewal containing the information listed in subdivision 2.

Subd. 2. **Information required; manner of filing.** The ~~registration must include:~~ filing must be made pursuant to section 5.34.

- ~~(1) the name of the corporation;~~
- ~~(2) the address of its principal executive office, if different from the registered office address;~~
- ~~(3) the address of its registered office and the name of the registered agent, if any;~~
- ~~(4) the state of incorporation; and~~
- ~~(5) the name and business address of the officer or other person exercising the principal functions of the chief executive officer of the corporation.~~

~~Subd. 3. **Information public.** The information required by subdivision 2 is public data. Chapter 13 does not apply to this information.~~

Subd. 4. **Penalty; reinstatement.** (a) A corporation that has failed to file a registration pursuant to the requirements of subdivision 2 renewal complying with section 5.34 must be dissolved by the secretary of state as described in paragraph (b).

(b) If the corporation has not filed the ~~registration~~ renewal during any calendar year, the secretary of state must issue a certificate of administrative dissolution and the certificate must be filed in the Office of the Secretary of State. The secretary of state must make available in an electronic format the names of the dissolved corporations. A corporation dissolved in this manner is not entitled to the benefits of section 302A.781. The liability, if any, of the shareholders of a corporation dissolved in this manner shall be determined and limited in accordance with section 302A.557, except that the shareholders shall have no liability to any director of the corporation under section 302A.559, subdivision 2.

(c) After administrative dissolution, filing a ~~registration~~ renewal complying with section 5.34 and the \$25 fee with the secretary of state:

- (1) returns the corporation to good standing as of the date of the dissolution;
- (2) validates contracts or other acts within the authority of the articles, and the corporation is liable for those contracts or acts; and
- (3) restores to the corporation all assets and rights of the corporation to the extent they were held by the corporation before the dissolution occurred, except to the extent that assets or rights were affected by acts occurring after the dissolution or sold or otherwise distributed after that time.

Sec. 10. Minnesota Statutes 2008, section 303.14, is amended to read:

303.14 ANNUAL ~~REPORT~~ RENEWAL.

Subdivision 1. ~~Filed with secretary of state; contents~~ **Notice; filing.** Each calendar year beginning in the calendar year following the calendar year in which a corporation receives a certificate of authority to do business in Minnesota, the secretary of state ~~must mail by first class mail an annual registration form to the registered office of each corporation as shown on the records of the secretary of state. The form must include the following~~ may send to the corporation, using the information provided by the corporation pursuant to section 5.002 or 5.34 or the application for certificate of authority, a notice: announcing the need to file the annual renewal and informing the corporation that the annual renewal may be filed online and that paper filings may also be made, and informing the corporation that failing to file the annual renewal will result in an administrative dissolution or revocation of certificate of authority to do business in Minnesota.

~~"NOTICE: Failure to file this form by December 31 of this year will result in the revocation of the authority of this corporation to transact business in Minnesota without further notice from the secretary of state, pursuant to Minnesota Statutes, section 303.17."~~

The corporation will submit a \$115 fee with the annual registration renewal and will set forth on the form: the items required by section 5.34.

~~(1) the name of the corporation, and, if the corporation has designated an alternate name pursuant to section 303.05, subdivision 1, that alternate name;~~

~~(2) the name of the registered agent of the corporation in Minnesota;~~

~~(3) the address of its registered office;~~

~~(4) the state of incorporation; and~~

~~(5) the name and business address of the officer or other person exercising the principal functions of the chief executive officer of the corporation.~~

Sec. 11. Minnesota Statutes 2008, section 303.16, subdivision 4, is amended to read:

Subd. 4. **Approval; filing.** The application for withdrawal shall be delivered to the secretary of state. Upon receiving and examining the same, and upon finding that it conforms to the provisions of this chapter, the secretary of state shall, when all license fees, filing fees, and other charges other than the fee required by section 303.14 have been paid as required by law, file the same and shall issue and record a certificate of withdrawal. Upon the issuance of the certificate, the authority of the corporation to transact business in this state shall cease.

Sec. 12. Minnesota Statutes 2008, section 308A.995, is amended to read:

308A.995 PERIODIC REGISTRATION ANNUAL RENEWAL.

Subdivision 1. ~~Periodic registration in certain years~~ **Annual renewal.** Each cooperative governed by this chapter must file ~~a periodic registration~~ an annual renewal with the secretary of state in each ~~odd-numbered~~ calendar year following the calendar year in which the cooperative was incorporated. ~~In these years,~~ The secretary of state ~~must mail by first class mail a registration form to the registered office of each cooperative as shown on the records of the secretary of state, or if no such address is in the records, to the location of the principal place of business shown on the records of the secretary of state. The form must include the following notice:~~ may send annually to the cooperative, using the information provided by the cooperative pursuant to section 5.002 or 5.34 or the articles of incorporation, a notice announcing the need to file the annual renewal and informing the cooperative that the annual renewal may be filed online and that paper

filings may also be made, and informing the cooperative that failing to file the annual renewal will result in an administrative dissolution of the cooperative.

