

**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
- 03/21/2013 Adoption of Report: Pass as Amended and Read Second Time
- 04/04/2013 By motion, re-referred to the Committee on Ways and Means

1.1 A bill for an act  
 1.2 relating to state government; changing certain finance and budget provisions;  
 1.3 adding the Office of MN.IT Services to certain provisions and changing certain  
 1.4 MN.IT provisions; amending Minnesota Statutes 2012, sections 3.30, subdivision  
 1.5 2; 3.3005, subdivision 4, by adding a subdivision; 3.736, subdivision 7; 3D.14;  
 1.6 4.07, subdivision 2; 4A.01, subdivision 3; 4A.02; 15.06, subdivision 1; 15.76,  
 1.7 subdivisions 1, 2, 3; 16A.056, subdivision 7; 16A.095; 16A.10, subdivisions  
 1.8 1, 1c; 16A.127, subdivision 4; 16A.96, subdivision 2; 16E.01, subdivision 1;  
 1.9 16E.04, subdivision 2; 16E.18, subdivision 8; 43A.08, subdivision 1a; 299C.65,  
 1.10 subdivision 1; 403.36, subdivision 1; 477A.03, subdivision 2b; repealing  
 1.11 Minnesota Statutes 2012, sections 3.989, subdivision 2; 15.06, subdivision 1a;  
 1.12 16A.06, subdivision 9; 16A.103, subdivision 4; 16A.106; 43A.31, subdivision 2;  
 1.13 127A.095, subdivision 3; 325G.415; Laws 2000, chapter 479, article 2, section 1,  
 1.14 as amended.

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

1.16 Section 1. Minnesota Statutes 2012, section 3.30, subdivision 2, is amended to read:

1.17 Subd. 2. **Members; duties.** The majority leader of the senate or a designee, the  
 1.18 chair of the senate Committee on Finance, and the chair of the senate Division of Finance  
 1.19 responsible for overseeing the items being considered by the commission, the speaker of  
 1.20 the house or a designee, the chair of the house of representatives Committee on Ways and  
 1.21 Means, and the chair of the appropriate finance committee, or division of the house of  
 1.22 representatives committee responsible for overseeing the items being considered by the  
 1.23 commissioner, constitute the Legislative Advisory Commission. The division chair of the  
 1.24 Finance Committee in the senate and the division chair of the appropriate finance committee  
 1.25 or division in the house of representatives shall rotate according to the items being  
 1.26 considered by the commission. If any of the members elect not to serve on the commission,  
 1.27 the house of which they are members, if in session, shall select some other member for  
 1.28 the vacancy. If the legislature is not in session, vacancies in the house of representatives

2.1 membership of the commission shall be filled by the last speaker of the house or, if the  
2.2 speaker is not available, by the last chair of the house of representatives Rules Committee,  
2.3 and by the last senate Committee on Committees or other appointing authority designated  
2.4 by the senate rules in case of a senate vacancy. The commissioner of management and  
2.5 budget shall be secretary of the commission and keep a permanent record and minutes of  
2.6 its proceedings, which are public records. ~~The commissioner of management and budget~~  
2.7 ~~shall transmit, under section 3.195, a report to the next legislature of all actions of the~~  
2.8 ~~commission.~~ Members shall receive traveling and subsistence expenses incurred attending  
2.9 meetings of the commission. The commission shall meet from time to time upon the call of  
2.10 the governor or upon the call of the secretary at the request of two or more of its members.  
2.11 A recommendation of the commission must be made at a meeting of the commission  
2.12 unless a written recommendation is signed by all the members entitled to vote on the item.

2.13 Sec. 2. Minnesota Statutes 2012, section 3.3005, subdivision 4, is amended to read:

2.14 Subd. 4. **Interim procedures; urgencies.** If federal money becomes available to the  
2.15 state for expenditure after the deadline in subdivision 2 or while the legislature is not in  
2.16 session, and the availability of money from that source or for that purpose or in that ~~fiscal~~  
2.17 ~~year~~ biennium could not reasonably have been anticipated and included in the governor's  
2.18 budget request, and an urgency requires that all or part of the money be allotted before the  
2.19 legislature reconvenes or prior to the end of the 20-day period specified in subdivision 2, it  
2.20 may be allotted to a state agency after the requirements of subdivision 5 are met.

