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1.1

A bill for an act

1.2

relating to state government; proposing the Redundant Technology Elimination

1.3

Act; consolidating state agency information technology systems and services;

1.4

transferring duties to the Office of Enterprise Technology; appropriating money;

1.5

amending Minnesota Statutes 2010, sections 16B.99; 16E.14, by adding a

1.6

subdivision; 403.36, subdivisions 1, 1e, 1g; proposing coding for new law in

1.7

Minnesota Statutes, chapter 16E; repealing Minnesota Statutes 2010, section

1.8

16B.99, subdivision 9.

1.9

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

1.10

ARTICLE 1

1.11

REDUNDANT TECHNOLOGY ELIMINATION ACT

1.12

Section 1. CITATION.

1.13

This act may be known as the "Redundant Technology Elimination Act."

1.14

ARTICLE 2

1.15

CONSOLIDATION OF SERVICES

1.16

Section 1. [16E.0151] RESPONSIBILITY FOR INFORMATION TECHNOLOGY

1.17

SERVICES AND EQUIPMENT.

1.18

(a) The chief information officer is responsible for providing or entering into

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managed services contracts for the provision of the following information technology

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systems and services to state agencies:

- 1.21
- (1) state data centers;
- 1.22
- (2) mainframes including system software;
- 1.23
- (3) servers including system software;
- 1.24
- (4) desktops including system software;

(5) laptop computers including system software;
(6) a data network including system software;
(7) database, e-mail, office systems, reporting, and other standard software tools;
(8) help desk for the components listed in clauses (1) to (7);
(9) maintenance, problem resolution, and break-fix for the components listed in
clauses (1) to (7); and
(10) regular upgrades and replacement for the components listed in clauses (1) to (7).
(b) All state agency employees whose work primarily involves functions specified in
paragraph (a) are employees of the Office of Enterprise Technology. The chief information
officer may assign employees of the office to perform work exclusively for another
executive agency.
(c) The chief information officer must allow a state agency to obtain services
specified in paragraph (a) from the Office of Enterprise Technology or through a contract
with an outside vendor when the value of an outside vendor contract can be demonstrated
by the state agency. The chief information officer must require that agency contracts
with outside vendors ensure that systems and services are compatible with standards
established by the Office of Enterprise Technology.

Sec. 2. [16E.036] ADVISORY COMMITTEE.

(a) The Technology Advisory Committee is created to advise the chief information
officer. The committee consists of:
(1) three members appointed by the governor who are individuals actively involved
in business planning for state agencies;
(2) one member appointed by the governor who is an individual actively involved in
business planning for higher education;
(3) one member appointed by the chair of the Legislative Coordinating Commission
to represent the legislative branch;
(4) one member appointed by the chief justice of the Supreme Court to represent
the judicial branch; and
(5) one member appointed by the governor to represent private businesses.
(b) Membership terms, removal of members, and filling of vacancies are as provided
in section 15.059. Members do not receive compensation or reimbursement for expenses.
(c) The committee shall select a chair from its members. The chief information
officer shall provide administrative support to the committee.
(d) The committee shall advise the chief information officer on:

- (1) development and implementation of the state information technology strategic plan;
- (2) critical information technology initiatives for the state;
- (3) standards for state information architecture;
- (4) identification of business and technical needs of state agencies;
- (5) the office's performance measures and fees for service agreements with executive branch agencies;
- (6) management of the state enterprise technology revolving fund; and
- (7) the efficient and effective operation of the office.
- (e) The committee expires June 30, 2013.

Sec. 3. Minnesota Statutes 2010, section 16E.14, is amended by adding a subdivision to read:

Subd. 6. Technology improvement account. The technology improvement account is established as an account in the enterprise technology fund. Money in the account is appropriated to the chief information officer for the purpose of funding a project that will result in improvements in state information and telecommunications technology. The chief information officer may spend money from the account on behalf of a state agency or group of agencies or may transfer money in the account to a state agency or group of agencies only according to an agreement under which: (1) the chief information officer has determined that savings generated by the project to be funded from the account will, within seven years of completion of the project, exceed the cost of the project; and (2) the agency or agencies sponsoring the project have agreed to repay the project savings to the account within seven years, in an amount at least equal to the cost of the project.