~~"NOTICE: Failure to file this form by December 31 of this year will result in the dissolution of this cooperative without further notice from the secretary of state, pursuant to Minnesota Statutes, section 308A.995, subdivision 4, paragraph (b)."~~

Subd. 2. **Minnesota cooperative registration renewal form.** In each calendar year in which a registration renewal is to be filed, a cooperative must file with the secretary of state ~~a registration~~ an annual renewal by December 31 of that calendar year containing: the items required by section 5.34.

~~(1) the name of the cooperative;~~

~~(2) the address of its registered office;~~

~~(3) the address of its principal place of business, if different from the registered office address; and~~

~~(4) the name and business address of the officer or other person exercising the principal functions of the chief executive officer of the cooperative.~~

Subd. 3. **Information public.** ~~The information required by subdivision 1 is public data.~~

Subd. 4. **Penalty; dissolution.** (a) A cooperative that has failed to file a registration renewal pursuant to the requirements of this section by December 31 of the calendar year for which the registration renewal was required must be dissolved by the secretary of state as described in paragraph (b).

(b) If the cooperative has not filed the registration renewal by December 31 of that calendar year, the secretary of state must issue a certificate of involuntary dissolution, and the certificate must be filed in the Office of the Secretary of State. The secretary of state must make available in an electronic format the names of the dissolved cooperatives. A cooperative dissolved in this manner is not entitled to the benefits of section 308A.981.

Subd. 5. **Reinstatement.** A cooperative may retroactively reinstate its existence by filing a single annual registration renewal and paying a \$25 fee. Filing the annual registration renewal with the secretary of state:

(1) returns the cooperative to active status as of the date of the dissolution;

(2) validates contracts or other acts within the authority of the articles, and the cooperative is liable for those contracts or acts; and

(3) restores to the cooperative all assets and rights of the cooperative and its shareholders or members to the extent they were held by the cooperative and its shareholders or members before the dissolution occurred, except to the extent that

81.1 assets or rights were affected by acts occurring after the dissolution or sold or otherwise
81.2 distributed after that time.

81.3 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
81.4 certifies that the information systems of the Office of the Secretary of State have been
81.5 modified to implement this section.

81.6 Sec. 13. Minnesota Statutes 2008, section 308B.121, subdivision 1, is amended to read:

81.7 Subdivision 1. ~~Periodic registration in certain years~~ Annual renewal. Each
81.8 cooperative governed by this chapter ~~and each foreign cooperative registered under~~
81.9 ~~section 308B.151~~ must file ~~a periodic registration~~ an annual renewal with the secretary
81.10 of state ~~with the initial articles and any amendment of the articles in each odd-numbered~~
81.11 calendar year after the calendar year in which the cooperative incorporated. In these years,
81.12 The secretary of state ~~must mail by first class mail a registration form to the registered~~
81.13 ~~office of each cooperative and registered foreign cooperative as shown in the records of~~
81.14 ~~the secretary of state, or if no such address is in the records, to the location of the principal~~
81.15 ~~place of business shown in the records of the secretary of state. For a cooperative, the~~
81.16 ~~form must include the following notice:~~ may send annually to each cooperative, using the
81.17 information provided by the cooperative pursuant to section 5.002 or 5.34 or the articles of
81.18 organization, a notice announcing the need to file the annual renewal and informing the
81.19 cooperative that the annual renewal may be filed online and that paper filings may also
81.20 be made, and informing the cooperative that failing to file the annual renewal will result
81.21 in an administrative dissolution.

81.22 ~~"NOTICE: Failure to file this form by December 31 of this year will result in the~~
81.23 ~~dissolution of this cooperative without further notice from the secretary of state, under~~
81.24 ~~Minnesota Statutes, section 308B.121, subdivision 4, paragraph (b)."~~

81.25 ~~For a foreign cooperative, the form must contain the following notice:~~

81.26 ~~"NOTICE: Failure to file this form by December 31 of this year will result in the~~
81.27 ~~loss of good standing and the authority to do business in Minnesota."~~

81.28 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
81.29 certifies that the information systems of the Office of the Secretary of State have been
81.30 modified to implement this section.

81.31 Sec. 14. Minnesota Statutes 2008, section 308B.121, subdivision 2, is amended to read:

81.32 Subd. 2. **Registration Renewal form.** In each calendar year in which a ~~registration~~
81.33 renewal is to be filed, a cooperative must file with the secretary of state ~~a registration~~ by

82.1 December 31 of that calendar year a renewal containing ~~the items required by section~~
82.2 5.34.

82.3 ~~(1) the name of the cooperative;~~

82.4 ~~(2) the address of its registered office;~~

82.5 ~~(3) the address of its principal place of business, if different from the registered~~
82.6 ~~office address; and~~

82.7 ~~(4) the name and business address of the officer or other person exercising the~~
82.8 ~~principal functions of the chief executive officer of the cooperative.~~

82.9 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
82.10 certifies that the information systems of the Office of the Secretary of State have been
82.11 modified to implement this section.

82.12 Sec. 15. Minnesota Statutes 2008, section 317A.823, is amended to read:

82.13 **317A.823 ANNUAL CORPORATE ~~REGISTRATION~~ RENEWAL.**

82.14 Subdivision 1. **Annual ~~registration~~ renewal.** (a) The secretary of state ~~must~~ may
82.15 send annually to each corporation ~~at the registered office of the corporation,~~ using the
82.16 information provided by the corporation pursuant to section 5.002 or 5.34 or the articles of
82.17 incorporation, a ~~postcard~~ notice announcing the need to file the annual ~~registration~~ renewal
82.18 and informing the corporation that the annual ~~registration~~ renewal may be filed online and
82.19 that paper filings may also be made, and informing the corporation that failing to file the
82.20 annual ~~registration~~ renewal will result in an administrative dissolution of the corporation.

