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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 1389**

03/11/2013 Authored by Kahn

The bill was read for the first time and referred to the Committee on Government Operations

By motion, recalled and re-referred to the Committee on Rules and Legislative Administration

03/13/2013 Adoption of Report: Pass and re-referred to the Committee on Government Operations

1.1 A bill for an act  
1.2 relating to state government; adding the Office of Enterprise Technology (OET)  
1.3 to certain provisions and changing certain OET provisions; amending Minnesota  
1.4 Statutes 2012, sections 3D.14; 15.06, subdivision 1; 16E.04, subdivision 2;  
1.5 16E.18, subdivision 8; 43A.08, subdivision 1a; repealing Minnesota Statutes  
1.6 2012, section 15.06, subdivision 1a.

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

1.8 Section 1. Minnesota Statutes 2012, section 3D.14, is amended to read:

1.9 **3D.14 CONTINUATION BY LAW.**

1.10 (a) The following departments and agencies must be reviewed according to the  
1.11 schedule in section 3D.21, but do not expire according to that schedule, unless another law  
1.12 is enacted providing that the entity does expire:

1.13 (1) a department or agency listed in section 15.01; or ~~section~~ 15.06, subdivision 1  
1.14 ~~or 1a~~; and

1.15 (2) the Office of Higher Education, Explore Minnesota Tourism, and the Public  
1.16 Utilities Commission.

1.17 (b) During the regular session immediately before the sunset of a state agency or an  
1.18 advisory committee that expires under section 3D.21, the legislature may enact legislation  
1.19 to continue the agency or advisory committee for a period not to exceed 12 years. This  
1.20 chapter does not prohibit the legislature from:

1.21 (1) terminating a state agency or advisory committee subject to this chapter at a date  
1.22 earlier than that provided in this chapter; or

1.23 (2) considering any other legislation relative to a state agency or advisory committee  
1.24 subject to this chapter.

2.1 Sec. 2. Minnesota Statutes 2012, section 15.06, subdivision 1, is amended to read:

2.2 Subdivision 1. **Applicability.** This section applies to the following departments  
 2.3 or agencies: the Departments of Administration, Agriculture, Commerce, Corrections,  
 2.4 Education, Employment and Economic Development, Health, Human Rights, Labor and  
 2.5 Industry, Management and Budget, Natural Resources, Public Safety, Human Services,  
 2.6 Revenue, Transportation, and Veterans Affairs; the Housing Finance and Pollution Control  
 2.7 Agencies; the Office of Commissioner of Iron Range Resources and Rehabilitation; the  
 2.8 Office of Enterprise Technology; the Bureau of Mediation Services; and their successor  
 2.9 departments and agencies. The heads of the foregoing departments or agencies are  
 2.10 "commissioners."

2.11 Sec. 3. Minnesota Statutes 2012, section 16E.04, subdivision 2, is amended to read:

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

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

2.15 (1) that state agency development and purchase of information and communications  
 2.16 systems, equipment, and services is designed to ensure that individual agency information  
 2.17 systems complement and do not needlessly duplicate or conflict with the systems of other  
 2.18 agencies; and

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

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

2.27 (c) The office shall, in cooperation with state agencies, plan and manage the  
 2.28 development and improvement of information systems so that an individual information  
 2.29 system reflects and supports the state agency's mission and the state's requirements  
 2.30 and functions. ~~The office shall review and approve agency technology plans to ensure~~  
 2.31 ~~consistency with enterprise information and telecommunications technology strategy. By~~  
 2.32 ~~January 15 of each year, the chief information officer must report to the chairs and the~~  
 2.33 ~~ranking minority members of the legislative committees and divisions with jurisdiction over~~  
 2.34 ~~the office regarding the assistance provided under this paragraph. The report must include~~  
 2.35 ~~a listing of agencies that have developed or are developing plans under this paragraph.~~

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

3.4 (e) The office shall review and approve agency requests for grant funding that have  
 3.5 an information and technology component.

3.6 (f) The office shall review major purchases of information systems equipment to:

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

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

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

3.14 (g) The office shall review the operation of information systems by state agencies  
 3.15 and ensure that these systems are operated efficiently and securely and continually meet  
 3.16 the standards and guidelines established by the office. The standards and guidelines must  
 3.17 emphasize uniformity that is cost-effective for the enterprise, that encourages information  
 3.18 interchange, open systems environments, and portability of information whenever  
 3.19 practicable and consistent with an agency's authority and chapter 13.

3.20 ~~(h) The office shall conduct a comprehensive review at least every three years of~~  
 3.21 ~~the information systems investments that have been made by state agencies and higher~~  
 3.22 ~~education institutions. The review must include recommendations on any information~~  
 3.23 ~~systems applications that could be provided in a more cost-beneficial manner by an outside~~  
 3.24 ~~source. The office must report the results of its review to the legislature and the governor.~~

3.25 Sec. 4. Minnesota Statutes 2012, section 16E.18, subdivision 8, is amended to read:

3.26 Subd. 8. **Exemption.** The system is exempt from the five-year limitation on  
 3.27 contracts set by sections 16C.03, subdivision 17, 16C.05, subdivision 2, paragraph (b),  
 3.28 16C.08, subdivision 3, clause (5), and 16C.09, clause (6).

3.29 Sec. 5. Minnesota Statutes 2012, section 43A.08, subdivision 1a, is amended to read:

3.30 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the  
 3.31 following agencies may designate additional unclassified positions according to this  
 3.32 subdivision: the Departments of Administration; Agriculture; Commerce; Corrections;  
 3.33 Education; Employment and Economic Development; Explore Minnesota Tourism;  
 3.34 Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources;

4.1 Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the  
4.2 Housing Finance and Pollution Control Agencies; the State Lottery; the State Board of  
4.3 Investment; the Office of Administrative Hearings; the Office of Enterprise Technology;  
4.4 the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota  
4.5 State Colleges and Universities; the Minnesota Office of Higher Education; the Perpich  
4.6 Center for Arts Education; and the Minnesota Zoological Board.

4.7 A position designated by an appointing authority according to this subdivision must  
4.8 meet the following standards and criteria:

4.9 (1) the designation of the position would not be contrary to other law relating  
4.10 specifically to that agency;

4.11 (2) the person occupying the position would report directly to the agency head or  
4.12 deputy agency head and would be designated as part of the agency head's management  
4.13 team;

4.14 (3) the duties of the position would involve significant discretion and substantial  
4.15 involvement in the development, interpretation, and implementation of agency policy;

4.16 (4) the duties of the position would not require primarily personnel, accounting, or  
4.17 other technical expertise where continuity in the position would be important;

4.18 (5) there would be a need for the person occupying the position to be accountable to,  
4.19 loyal to, and compatible with, the governor and the agency head, the employing statutory  
4.20 board or commission, or the employing constitutional officer;

4.21 (6) the position would be at the level of division or bureau director or assistant  
4.22 to the agency head; and

4.23 (7) the commissioner has approved the designation as being consistent with the  
4.24 standards and criteria in this subdivision.

4.25 **Sec. 6. REPEALER.**

4.26 Minnesota Statutes 2012, section 15.06, subdivision 1a, is repealed.

APPENDIX  
Repealed Minnesota Statutes: 13-1792

**15.06 APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.**

Subd. 1a. **Application to Office of Enterprise Technology.** For the purposes of this section, references to "commissioner" include the chief information officer of the Office of Enterprise Technology.