Sec. 4. **ENTERPRISE TECHNOLOGY REVOLVING FUND;**
APPROPRIATIONS.

(a) \$..... for the fiscal year ending June 30, 2012, and \$..... for the fiscal year ending June 30, 2013, are appropriated from the general fund to the technology improvement account in the enterprise technology revolving fund for consolidation of state agency information technology systems and services specified in Minnesota Statutes, section 16E.0151.

(b) The chief information officer must utilize the savings allocated to the technology improvement account under this section for purposes of improving the effectiveness and value of the information technology systems and services specified in Minnesota Statutes, section 16E.0151, or other application software or business systems in the state agencies.

4.1 (c) Through the fiscal year ending June 30, 2015, savings generated in the provision
4.2 of the information technology systems and services in Minnesota Statutes, section
4.3 16E.0151, as compared to the base year of fiscal year ending June 30, 2011, shall be
4.4 allocated as follows:

4.5 (1) 50 percent to the state agencies divided proportionally among the agencies
4.6 based on their respective Office of Enterprise Technology chargeback, 25 percent to the
4.7 technology improvement account, and 25 percent to state agency and Office of Enterprise
4.8 Technology employees in proportion to their contribution to the consolidation effort based
4.9 on a formula developed by the chief information officer in consultation with the relevant
4.10 exclusive representatives of state employees;

4.11 (2) total savings allocated to the technology improvement account under this
4.12 section shall not exceed \$30,000,000. After savings of \$30,000,000 has been allocated
4.13 to the enterprise technology revolving fund, all subsequent allocations of savings to the
4.14 enterprise technology revolving fund as stipulated in clause (1) shall instead be allocated
4.15 to the state agencies divided proportionally to the agencies based on their respective Office
4.16 of Enterprise Technology chargeback; and

4.17 (3) the service-level agreements between the agencies and the Office of Enterprise
4.18 Technology relating to the provision of the information technology systems and services
4.19 in Minnesota Statutes, section 16E.0151, may include financial penalties and incentives
4.20 related to the allocation of savings to the Office of Enterprise Technology revolving fund
4.21 in clause (1).

4.22 (d) Before spending more than \$..... of the appropriation in this section, the chief
4.23 information officer must:

4.24 (1) in consultation with appropriate representatives of affected governmental
4.25 entities, analyze the desirability of creating a shared service contract for information
4.26 technology systems and services with some or all of the following: the University of
4.27 Minnesota, the Minnesota State Colleges and Universities, the city of Minneapolis,
4.28 the city of St. Paul, Hennepin County, Ramsey County, the Metropolitan Council, and
4.29 other units of local or regional government that the chief information officer believes
4.30 are appropriate to this analysis;

4.31 (2) complete and report to the chairs and ranking minority members of the house of
4.32 representatives and senate committees with jurisdiction over state government finance a
4.33 plan for transitioning to a managed services contract that would satisfy the state agency
4.34 service-level agreements in section 16E.036, paragraph (b), for the provision of the
4.35 information technology systems and services in Minnesota Statutes, section 16E.0151;

(3) issue a request for proposals for a managed services contract or contracts for the provision of the information technology systems and services in Minnesota Statutes, section 16E.0151, for the state agencies and for groups participating in a shared service contract with the state. The request for proposals and any resulting contract or contracts must:

(i) specify that the state and other public groups participating in a shared service contract retain all responsibility for information technology governance and strategy decision making;

(ii) provide no reduction in service levels and data security from current levels;

(iii) provide protections for the state if the state chooses an alternative provider after the project is initiated; and

(iv) allow proposal submittals for state-owned, leased, or outsourced solutions, or a combination thereof, and allow the Office of Enterprise Technology to propose its solutions approach and to compete with external service providers; and

(4) report the results to the chairs and lead minority members of the house of representatives and senate committees with jurisdiction over state government finance.