82.21 (b) Each calendar year beginning in the calendar year following the calendar year
82.22 in which a corporation incorporates, a corporation must file with the secretary of state
82.23 by December 31 of each calendar year a registration containing the information ~~listed~~
82.24 ~~in paragraph (c)~~ required by section 5.34.

82.25 ~~(c) The registration must include:~~

82.26 ~~(1) the name of the corporation;~~

82.27 ~~(2) the address of its registered office;~~

82.28 ~~(3) the name of its registered agent, if any; and~~

82.29 ~~(4) the name and business address of the officer or other person exercising the~~
82.30 ~~principal functions of president of the corporation.~~

82.31 Subd. 2. **Penalty.** (a) A corporation that has failed to file a ~~registration~~ renewal
82.32 pursuant to ~~the requirements of~~ subdivision 1 must be dissolved by the secretary of state
82.33 as described in paragraph (b).

(b) If the corporation has not filed the delinquent ~~registration~~ renewal, the secretary of state must issue a certificate of involuntary dissolution, and the certificate must be filed in the Office of the Secretary of State. The secretary of state must also make available in an electronic format the names of the dissolved corporations. A corporation dissolved in this manner is not entitled to the benefits of section 317A.781.

Sec. 16. Minnesota Statutes 2008, section 321.0206, is amended to read:

321.0206 DELIVERY TO AND FILING OF RECORDS BY SECRETARY OF STATE; EFFECTIVE TIME AND DATE.

(a) A record authorized or required to be delivered to the secretary of state for filing under this chapter must be captioned to describe the record's purpose, be in a medium permitted by the secretary of state, and be delivered to the secretary of state. Unless the secretary of state determines that a record does not comply with the filing requirements of this chapter, and if the appropriate filing fees have been paid, the secretary of state shall file the record and:

(1) for a statement of dissociation, send:

(A) a copy of the filed statement to the person which the statement indicates has dissociated as a general partner; and

(B) a copy of the filed statement to the limited partnership;

(2) for a statement of withdrawal, send:

(A) a copy of the filed statement to the person on whose behalf the record was filed; and

(B) if the statement refers to an existing limited partnership, a copy of the filed statement to the limited partnership; and

(3) for all other records, send a copy of the filed record to the person on whose behalf the record was filed.

(b) Upon request and payment of a fee, the secretary of state shall send to the requester a certified copy of the requested record.

(c) Except as otherwise provided in sections 321.0116 and 321.0207, a record delivered to the secretary of state for filing under this chapter may specify an effective time and a delayed effective date. Except as otherwise provided in this chapter, a record filed by the secretary of state is effective:

(1) if the record does not specify an effective time and does not specify a delayed effective date, on the date and at the time the record is filed as evidenced by the secretary of state's endorsement of the date and time on the record;

84.1 (2) if the record specifies an effective time but not a delayed effective date, on the
84.2 date the record is filed at the time specified in the record;

84.3 (3) if the record specifies a delayed effective date but not an effective time, at 12:01
84.4 a.m. on the earlier of:

84.5 (A) the specified date; or
84.6 (B) the 30th day after the record is filed; or

84.7 (4) if the record specifies an effective time and a delayed effective date, at the
84.8 specified time on the earlier of:

84.9 (A) the specified date; or
84.10 (B) the 30th day after the record is filed.

84.11 (d) The appropriate fees for filings under this chapter are:

84.12 (1) for filing a certificate of limited partnership, \$100;
84.13 (2) for filing an amended certificate of limited partnership, \$50;
84.14 (3) for filing a name reservation for a limited partnership name, \$35;

84.15 ~~(3)~~ (4) for filing any other record, other than the annual ~~report~~ renewal required by
84.16 section 321.0210, for which no fee must be charged, required or permitted to be delivered
84.17 for filing, ~~\$35~~ \$50;

84.18 ~~(4)~~ (5) for filing a certificate requesting authority to transact business in Minnesota
84.19 as a foreign limited partnership, ~~\$85~~ \$100;

84.20 ~~(5)~~ (6) for filing an application of reinstatement, \$25;

84.21 ~~(6)~~ (7) for filing a name reservation for a foreign limited partnership name, \$35; and
84.22 ~~(7)~~ (8) for filing any other record, other than the annual ~~report~~ renewal required by
84.23 section 321.0210, for which no fee must be charged, required or permitted to be delivered
84.24 for filing on a foreign limited partnership authorized to transact business in Minnesota,
84.25 \$50.

84.26 Sec. 17. Minnesota Statutes 2008, section 321.0210, is amended to read:

84.27 **321.0210 ANNUAL ~~REPORT~~ RENEWAL FOR SECRETARY OF STATE.**

84.28 (a) Subject to subsection (b):

84.29 (1) in each calendar year following the calendar year in which a limited partnership
84.30 becomes subject to this chapter, the limited partnership must deliver to the secretary of
84.31 state for filing an annual ~~registration~~ renewal containing the information required by
84.32 subsection (c); and

84.33 (2) in each calendar year following the calendar year in which there is first on file
84.34 with the secretary of state a certificate of authority under section 321.0904 pertaining to a
84.35 foreign limited partnership, the foreign limited partnership must deliver to the secretary

of state for filing an annual ~~registration~~ renewal containing the information required by subsection (c).