2.21 Sec. 3. Minnesota Statutes 2012, section 3.3005, is amended by adding a subdivision  
2.22 to read:

2.23 Subd. 7. **Approvals for both years of the biennium.** Approval of federal money  
2.24 by any of the methods in this section is for the full term of availability of federal funds, up  
2.25 to the end of the biennium during which the approval is made.

2.26 Sec. 4. Minnesota Statutes 2012, section 3.736, subdivision 7, is amended to read:

2.27 Subd. 7. **Payment.** A state agency, including an entity defined as part of the  
2.28 state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or  
2.29 settlement obligation or whose employees acting within the scope of their employment  
2.30 incur the obligation shall seek approval to make payment ~~by submitting a written request~~  
2.31 ~~to the commissioner of management and budget~~ from the commissioner or director  
2.32 of that agency. The request shall contain a description of the tort claim that causes  
2.33 the request, specify the amount of the obligation and be accompanied by copies of

3.1 judgments, settlement agreements or other documentation relevant to the obligation for  
 3.2 which the agency seeks payment. Upon receipt of the request and review of the claim,  
 3.3 the commissioner ~~of management and budget~~ or director shall determine the proper  
 3.4 appropriation from which to make payment. If there is enough money in an appropriation  
 3.5 or combination of appropriations to the agency for its general operations and management  
 3.6 to pay the claim without unduly hindering the operation of the agency, the commissioner  
 3.7 or director shall direct that payment be made from that source. Claims relating to activities  
 3.8 paid for by appropriations of dedicated receipts shall be paid from those appropriations if  
 3.9 practicable. On determining that an agency has sufficient money in these appropriations  
 3.10 to pay only part of a claim, the commissioner of management and budget shall pay the  
 3.11 remainder of the claim from the money appropriated to the commissioner for the purpose.  
 3.12 On determining that the agency does not have enough money to pay any part of the claim,  
 3.13 the commissioner shall pay all of the claim from money appropriated to the commissioner  
 3.14 for the purpose. Payment shall be made only upon receipt of a written release by the  
 3.15 claimant in a form approved by the attorney general, or the person designated as the  
 3.16 university attorney, as the case may be.

3.17 No attachment or execution shall issue against the state.

3.18 Sec. 5. Minnesota Statutes 2012, section 3D.14, is amended to read:

3.19 **3D.14 CONTINUATION BY LAW.**

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

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

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

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

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

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

4.1 Sec. 6. Minnesota Statutes 2012, section 4.07, subdivision 2, is amended to read:

4.2 Subd. 2. **State agency named to act instead.** The governor may designate a state  
4.3 agency or agencies to act for the governor in applying for, receiving, and accepting federal  
4.4 funds under the provisions of subdivision 1. ~~Such designation of a state department or~~  
4.5 ~~agency shall be filed in the Office of the Secretary of State.~~

4.6 Sec. 7. Minnesota Statutes 2012, section 4A.01, subdivision 3, is amended to read:

4.7 Subd. 3. **Report.** The commissioner must submit a report to the governor and chairs  
4.8 and ranking minority members of the senate and house of representatives committees  
4.9 with jurisdiction on state government finance by January 15 of each year that provides  
4.10 economic, social, and environmental demographic information to assist public and elected  
4.11 officials with long-term management decisions. The report must identify and assess  
4.12 the information important to understanding the state's two-, ten-, and 50-year outlook,  
4.13 ~~including the budget implications for those time periods.~~ The report must include the  
4.14 demographic forecast required by section 4A.02, paragraph (e), and information to assist  
4.15 with the preparation of the milestones report required by section 4A.11, and may include  
4.16 policy recommendations based upon the information and assessment provided.

4.17 Sec. 8. Minnesota Statutes 2012, section 4A.02, is amended to read:

4.18 **4A.02 STATE DEMOGRAPHER.**

4.19 (a) The commissioner shall appoint a state demographer. The demographer must be  
4.20 professionally competent in demography and must possess demonstrated ability based  
4.21 upon past performance.