(e) To the extent that the chief information officer determines it would be cost-beneficial for the Office of Enterprise Technology to provide the information technology systems and services, the appropriation in this section may be spent for development of a migration and operations plan and operation costs. To the extent the chief information officer determines it would be cost-beneficial to provide information technology systems and services under a managed services contract or contracts with external service providers, the appropriation in this section may be spent for entering into contracts with external service providers for these functions.

(f) This section supersedes any portion of Minnesota Statutes, section 16C.08, 16C.09, 43A.047, or 179A.23, to the extent necessary to enter into a managed services contract or contracts with external service providers specified under this section, if:

(1) the state retains responsibility for governance and strategy decision making;

(2) state employees currently providing services that would be subject to the contract have a fair opportunity to propose their own alternative state employee solution to compete for the business;

(3) the contract would result in no net loss of jobs in the state;

(4) all state employees displaced as a result of the contract have an opportunity to join the firm performing work under the managed services contract, or to transfer to new positions within state government; and

(5) the commissioner of management and budget determines that the aggregate value of benefits for employees providing service under the managed services contract is equal to or better than state benefits.

Sec. 5. **TRANSFERS.**

(a) Powers, duties, responsibilities, assets, personnel, and unexpended appropriations relating to functions assigned to the chief information officer in Minnesota Statutes, section 16E.0151, are transferred to the Office of Enterprise Technology from all other state agencies, as defined in Minnesota Statutes, section 16E.03, subdivision 1, paragraph (e), effective July 1, 2011. By January 15, 2012, the chief information officer shall submit to the legislature any statutory changes needed to complete implementation of the transfer in this section.

(b) Prior to the transfer mandated by paragraph (a), the chief information officer must enter into a service-level agreement with each state agency governing the provision of information technology systems and services in Minnesota Statutes, section 16E.0151. The agreements must specify the services to be provided and the charges for these services. As specified in section 16E.0151, an agency may choose to obtain these services from an outside vendor, rather than from the Office of Enterprise Technology.

(c) Powers, duties, responsibilities, assets, personnel, and unexpended appropriations relating to geospatial information systems are transferred from the commissioner of administration to the Office of Enterprise Technology.

(d) Powers, duties, responsibilities, assets, personnel, and unexpended appropriations relating to the Statewide Radio Board are transferred from the commissioner of public safety to the Office of Enterprise Technology.

(e) Minnesota Statutes, section 15.039, applies to transfers in this section. Executive branch officials may use authority under Minnesota Statutes, section 16B.37, as necessary to implement this section.

Sec. 6. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall recodify Minnesota Statutes, section 16B.99, into Minnesota Statutes, chapter 16E.

ARTICLE 3

CONFORMING CHANGES

Section 1. Minnesota Statutes 2010, section 16B.99, is amended to read:

16B.99 GEOSPATIAL INFORMATION OFFICE.

Subdivision 1. **Creation.** The Minnesota Geospatial Information Office is created under the supervision of the ~~commissioner of administration~~ chief geospatial information officer, who is appointed by the chief information officer.

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

Subd. 3. **Duties.** The office must:

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

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

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

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

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

(6) provide coordination, leadership, and consultation to integrate government 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 management and budget, and the ~~Minnesota~~ chief geospatial 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 management and budget 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. 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 Geospatial Information Systems (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 must 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 account sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving account is abolished or liquidated, the total net profit from the operation of the account 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 must reflect the same ratio of total purchases attributable to each fund divided by the total purchases from all funds.