(b) A limited partnership's obligation under subsection (a) ends if the limited partnership delivers to the secretary of state for filing a statement of termination under section 321.0203 and the statement becomes effective under section 321.0206. A foreign limited partnership's obligation under subsection (a) ends if the secretary of state issues and files a certificate of revocation under section 321.0906 or if the foreign limited partnership delivers to the secretary of state for filing a notice of cancellation under section 321.0907(a) and that notice takes effect under section 321.0206. If a foreign limited partnership's obligations under subsection (a) end and later the secretary of state files, pursuant to section 321.0904, a new certificate of authority pertaining to that foreign limited partnership, subsection (a)(2), again applies to the foreign limited partnership and, for the purposes of subsection (a)(2), the calendar year of the new filing is treated as the calendar year in which a certificate of authority is first on file with the secretary of state.

(c) The annual ~~registration~~ renewal must contain: the items required by section 5.34.
~~(1) the name of the limited partnership or foreign limited partnership;~~
~~(2) the address of its designated office and the name and street and mailing address of its agent for service of process in Minnesota and, if the agent is not an individual, the name, street and mailing address, and telephone number of an individual who may be contacted for purposes other than service of process with respect to the limited partnership;~~
~~(3) in the case of a limited partnership, the street and mailing address of its principal office; and~~
~~(4) in the case of a foreign limited partnership, the name of the state or other jurisdiction under whose law the foreign limited partnership is formed and any alternate name adopted under section 321.0905(a).~~

(d) The secretary of state shall:
(1) administratively dissolve under section 321.0809 a limited partnership that has failed to file a ~~registration~~ renewal pursuant to subsection (a); and
(2) revoke under section 321.0906 the certificate of authority of a foreign limited partnership that has failed to file a ~~registration~~ renewal pursuant to subsection (a).

Sec. 18. Minnesota Statutes 2008, section 321.0810, is amended to read:

**321.0810 REINSTATEMENT FOLLOWING ADMINISTRATIVE
DISSOLUTION.**

(a) A limited partnership that has been administratively dissolved or a foreign limited partnership that has had its certificate of authority revoked may ~~apply to the~~

~~secretary of state for reinstatement~~ reinstates after the effective date of dissolution. ~~The application~~ To reinstate, the annual renewal required by section 5.34 must be delivered to the secretary of state for filing and state; with the reinstatement fee of \$25.

~~(1) the name of the limited partnership and the effective date of its administrative dissolution;~~

~~(2) that the grounds for dissolution either did not exist or have been eliminated; and~~

~~(3) that the limited partnership's name satisfies the requirements of section 321.0108.~~

~~The application must also include any documents that were required to be delivered for filing to the secretary of state but which were not so delivered.~~

(b) If the secretary of state determines that ~~an application~~ an annual renewal contains the information required by subsection (a) and that the information is correct and ~~the application includes~~ is accompanied by the appropriate fee, the secretary of state shall file the reinstatement application and serve the limited partnership with a copy renewal and reinstate the limited partnership or foreign limited partnership.

(c) When reinstatement becomes effective, it relates back to and takes effect as of the effective date of the administrative dissolution or revocation and the limited partnership may resume its activities as if the administrative dissolution or revocation had never occurred, except that for the purposes of section 321.0103(c) and (d) the reinstatement is effective only as of the date the reinstatement is filed.

Sec. 19. Minnesota Statutes 2008, section 322B.960, is amended to read:

322B.960 ANNUAL ~~REGISTRATION~~ RENEWAL.

Subdivision 1. **Annual ~~registration~~ renewal form.** (a) The secretary of state ~~must~~ may send annually to each limited liability company ~~at the registered office of the corporation a postcard,~~ using the information provided by the limited liability company pursuant to section 5.002 or 5.34 or the articles of organization, a notice announcing the need to file the annual ~~registration~~ renewal and informing the limited liability company that the annual ~~registration~~ renewal may be filed online and that paper filings may also be made, and informing the limited liability company that failing to file the annual ~~registration~~ renewal will result in an administrative termination of the limited liability company or the revocation of the authority of the limited liability company to do business in Minnesota.

(b) Each calendar year beginning in the calendar year following the calendar year in which a limited liability company files articles of organization, a limited liability company must file with the secretary of state by December 31 of each calendar year a ~~registration~~ renewal containing the ~~information listed in subdivision 2~~ items required by section 5.34.

~~Subd. 2. Information required; fees.~~ The registration must include:

~~(1) the name of the limited liability company or the name under which a foreign limited liability company has registered in this state;~~

~~(2) the address of its principal executive office, if different from the registered address;~~

~~(3) the address of its registered office;~~

~~(4) the name of its registered agent, if any;~~

~~(5) the state or jurisdiction of organization; and~~

~~(6) the name and business address of the manager or other person exercising the principal functions of the chief manager of the limited liability company.~~

Subd. 4. **Penalty.** (a) A domestic limited liability company that has not filed a registration renewal pursuant to ~~the requirements of subdivision 2~~, this section is administratively terminated. The secretary of state shall issue a certificate of administrative termination which must be filed in the office of the secretary of state. The secretary of state must also make available in an electronic format the names of the terminated limited liability companies.