4.22 (b) The demographer shall:

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

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

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

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

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

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

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

5.6 (8) prepare maps for all counties in the state, all municipalities with a population  
5.7 of 10,000 or more, and other municipalities as needed for census purposes, according to  
5.8 scale and detail recommended by the United States Bureau of the Census, with the maps  
5.9 of cities showing precinct boundaries;

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

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

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

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

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

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

5.34 ~~(e) The state demographer shall release a demographic forecast in conjunction with~~  
5.35 ~~the commissioner of management and budget and the November state economic forecast.~~

6.1           (†) The state demographer may contract for the development of data and research  
6.2 required under this chapter, including, but not limited to, population estimates and  
6.3 projections, the preparation of maps, and other estimates.

6.4           Sec. 9. Minnesota Statutes 2012, section 15.06, subdivision 1, is amended to read:

6.5           Subdivision 1. **Applicability.** This section applies to the following departments  
6.6 or agencies: the Departments of Administration, Agriculture, Commerce, Corrections,  
6.7 Education, Employment and Economic Development, Health, Human Rights, Labor and  
6.8 Industry, Management and Budget, Natural Resources, Public Safety, Human Services,  
6.9 Revenue, Transportation, and Veterans Affairs; the Housing Finance and Pollution Control  
6.10 Agencies; the Office of Commissioner of Iron Range Resources and Rehabilitation;  
6.11 the Office of MN.IT Services; the Bureau of Mediation Services; and their successor  
6.12 departments and agencies. The heads of the foregoing departments or agencies are  
6.13 "commissioners."

6.14           Sec. 10. Minnesota Statutes 2012, section 15.76, subdivision 1, is amended to read:

6.15           Subdivision 1. **Program established.** The state agency value initiative (SAVI)  
6.16 program is established to encourage state agencies to identify cost-effective and efficiency  
6.17 measures in agency programs and operations that result in cost savings for the state.  
6.18 All state agencies, including Minnesota State Colleges and Universities, not separately  
6.19 authorized to carry forward operating funds may participate in this program.

6.20           Sec. 11. Minnesota Statutes 2012, section 15.76, subdivision 2, is amended to read:

6.21           Subd. 2. **Retained savings.** (a) In order to encourage innovation and creative  
6.22 cost savings by state employees, upon approval of the commissioner of management  
6.23 and budget, 50 percent of any appropriations for agency operations that remain unspent  
6.24 at the end of a biennium because of unanticipated innovation, efficiencies, or creative  
6.25 cost-savings may be carried forward and retained by the agency to fund specific agency  
6.26 proposals or projects. Agencies choosing to spend retained savings funds must ensure that  
6.27 project expenditures do not create future obligations beyond the amounts available from  
6.28 the retained savings. The retained savings must be used only to fund projects that directly  
6.29 support the performance of the agency's mission. This section does not restrict authority  
6.30 granted by other law to carry forward money for a different period or for different purposes.

6.31           (b) This section supersedes any contrary provision of section 16A.28.

6.32           Sec. 12. Minnesota Statutes 2012, section 15.76, subdivision 3, is amended to read:

7.1 Subd. 3. ~~Special peer review panel; Review process.~~ (a) ~~Each participating agency~~  
7.2 ~~must organize a peer review panel that will determine which proposal or project receives~~  
7.3 ~~funding from the SAVI program. The peer review panel must be comprised of department~~  
7.4 ~~employees who are credited with cost-savings initiatives and department managers. The~~  
7.5 ~~ratio between managers and department employees must be balanced.~~

7.6 (b) An agency may spend money for a project recommended for funding by the  
7.7 peer review panel after:

7.8 (1) the agency has posted notice of spending for the proposed project on the agency  
7.9 Web site for at least 30 days; and

7.10 (2) the commissioner of management and budget has approved spending money  
7.11 from the SAVI account for the project; and