9.1 Subd. 6. **Accountability.** The chief geospatial information officer is appointed by
9.2 ~~the commissioner of administration and must work closely with the~~ Minnesota chief
9.3 information officer who shall advise on technology projects, standards, and services.

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

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

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

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

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

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

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

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

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

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

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

9.27 Subd. 8. **Geospatial advisory councils created.** The chief ~~geospatial~~ information
9.28 officer must establish a governance structure that includes advisory councils to provide
9.29 recommendations for improving the operations and management of geospatial technology
9.30 within state government and also on issues of importance to users of geospatial technology
9.31 throughout the state.

9.32 (a) A statewide geospatial advisory council must advise the Minnesota Geospatial
9.33 Information Office regarding the improvement of services statewide through the
9.34 coordinated, affordable, reliable, and effective use of geospatial technology. The
9.35 ~~commissioner of administration~~ chief information officer must appoint the members of the
9.36 council. The members must represent a cross-section of organizations including counties,

cities, universities, business, nonprofit organizations, federal agencies, and state agencies. No more than 20 percent of the members may be employees of a state agency. In addition, the chief geospatial information officer must be a nonvoting member.

(b) A state government geospatial advisory council must advise the Minnesota Geospatial Information Office on issues concerning improving state government services through the coordinated, affordable, reliable, and effective use of geospatial technology. ~~The commissioner of administration~~ chief information officer must appoint the members of the council. The members must represent up to 15 state government agencies and constitutional offices, including the Office of Enterprise Technology and the Minnesota Geospatial Information Office. The council must be chaired by the chief geographic information officer. A representative of the statewide geospatial advisory council must serve as a nonvoting member.

(c) Members of both the statewide geospatial advisory council and the state government advisory council must be recommended by a process that ensures that each member is designated to represent a clearly identified agency or interested party category and that complies with the state's open appointment process. Members shall serve a term of two years.

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

(e) This subdivision expires June 30, 2011.

~~Subd. 9. **Report to legislature.** By January 15, 2010, the chief geospatial information officer must provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over the policy and budget for the office. The report must address all statutes that refer to the Minnesota Geospatial Information Office or land management information system and provide any necessary draft legislation to implement any recommendations.~~

Sec. 2. Minnesota Statutes 2010, section 403.36, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) ~~The commissioner of public safety~~ state chief information officer in the Office of Enterprise Technology shall convene and chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The board consists of the following members or their designees:

- (1) the commissioner of public safety;
- (2) the commissioner of transportation;

- 11.1 (3) the state chief information officer;
- 11.2 (4) the commissioner of natural resources;
- 11.3 (5) the chief of the Minnesota State Patrol;
- 11.4 (6) the commissioner of management and budget;
- 11.5 (7) the chair of the Metropolitan Council;
- 11.6 (8) two elected city officials, one from the nine-county metropolitan area and one
- 11.7 from Greater Minnesota, appointed by the governing body of the League of Minnesota
- 11.8 Cities;
- 11.9 (9) two elected county officials, one from the nine-county metropolitan area and
- 11.10 one from Greater Minnesota, appointed by the governing body of the Association of
- 11.11 Minnesota Counties;
- 11.12 (10) two sheriffs, one from the nine-county metropolitan area and one from Greater
- 11.13 Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;
- 11.14 (11) two chiefs of police, one from the nine-county metropolitan area and one from
- 11.15 Greater Minnesota, appointed by the governor after considering recommendations made
- 11.16 by the Minnesota Chiefs' of Police Association;
- 11.17 (12) two fire chiefs, one from the nine-county metropolitan area and one from
- 11.18 Greater Minnesota, appointed by the governor after considering recommendations made
- 11.19 by the Minnesota Fire Chiefs' Association;
- 11.20 (13) two representatives of emergency medical service providers, one from the
- 11.21 nine-county metropolitan area and one from Greater Minnesota, appointed by the governor
- 11.22 after considering recommendations made by the Minnesota Ambulance Association;
- 11.23 (14) the chair of the regional radio board for the metropolitan area; and
- 11.24 (15) a representative of Greater Minnesota elected by those units of government in
- 11.25 phase three and any subsequent phase of development as defined in the statewide, shared
- 11.26 radio and communication plan, who have submitted a plan to the Statewide Radio Board
- 11.27 and where development has been initiated.
- 11.28 (c) The Statewide Radio Board shall coordinate the appointment of board members
- 11.29 representing Greater Minnesota with the appointing authorities and may designate the
- 11.30 geographic region or regions from which an appointed board member is selected where
- 11.31 necessary to provide representation from throughout the state.