(b) A non-Minnesota limited liability company that has not filed a registration renewal pursuant to ~~the requirements of subdivision 2~~, this section shall have its authority to do business in Minnesota revoked. The secretary of state must issue a certificate of revocation which must be filed in the Office of the Secretary of State. The secretary of state must also make available in an electronic format the names of the revoked non-Minnesota limited liability companies.

Subd. 5. **Reinstatement.** If a limited liability company is administratively terminated or has its authority to do business in Minnesota revoked, it may retroactively reinstate its existence or authority to do business by filing a single annual registration renewal and paying a \$25 fee.

(a) For a domestic limited liability company, filing the annual registration renewal with the secretary of state:

(1) returns the limited liability company to active status as of the date of the administrative termination;

(2) validates contracts or other acts within the authority of the articles, and the limited liability company is liable for those contracts or acts; and

(3) restores to the limited liability company all assets and rights of the limited liability company and its members to the extent they were held by the limited liability company and its members before the administrative termination occurred, except to the extent that assets or rights were affected by acts occurring after the termination, sold, or otherwise distributed after that time.

(b) For a non-Minnesota limited liability company, filing the annual ~~registration~~ renewal restores the limited liability company's ability to do business in Minnesota and the rights and privileges which accompany that authority.

Sec. 20. Minnesota Statutes 2008, section 323A.1003, is amended to read:

323A.1003 ANNUAL ~~REGISTRATION~~ RENEWAL.

(a) Each calendar year beginning in the calendar year following the calendar year in which a partnership files a statement of qualification or in which a foreign partnership becomes authorized to transact business in this state, the secretary of state ~~must mail by first class mail an annual registration form to the street address of the partnership's chief executive office, if located in Minnesota, the office in this state, if the chief executive office is not located in Minnesota, or address of the registered agent of the partnership as shown on the records of the secretary of state when the chief executive office is not located in Minnesota and no other Minnesota office exists~~ may send annually to the partnership or foreign partnership, using the information provided by the limited liability partnership pursuant to section 5.002 or 5.34 or the limited liability partnership statement of qualification, a notice. The ~~form must include the following notice:~~ will announce the need to file the annual renewal and will inform the partnership or foreign partnership that the annual renewal may be filed online and that paper filings may also be made and that "NOTICE: failure to file ~~this form~~ the notice by December 31 ~~of this year~~ will result in the revocation of the statement of qualification of this limited liability partnership. ~~without further notice from the secretary of state pursuant to Minnesota Statutes, section 323A.1003, subsection (d).~~"

(b) A limited liability partnership, and a foreign limited liability partnership authorized to transact business in this state, shall file an annual ~~registration~~ renewal in the office of the secretary of state which contains: the information required by section 5.34.

~~(1) the name of the limited liability partnership and the state or other jurisdiction under whose laws the foreign limited liability partnership is formed;~~

~~(2) the street address, including the zip code, of the partnership's chief executive office and, if different, the street address, including the zip code, of an office of the partnership in this state, if any;~~

~~(3) if the partnership does not have an office in this state, the name and street address, including the zip code, of the partnership's current agent for service of process; and~~

~~(4) if the agent for service of process under clause (3) is not an individual, the name, street address, and telephone number of an individual who may be contacted for purposes other than service of process with respect to the limited liability partnership.~~

(c) An annual ~~registration~~ renewal must be filed once each calendar year beginning in the year following the calendar year in which a partnership files a statement of qualification or a foreign partnership becomes authorized to transact business in this state.

(d) The secretary of state must revoke the statement of qualification of a partnership that fails to file an annual ~~registration~~ renewal when due or pay the required filing fee. The secretary of state must issue a certificate of revocation which must be filed in the office of the secretary of state. The secretary of state must also make available in an electronic format the names of the revoked limited liability companies.

(e) A revocation under subsection (d) only affects a partnership's status as a limited liability partnership and is not an event of dissolution of the partnership.

(f) A partnership whose statement of qualification has been revoked may apply to the secretary of state for reinstatement ~~within one year after the effective date of the revocation~~. A partnership must file an annual ~~registration~~ renewal to apply for reinstatement and pay a reinstatement fee of ~~\$135~~ \$160.

(g) A reinstatement under subsection (f) relates back to and takes effect as of the effective date of the revocation, and the partnership's status as a limited liability partnership continues as if the revocation had never occurred.

Sec. 21. Minnesota Statutes 2008, section 333.055, is amended to read:

333.055 TERM OF CERTIFICATE.

Subdivision 1. **Application and renewal.** Filing of a certificate hereunder shall be effective ~~for a term of ten years from the date of filing and upon application filed within the six-month period prior to the expiration of such term or a renewal thereof, on a form prescribed by the secretary of state, upon filing and shall remain in effect as long as an annual renewal for the certificate may be renewed for additional ten-year terms. A renewal fee as specified herein, payable to the secretary of state, shall accompany the application for renewal.~~ is filed in each calendar year following the calendar year in which the original filing was filed. The certificate expires in the calendar year following a calendar year in which the annual renewal was not filed. Notice of the annual renewal requirement must be provided to the person or entity submitting the certificate at the time of the original filing.