7.12 (c) ~~Before approving a project,~~ (3) the commissioner of management and budget  
7.13 ~~must submit the request to~~ has notified the Legislative Advisory Commission for its  
7.14 review and ~~recommendation~~ comment. ~~Upon receiving a request from the commissioner,~~  
7.15 ~~the Legislative Advisory Commission shall post notice of the request on a legislative~~  
7.16 ~~Web site for at least 30 days. Failure of the commission to make a recommendation~~  
7.17 ~~within this 30-day period is considered a negative recommendation. A recommendation~~  
7.18 ~~of the commission must be made at a meeting of the commission unless a written~~  
7.19 ~~recommendation is signed by all the members entitled to vote on the item.~~

7.20 Sec. 13. Minnesota Statutes 2012, section 16A.056, subdivision 7, is amended to read:

7.21 Subd. 7. **Retention of data.** The database required under this section must include  
7.22 ~~information beginning with fiscal year 2010 appropriations and must retain data for at~~  
7.23 ~~least ten years.~~

7.24 Sec. 14. Minnesota Statutes 2012, section 16A.095, is amended to read:

7.25 **16A.095 STATE BUDGET SYSTEM.**

7.26 Subdivision 1. **Rules and instructions.** The commissioner shall make rules and  
7.27 instructions for budget preparation. They must deal with classifying expenditures and with  
7.28 the content and submission of budget requests and appropriation performance measures  
7.29 for each budget activity.

7.30 Subd. 2. **Budget improvements.** The commissioner may choose executive agencies  
7.31 to test improvements in the budget system. The commissioner shall recommend required  
7.32 legislation to install improvements in the budget system for all executive agencies that  
7.33 submit budget information in the system. The budget system must classify expenditures by

8.1 programs and budget activities and, to the greatest extent practicable, emphasize alternative  
8.2 approaches in program development and criteria to evaluate and measure performance.

8.3 Subd. 2a. **Mutual cooperation; due regard.** Executive agencies must cooperate  
8.4 with the commissioner in ~~making a~~ preparing the budget. The budget must meet  
8.5 the commissioner's requirements while giving due regard to the executive agencies'  
8.6 requirements.

8.7 Sec. 15. Minnesota Statutes 2012, section 16A.10, subdivision 1, is amended to read:

8.8 Subdivision 1. **Budget format.** In each even-numbered calendar year the  
8.9 commissioner shall prepare budget forms and instructions for all agencies, including  
8.10 guidelines for reporting agency performance measures, subject to the approval of the  
8.11 governor. The commissioner shall request and receive advisory recommendations from  
8.12 the chairs of the senate Finance Committee and house of representatives Ways and  
8.13 Means Committee before adopting a format for the biennial budget document. By June  
8.14 15, the commissioner shall send the proposed budget forms to the appropriations and  
8.15 finance committees. The committees have until July 15 to give the commissioner their  
8.16 advisory recommendations on possible improvements. To facilitate this consultation, the  
8.17 commissioner shall establish a working group consisting of executive branch staff and  
8.18 designees of the chairs of the senate Finance and house of representatives Ways and Means  
8.19 Committees. The commissioner must involve this group in all stages of development of  
8.20 budget forms and instructions. The budget format must show actual expenditures and  
8.21 receipts for the most recent fiscal year, estimated expenditures and receipts for the current  
8.22 fiscal year, and estimates for each fiscal year of the next biennium. Estimated expenditures  
8.23 must be classified by funds and character of expenditures and ~~may be~~ subclassified by  
8.24 programs and activities. Agency revenue estimates must have supporting documentation  
8.25 to show how the estimates were made and what factors were used. Receipts must be  
8.26 classified by funds, programs, and activities. Expenditure and revenue estimates must be  
8.27 based on the law in existence at the time the estimates are prepared.