11.32 Sec. 3. Minnesota Statutes 2010, section 403.36, subdivision 1e, is amended to read:

11.33 Subd. 1e. **Implement plan and establish statewide system.** The Statewide Radio

11.34 Board has overall responsibility for the statewide, shared radio and communication system

11.35 project plan. The ~~commissioner of public safety~~ state chief information officer in the Office

12.1 of Enterprise Technology shall implement the plan adopted by the Statewide Radio Board.
12.2 ~~The commissioner of public safety~~ state chief information officer shall contract with the
12.3 commissioner of transportation to construct, own, operate, maintain, and enhance the
12.4 elements of the backbone system defined in the plan. The commissioner of transportation,
12.5 under appropriate state law, shall contract for, or procure by purchase or lease (including
12.6 joint purchase and lease agreements), construction, installation of materials, supplies and
12.7 equipment, and other services as may be needed to build, operate, and maintain the system
12.8 backbone. The Department of Transportation shall own, operate, and maintain those
12.9 elements identified in the project plan as the system backbone, including, but not limited
12.10 to, radio towers and associated structures and equipment related to the system backbone.

12.11 Sec. 4. Minnesota Statutes 2010, section 403.36, subdivision 1g, is amended to read:

12.12 Subd. 1g. **State Interoperability Executive Committee.** (a) In addition to
12.13 responsibilities provided for in subdivision 1e, the Statewide Radio Board is designated as
12.14 Minnesota's State Interoperability Executive Committee.

12.15 (b) As Minnesota's State Interoperability Executive Committee, the Statewide
12.16 Radio Board shall:

12.17 (1) develop and maintain a statewide plan for local and private public safety
12.18 communications interoperability that integrates with the Minnesota emergency operation
12.19 plan;

12.20 (2) develop and adopt guidelines and operational standards for local and private
12.21 public safety communications interoperability within Minnesota;

12.22 (3) promote coordination and cooperation among local, state, federal, and
12.23 tribal public safety agencies in addressing statewide public safety communications
12.24 interoperability within Minnesota;

12.25 (4) advise the commissioner of the Department of Public Safety and the state chief
12.26 information officer on public safety communications interoperability and on the allocation
12.27 and use of funds made available to Minnesota to support public safety communications
12.28 interoperability;

12.29 (5) to the extent permitted by federal law, Federal Communications Commission
12.30 regulations, and the National Telecommunications and Information Administration,
12.31 develop guidelines and standards for the efficient use of interoperability frequencies on all
12.32 frequency spectrums assigned to public safety users; and

12.33 (6) to the extent permitted by federal law and treaties with Canada, develop
12.34 guidelines and standards that support interoperability with adjoining states and provinces
12.35 of Canada along Minnesota's northern border.

- 13.1 Sec. 5. **REPEALER.**
- 13.2 Minnesota Statutes 2010, section 16B.99, subdivision 9, is repealed.

APPENDIX
Article locations in 11-0968

ARTICLE 1 REDUNDANT TECHNOLOGY ELIMINATION ACT Page.Ln 1.10

ARTICLE 2 CONSOLIDATION OF SERVICES Page.Ln 1.14

ARTICLE 3 CONFORMING CHANGES Page.Ln 7.1