~~The secretary of state shall notify each business holding a certificate hereunder of the necessity of renewal thereof by writing to the last known address of the business at least six months prior to the certificate's expiration date.~~

Assumed name certificates on file with the secretary of state upon the effective date of this section are exempt from the renewal requirements of this section until the expiration of the original ten-year term.

90.1 Subd. 2. ~~Existing certificates~~ **Reinstatement.** Any assumed name certificate of
90.2 record in the district courts and in force on July 1, 1978 shall continue in force without
90.3 the necessity of another filing under section 333.01 until July 31, 1979, at which time all
90.4 such certificates shall expire unless renewed as hereinafter provided. Any certificate
90.5 may be renewed by filing an application with the secretary of state on a form prescribed
90.6 by the secretary and paying the renewal fee prescribed by subdivision 3 within the six
90.7 month period prior to the expiration of the certificate that expires as a result of failing
90.8 to file the annual renewal may be reinstated by filing the annual renewal with the \$25
90.9 reinstatement fee.

90.10 Subd. 2a. **Annual renewal; contents.** The annual renewal filed under subdivision 1
90.11 must include the assumed name and the address of the principal place of business.

90.12 Subd. 3. **Fees.** The secretary of state shall charge and collect: a fee of \$30 for
90.13 each filing submitted with respect to an assumed name except for the annual renewal,
90.14 for which no fee will be charged.

90.15 ~~(a) for the filing of each certificate or amended certificate of an assumed name - \$25;~~

90.16 ~~(b) certificate renewal fee - \$25.~~

90.17 Subd. 4. **Secretary of state duties.** The secretary of state shall accept for filing all
90.18 certificates and renewals thereof which comply with the provisions of sections 333.001 to
90.19 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that
90.20 the assumed name disclosed therein may not be distinguishable from one or more other
90.21 assumed names already filed with the secretary of state. The secretary of state shall not
90.22 accept for filing a certificate that discloses an assumed name that is not distinguishable
90.23 from a corporate, limited liability company, limited liability partnership, cooperative, or
90.24 limited partnership name in use or reserved in this state by another or a trade or service
90.25 mark registered with the secretary of state, unless there is filed with the certificate a written
90.26 consent, court decree of prior right, or affidavit of nonuser of the kind required by section
90.27 302A.115, subdivision 1, clause (d). The secretary of state shall determine whether a name
90.28 is distinguishable from another name for purposes of this subdivision.

90.29 **EFFECTIVE DATE; APPLICATION.** The amendments to this section are
90.30 effective 30 days after the secretary of state certifies that the information systems of the
90.31 Office of the Secretary of State have been modified to implement this section, and the
90.32 amendments to this section apply to all existing and new assumed name certificates on
90.33 and after that date.

90.34 Sec. 22. Minnesota Statutes 2008, section 336A.04, subdivision 3, is amended to read:

91.1 Subd. 3. **Fees.** The fee for filing and indexing a standard form or format for a lien
91.2 notice, effective financing statement, or continuation statement, and stamping the date and
91.3 place of filing on a copy of the filed document furnished by the filing party is ~~\$15 until~~
91.4 ~~June 30, 2005. Effective July 1, 2005, the fee for each filing will be~~ as follows:

91.5 (1) \$20 for each effective financing statement and \$15 for each lien notice or other
91.6 filing made through the Web interface of the Office of the Secretary of State; ~~and~~

91.7 (2) \$25 for each effective financing statement and \$20 for each lien notice or other
91.8 filing submitted in any other manner; and

91.9 (3) no fee will be charged for filing a termination statement.

91.10 Filing fees collected by a satellite office must be deposited in the general fund of the
91.11 county in which the satellite office is located.

91.12 Sec. 23. Minnesota Statutes 2008, section 336A.09, subdivision 2, is amended to read:

91.13 Subd. 2. **Searches; fees.** (a) If a person makes a request, the filing officer shall
91.14 conduct a search of the computerized filing system for effective financing statements or
91.15 lien notices and statements of continuation of a particular debtor. The filing officer shall
91.16 produce a report including the date, time, and results of the search by issuing:

91.17 (1) a listing of the file number, date, and hour of each effective financing statement
91.18 found in the search and the names and addresses of each secured party on the effective
91.19 financing statements or of each lien notice found in the search and the names and address
91.20 of each lienholder on the lien notice; or

91.21 (2) upon request, both the report and photocopies of the effective financing
91.22 statements or lien notices.

91.23 (b) The uniform fee for conducting a search and for preparing a report is \$20 per
91.24 debtor name. ~~If an oral or facsimile response is requested, there is an additional fee of \$5~~
91.25 ~~per debtor name requested. A fee of \$1 per page as set by section 5.12 will be charged for~~
91.26 photocopies of effective financing statements, lien notices, continuation statements, or
91.27 termination statements.

91.28 (c) Search fees collected by a satellite office must be deposited in the general fund of
91.29 the county where the satellite office is located.