8.28 Sec. 16. Minnesota Statutes 2012, section 16A.10, subdivision 1c, is amended to read:

8.29 Subd. 1c. **Performance measures for change items.** For each change item in the  
8.30 budget proposal requesting new or increased funding, the budget document must present  
8.31 proposed performance measures that can be used to determine if the new or increased  
8.32 funding is accomplishing its goals. To the extent possible, each budget change item  
8.33 must identify relevant ~~Minnesota Milestones and other~~ statewide goals and indicators  
8.34 related to the proposed initiative. ~~The commissioner must report to the Subcommittee on~~



9.1 ~~Government Accountability established under section 3.885, subdivision 10, regarding the~~  
9.2 ~~format to be used for the presentation and selection of Minnesota Milestones and other~~  
9.3 ~~statewide goals and indicators.~~

9.4 Sec. 17. Minnesota Statutes 2012, section 16A.127, subdivision 4, is amended to read:

9.5 Subd. 4. **Federal proposals.** Agency applications for federal money shall include  
9.6 necessary submissions to recover both statewide and agency indirect costs. ~~A copy of the~~  
9.7 ~~indirect cost submission must be submitted to the commissioner for review.~~ An agency  
9.8 indirect cost plan is unnecessary if the commissioner determines that the costs incurred in  
9.9 preparing and maintaining it exceed the benefit received by the state. If less than the entire  
9.10 agency proposal is federally approved, the commissioner may accept reimbursement of  
9.11 less than all of the federal receipts. If no federal funds are approved for indirect costs,  
9.12 the agency must document that fact to the commissioner.

9.13 Sec. 18. Minnesota Statutes 2012, section 16A.96, subdivision 2, is amended to read:

9.14 Subd. 2. **Authority.** (a) Subject to the limitations of this subdivision, the  
9.15 commissioner of management and budget may sell and issue appropriation bonds of the  
9.16 state under this section for the purposes of the Minnesota pay-for-performance program  
9.17 established in sections 16A.93 to 16A.96. Proceeds of the bonds must be credited to  
9.18 a special appropriation bond proceeds account in the state treasury. Net income from  
9.19 investment of the proceeds, as estimated by the commissioner, must be credited to the  
9.20 special appropriation bond proceeds account.

9.21 (b) Appropriation bonds may be sold and issued in amounts that, in the opinion of  
9.22 the commissioner, are necessary to provide sufficient funds for achieving the purposes  
9.23 authorized as provided under paragraph (a), and pay debt service, pay costs of issuance,  
9.24 make deposits to reserve funds, pay the costs of credit enhancement, or make payments  
9.25 under other agreements entered into under paragraph (d); provided, however, that bonds  
9.26 issued and unpaid shall not exceed \$10,000,000 in principal amount, excluding refunding  
9.27 bonds sold and issued under subdivision 4. ~~During the biennium ending June 30, 2013,~~  
9.28 The commissioner may sell and issue bonds only in an amount that the commissioner  
9.29 determines will result in principal and interest payments less than the amount of savings to  
9.30 be generated through pay-for-performance contracts under section 16A.94. For programs  
9.31 achieving savings under a pay-for-performance contract, the commissioner must reduce  
9.32 general fund appropriations by at least the amount of principal and interest payments on  
9.33 bonds issued under this section.

10.1 (c) Appropriation bonds may be issued in one or more series on the terms and  
10.2 conditions the commissioner determines to be in the best interests of the state, but the term  
10.3 on any series of bonds may not exceed 20 years.

10.4 (d) At the time of, or in anticipation of, issuing the appropriation bonds, and at any  
10.5 time thereafter, so long as the appropriation bonds are outstanding, the commissioner  
10.6 may enter into agreements and ancillary arrangements relating to the appropriation  
10.7 bonds, including but not limited to trust indentures, liquidity facilities, remarketing or  
10.8 dealer agreements, letter of credit agreements, insurance policies, guaranty agreements,  
10.9 reimbursement agreements, indexing agreements, or interest exchange agreements. Any  
10.10 payments made or received according to the agreement or ancillary arrangement shall be  
10.11 made from or deposited as provided in the agreement or ancillary arrangement. The  
10.12 determination of the commissioner included in an interest exchange agreement that the  
10.13 agreement relates to an appropriation bond shall be conclusive.

10.14 Sec. 19. Minnesota Statutes 2012, section 16E.01, subdivision 1, is amended to read:

10.15 Subdivision 1. **Creation; chief information officer.** The Office of Enterprise  
10.16 ~~Technology~~ MN.IT Services, referred to in this chapter as the "office," is an agency in  
10.17 the executive branch headed by a commissioner, who also is the state chief information  
10.18 officer. The appointment of the ~~chief information officer~~ commissioner is subject to the  
10.19 advice and consent of the senate under section 15.066.