91.30 Sec. 24. Minnesota Statutes 2008, section 359.01, subdivision 3, is amended to read:

91.31 Subd. 3. **Fees.** (a) When making application for a commission the applicant must
91.32 submit, along with the information required by the secretary of state, a nonrefundable
91.33 fee of \$40.

- 92.1 (b) All fees shall be retained by the secretary of state and are nonreturnable, except
- 92.2 ~~that for an overpayment of a fee is the subject of a refund upon proper application.~~

APPENDIX
Article locations in H1781-1

ARTICLE 1 STATE GOVERNMENT APPROPRIATIONS Page.Ln 2.5

ARTICLE 2 STATE GOVERNMENT OPERATIONS Page.Ln 14.3

ARTICLE 3 SECRETARY OF STATE Page.Ln 73.16

4A.05 LAND MANAGEMENT INFORMATION CENTER.

Subdivision 1. **Purpose.** The purpose of the Land Management Information Center is to foster integration of environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development. The director, through the center, shall periodically study land use and natural resources on the basis of county, regional, and other political subdivisions.

Subd. 1a. **Statewide nitrate database.** The director, through the center, shall maintain a statewide nitrate database containing the data described in section 103A.403.

Subd. 2. **Fees.** The director shall set fees under section 16A.1285 reflecting the actual costs of providing the center's information products and services to clients. Fees collected must be deposited in the state treasury and credited to the Land Management Information Center revolving account. Money in the account is appropriated to the director for operation of the land management information system, including the cost of services, supplies, materials, labor, and equipment, as well as the portion of the general support costs and statewide indirect costs of the office that is attributable to the land management information system. The director may require a state agency to make an advance payment to the revolving fund sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving fund is abolished or liquidated, the total net profit from operations must be distributed to the funds from which purchases were made. The amount to be distributed to each fund must bear to the net profit the same ratio as the total purchases from each fund bear to the total purchases from all the funds during a period of time that fairly reflects the amount of net profit each fund is entitled to receive under this distribution.

16C.046 WEB SITE; SEARCHABLE DATABASE; STATE CONTRACTS; GRANTS.

(a) The commissioner of administration must maintain a Web site with a searchable database providing the public with information on state contracts, including grant contracts. The database must include the following information for each state contract valued in excess of \$25,000:

- (1) the name and address of the entity receiving the contract;
- (2) the name of the agency entering into the contract;
- (3) whether the contract is:
 - (i) for goods;
 - (ii) for professional or technical services;
 - (iii) for services other than professional and technical services; or
 - (iv) a grant;
- (4) a brief statement of the purpose of the contract or grant;
- (5) the amount of the contract or grant and the fund from which this amount will be paid; and
- (6) the dollar value of state contracts, other than grants, the entity has received in each fiscal year and the dollar value of state grants the entity has received in each fiscal year.

(b) Required information on a new contract or grant must be entered into the database within 30 days of the time the contract is entered into.

(c) For purposes of this section, a "grant" is a contract between a state agency and a recipient, the primary purpose of which is to transfer cash or a thing of value to the recipient to support a public purpose. Grant does not include payments to units of local government, payments to state employees, or payments made under laws providing for assistance to individuals.

(d) The database must include information on grants and contracts entered into beginning with fiscal year 2008 funds, and must retain that data for ten years.

116G.151 REQUIRED ENVIRONMENTAL ASSESSMENT WORKSHEET; FACILITIES IN MISSISSIPPI RIVER AREA.

(a) Until completion of an environmental assessment worksheet that complies with the rules of the Environmental Quality Board and this section, a state or local agency may not issue a permit for construction or operation of a metal materials shredding project with a processing capacity in excess of 20,000 tons per month that would be located in the Mississippi River critical area, as described in section 116G.15, upstream from United States Corps of Engineers Lock and Dam Number One.

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(b) The Pollution Control Agency is the responsible governmental unit for the preparation of an environmental assessment worksheet required under this section.

(c) In addition to the contents required under law and rule, an environmental assessment worksheet completed under this section must also include the following major categories:

(1) effects of operation of the project, including vibrations and airborne particulates and dust, on the Mississippi River;

(2) effects of operation of the project, including vibrations and airborne particulates and dust, on adjacent businesses and on residents and neighborhoods;

(3) effects of operation of the project on barge and street traffic;

(4) discussion of alternative sites considered by the project proposer for the proposed project, possible design modifications including site layout, and the magnitude of the project;

(5) mitigation measures that could eliminate or minimize any adverse environmental effects of the proposed project;

(6) impact of the proposed project on the housing, park, and recreational use of the river;

(7) effects of waste and implication of the disposal of waste generated from the proposed project;

(8) effects on water quality from the project operations, including wastewater generated from operations of the proposed project;

(9) potential effects from fugitive emissions, fumes, dust, noise, and vibrations from project operations;

(10) compatibility of the existing operation and proposed operation with other existing uses;

(11) the report of the expert required by paragraph (g).

(d) In addition to the publication and distribution provisions relating to environmental assessment worksheets under law and rule, notice of environmental assessment worksheets performed by this section shall also be published in a newspaper of general circulation as well as community newspapers in the affected neighborhoods.

(e) A public meeting in the affected communities must be held on the environmental assessment worksheet prepared under this section. After the public meeting on the environmental assessment worksheet, there must be an additional 30-day period for review and comment on the environmental assessment worksheet.

(f) If the Pollution Control Agency determines that information necessary to make a reasonable decision about potential of significant environmental impacts is insufficient, the agency shall make a positive declaration and proceed with an environmental impact statement.

(g) The Pollution Control Agency shall retain an expert in the field of toxicology who is capable of properly analyzing the potential effects and content of any airborne particulates, fugitive emissions, and dust that could be produced by a metal materials shredding project. The Pollution Control Agency shall obtain any existing reports or documents from a governmental entity or project proposer that analyzes or evaluates the potential hazards of airborne particulates, fugitive emissions, or dust from the construction or operation of a metal materials shredding project in preparing the environmental assessment worksheet. The agency and the expert shall prepare, as part of the report, a risk assessment of the types of metals permitted to be shredded as compared to the types of materials that are likely to be processed at the facility. In performing the risk assessment, the agency and the expert must consider any actual experience at similar facilities. The report must be included as part of the environmental assessment worksheet.

(h) If the Pollution Control Agency determines that under the rules of the Environmental Quality Board an environmental impact statement should be prepared, the Pollution Control Agency shall be the responsible governmental unit for preparation of the environmental impact statement.

240A.08 APPROPRIATION.

(a) \$750,000 is appropriated annually from the general fund to the Minnesota Amateur Sports Commission for the purpose of entering into long-term leases, use, or other agreements with the Metropolitan Sports Facilities Commission for the conduct of amateur sports activities at the basketball and hockey arena, consistent with the purposes set forth in this chapter, including (1) stimulating and promoting amateur sports, (2) promoting physical fitness by promoting participation in sports, (3) promoting the development of recreational amateur sport opportunities and activities, and (4) promoting local, regional, national, and international amateur sport competitions and events. The Amateur Sports Commission shall determine what constitutes amateur sports activities as provided in this chapter as of March 1, 1995. The Metropolitan Sports Facilities Commission may allocate at least 25 but no more than 50 dates a year for the

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conduct of amateur sports activities at the basketball and hockey arena by the Amateur Sports Commission. At least 12 of the dates must be on a Friday, Saturday, or Sunday. The Amateur Sports Commission may sell a date at the arena to another group for any purpose. Revenue from sale of these dates is appropriated to the Amateur Sports Commission for purposes listed in section 240A.04. If any amateur sports activities conducted by the Amateur Sports Commission at the basketball and hockey arena are restricted to participants of one gender, an equal number of activities on comparable days of the week must be conducted for participants of the other gender, but not necessarily in the same year. The legislature reserves the right to repeal or amend this appropriation, and does not intend this appropriation to create public debt.

(b) The Amateur Sports Commission shall not transmit to the operator of the basketball and hockey arena payment of any event-related costs or expenses, including, but not limited to, personnel, labor, services, equipment, utilities, or supplies attributable to the events unless and until the operator has demonstrated, to the satisfaction of the Amateur Sports Commission, the basis for each specific cost or expense and the means by which the costs and expenses were determined.

(c) The Amateur Sports Commission may use any ticket system as may be in place from time to time at the basketball and hockey arena, provided that any royalty or rebate fees or charges or surcharges on tickets received by the operator of the arena from third parties must be credited against event-related costs or expenses.

(d) In the establishment of event-related costs to be imposed upon the Amateur Sports Commission, the operator of the basketball and hockey arena shall provide the Amateur Sports Commission with the maximum discount that the operator has supplied to any other sponsor of a similar amateur sports event in the arena within the 180-day period immediately preceding the date of the Amateur Sports Commission event.

(e) The Amateur Sports Commission must report by August 1 each year to the chairs of the house of representatives and senate state government finance divisions on compliance with this section and on the total value of dates and ancillary services, and revenue derived from resale of dates, during the previous state fiscal year.

(f) The attorney general, on behalf of the Amateur Sports Commission, must pursue collection of monetary damages from the operator of the arena if the operator fails to comply with the requirements of this section.

(g) The books, records, documents, accounting procedures, and practices of the Metropolitan Sports Facilities Commission, the Minneapolis Community Development Agency, and any corporation with which the Minnesota Amateur Sports Commission may contract for use of the basketball and hockey arena are available for review by the Minnesota Amateur Sports Commission, the legislative auditor, and the chairs of the State Government Finance Divisions of the senate and the house of representatives, subject to chapter 13 and section 473.598, subdivision 4.

645.44 WORDS AND PHRASES DEFINED.

Subd. 19. **Fee and tax.** (a) "Tax" means any fee, charge, exaction, or assessment imposed by a governmental entity on an individual, person, entity, transaction, good, service, or other thing. It excludes a price that an individual or entity chooses voluntarily to pay in return for receipt of goods or services provided by the governmental entity. A government good or service does not include access to or the authority to engage in private market transactions with a nongovernmental party, such as licenses to engage in a trade, profession, or business or to improve private property.

(b) For purposes of applying the laws of this state, a "fee," "charge," or other similar term that satisfies the functional requirements of paragraph (a) must be treated as a tax for all purposes, regardless of whether the statute or law names or describes it as a tax. The provisions of this subdivision do not preempt or supersede limitations under law that apply to fees, charges, or assessments.

(c) This subdivision is not intended to extend or limit article 4, section 18, of the Minnesota Constitution.