10.20 Sec. 20. Minnesota Statutes 2012, section 16E.04, subdivision 2, is amended to read:

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

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

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

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

10.30 When state agencies have need for the same or similar public data, the chief information  
10.31 officer, in coordination with the affected agencies, shall manage the most efficient and  
10.32 cost-effective method of producing and storing data for or sharing data between those  
10.33 agencies. The development of this information architecture must include the establishment

11.1 of standards and guidelines to be followed by state agencies. The office shall ensure  
11.2 compliance with the architecture.

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

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

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

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

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

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

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

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

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

12.1 Sec. 21. Minnesota Statutes 2012, section 16E.18, subdivision 8, is amended to read:

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

12.5 Sec. 22. Minnesota Statutes 2012, section 43A.08, subdivision 1a, is amended to read:

12.6 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the  
12.7 following agencies may designate additional unclassified positions according to this  
12.8 subdivision: the Departments of Administration; Agriculture; Commerce; Corrections;  
12.9 Education; Employment and Economic Development; Explore Minnesota Tourism;  
12.10 Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources;  
12.11 Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the  
12.12 Housing Finance and Pollution Control Agencies; the State Lottery; the State Board of  
12.13 Investment; the Office of Administrative Hearings; the Office of MN.IT Services; the  
12.14 Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota State  
12.15 Colleges and Universities; the Minnesota Office of Higher Education; the Perpich Center  
12.16 for Arts Education; and the Minnesota Zoological Board.

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

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

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

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

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

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

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

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

- 13.1 Sec. 23. Minnesota Statutes 2012, section 299C.65, subdivision 1, is amended to read:
- 13.2 Subdivision 1. **Membership, duties.** (a) The Criminal and Juvenile Justice
- 13.3 Information Policy Group consists of the commissioner of corrections, the commissioner
- 13.4 of public safety, the state chief information officer, ~~the commissioner of management and~~
- 13.5 ~~budget~~, four members of the judicial branch appointed by the chief justice of the Supreme
- 13.6 Court, and the chair and first vice-chair of the Criminal and Juvenile Justice Information
- 13.7 Task Force. The policy group may appoint additional, nonvoting members as necessary
- 13.8 from time to time.
- 13.9 (b) The commissioner of public safety is designated as the chair of the policy group.
- 13.10 The commissioner and the policy group have overall responsibility for the integration of
- 13.11 statewide criminal justice information systems. This integration effort shall be known
- 13.12 as CriMNet. The policy group may hire an executive director to manage the CriMNet
- 13.13 projects and to be responsible for the day-to-day operations of CriMNet. The executive
- 13.14 director shall serve at the pleasure of the policy group in unclassified service. The policy
- 13.15 group must ensure that generally accepted project management techniques are utilized for
- 13.16 each CriMNet project, including:
- 13.17 (1) clear sponsorship;
- 13.18 (2) scope management;
- 13.19 (3) project planning, control, and execution;
- 13.20 (4) continuous risk assessment and mitigation;
- 13.21 (5) cost management;
- 13.22 (6) quality management reviews;
- 13.23 (7) communications management;
- 13.24 (8) proven methodology; and
- 13.25 (9) education and training.
- 13.26 (c) Products and services for CriMNet project management, system design,
- 13.27 implementation, and application hosting must be acquired using an appropriate
- 13.28 procurement process, which includes:
- 13.29 (1) a determination of required products and services;
- 13.30 (2) a request for proposal development and identification of potential sources;
- 13.31 (3) competitive bid solicitation, evaluation, and selection; and
- 13.32 (4) contract administration and close-out.
- 13.33 (d) The policy group shall study and make recommendations to the governor, the
- 13.34 Supreme Court, and the legislature on:

- 14.1 (1) a framework for integrated criminal justice information systems, including the  
14.2 development and maintenance of a community data model for state, county, and local  
14.3 criminal justice information;
- 14.4 (2) the responsibilities of each entity within the criminal and juvenile justice systems  
14.5 concerning the collection, maintenance, dissemination, and sharing of criminal justice  
14.6 information with one another;
- 14.7 (3) actions necessary to ensure that information maintained in the criminal justice  
14.8 information systems is accurate and up-to-date;
- 14.9 (4) the development of an information system containing criminal justice  
14.10 information on gross misdemeanor-level and felony-level juvenile offenders that is part of  
14.11 the integrated criminal justice information system framework;
- 14.12 (5) the development of an information system containing criminal justice  
14.13 information on misdemeanor arrests, prosecutions, and convictions that is part of the  
14.14 integrated criminal justice information system framework;
- 14.15 (6) comprehensive training programs and requirements for all individuals in criminal  
14.16 justice agencies to ensure the quality and accuracy of information in those systems;
- 14.17 (7) continuing education requirements for individuals in criminal justice agencies  
14.18 who are responsible for the collection, maintenance, dissemination, and sharing of  
14.19 criminal justice data;
- 14.20 (8) a periodic audit process to ensure the quality and accuracy of information  
14.21 contained in the criminal justice information systems;
- 14.22 (9) the equipment, training, and funding needs of the state and local agencies that  
14.23 participate in the criminal justice information systems;
- 14.24 (10) the impact of integrated criminal justice information systems on individual  
14.25 privacy rights;
- 14.26 (11) the impact of proposed legislation on the criminal justice system, including any  
14.27 fiscal impact, need for training, changes in information systems, and changes in processes;
- 14.28 (12) the collection of data on race and ethnicity in criminal justice information  
14.29 systems;
- 14.30 (13) the development of a tracking system for domestic abuse orders for protection;
- 14.31 (14) processes for expungement, correction of inaccurate records, destruction of  
14.32 records, and other matters relating to the privacy interests of individuals; and
- 14.33 (15) the development of a database for extended jurisdiction juvenile records and  
14.34 whether the records should be public or private and how long they should be retained.

14.35 Sec. 24. Minnesota Statutes 2012, section 403.36, subdivision 1, is amended to read:

15.1 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene  
 15.2 and chair the Statewide Radio Board to develop a project plan for a statewide, shared,  
 15.3 trunked public safety radio communication system. The system may be referred to as  
 15.4 "Allied Radio Matrix for Emergency Response," or "ARMER."

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

15.6 (1) the commissioner of public safety;

15.7 (2) the commissioner of transportation;

15.8 (3) the state chief information officer;

15.9 (4) the commissioner of natural resources;

15.10 (5) the chief of the Minnesota State Patrol;

15.11 ~~(6) the commissioner of management and budget;~~

15.12 ~~(7) the chair of the Metropolitan Council;~~

15.13 ~~(8)~~ (7) two elected city officials, one from the nine-county metropolitan area and one  
 15.14 from Greater Minnesota, appointed by the governing body of the League of Minnesota  
 15.15 Cities;

15.16 ~~(9)~~ (8) two elected county officials, one from the nine-county metropolitan area  
 15.17 and one from Greater Minnesota, appointed by the governing body of the Association  
 15.18 of Minnesota Counties;

15.19 ~~(10)~~ (9) two sheriffs, one from the nine-county metropolitan area and one from  
 15.20 Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs'  
 15.21 Association;

15.22 ~~(11)~~ (10) two chiefs of police, one from the nine-county metropolitan area and one  
 15.23 from Greater Minnesota, appointed by the governor after considering recommendations  
 15.24 made by the Minnesota Chiefs' of Police Association;

15.25 ~~(12)~~ (11) two fire chiefs, one from the nine-county metropolitan area and one from  
 15.26 Greater Minnesota, appointed by the governor after considering recommendations made  
 15.27 by the Minnesota Fire Chiefs' Association;

15.28 ~~(13)~~ (12) two representatives of emergency medical service providers, one from the  
 15.29 nine-county metropolitan area and one from Greater Minnesota, appointed by the governor  
 15.30 after considering recommendations made by the Minnesota Ambulance Association;

15.31 ~~(14)~~ (13) the chair of the regional radio board for the metropolitan area; and

15.32 ~~(15)~~ (14) a representative of Greater Minnesota elected by those units of government  
 15.33 in phase three and any subsequent phase of development as defined in the statewide,  
 15.34 shared radio and communication plan, who have submitted a plan to the Statewide Radio  
 15.35 Board and where development has been initiated.

16.1 (c) The Statewide Radio Board shall coordinate the appointment of board members  
 16.2 representing Greater Minnesota with the appointing authorities and may designate the  
 16.3 geographic region or regions from which an appointed board member is selected where  
 16.4 necessary to provide representation from throughout the state.

16.5 Sec. 25. Minnesota Statutes 2012, section 477A.03, subdivision 2b, is amended to read:

16.6 Subd. 2b. **Counties.** (a) For aids payable in 2013 and thereafter, the total aid  
 16.7 payable under section 477A.0124, subdivision 3, is \$80,795,000. Each calendar year,  
 16.8 \$500,000 shall be retained by the commissioner of revenue to make reimbursements to  
 16.9 the commissioner of management and budget for payments made under section 611.27.  
 16.10 ~~For calendar year 2004, the amount shall be in addition to the payments authorized~~  
 16.11 ~~under section 477A.0124, subdivision 1. For calendar year 2005 and subsequent~~  
 16.12 ~~years;~~ The amount shall be deducted from the appropriation under this paragraph. The  
 16.13 reimbursements shall be to defray the additional costs associated with court-ordered  
 16.14 counsel under section 611.27. Any retained amounts not used for reimbursement in a year  
 16.15 shall be included in the next distribution of county need aid that is certified to the county  
 16.16 auditors for the purpose of property tax reduction for the next taxes payable year.

16.17 (b) For aids payable in 2013 and thereafter, the total aid under section 477A.0124,  
 16.18 subdivision 4, is \$84,909,575. ~~The commissioner of management and budget shall bill the~~  
 16.19 ~~commissioner of revenue shall transfer to the commissioner of management and budget~~  
 16.20 \$207,000 annually for the cost of preparation of local impact notes as required by section  
 16.21 3.987, not to exceed \$207,000 in fiscal year 2004 and thereafter and other local government  
 16.22 activities. ~~The commissioner of education shall bill the commissioner of revenue for the~~  
 16.23 ~~cost of preparation of local impact notes for school districts as required by section 3.987,~~  
 16.24 ~~not to exceed~~ shall transfer to the commissioner of education \$7,000 in fiscal year 2004  
 16.25 ~~and thereafter~~ annually for the cost of preparation of local impact notes for school districts  
 16.26 as required by section 3.987. The commissioner of revenue shall deduct the amounts ~~billed~~  
 16.27 transferred under this paragraph from the appropriation under this paragraph. The amounts  
 16.28 ~~deducted~~ transferred are appropriated to the commissioner of management and budget and  
 16.29 the commissioner of education ~~for the preparation of local impact notes~~ respectively.

16.30 Sec. 26. **REVISOR'S INSTRUCTION.**

16.31 In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall:

16.32 (1) substitute the term "Office of MN.IT Services" for "Office of Enterprise  
 16.33 Technology" in each place where the latter term appears; and



17.1           (2) substitute the term "MN.IT services revolving fund" for "enterprise technology  
17.2 revolving fund" in each place where the latter term appears.

17.3           Sec. 27. **REPEALER.**

17.4           (a) Minnesota Statutes 2012, sections 3.989, subdivision 2; 15.06, subdivision  
17.5 1a; 16A.06, subdivision 9; 16A.103, subdivision 4; 16A.106; 43A.31, subdivision 2;  
17.6 127A.095, subdivision 3; and 325G.415, are repealed.

17.7           (b) Laws 2000, chapter 479, article 2, section 1, as amended by Laws 2000, chapter  
17.8 499, section 41, and Laws 2001, First Special Session chapter 5, article 20, section 20, is  
17.9 repealed.

**3.989 REIMBURSEMENT TO LOCAL POLITICAL SUBDIVISIONS FOR COSTS OF STATE MANDATES.**

Subd. 2. **Compilation of local impact notes.** The commissioner of management and budget shall prepare by September 1 of each even-numbered year a compilation of key impact notes requested by the legislature during the previous biennial session as provided in section 3.987. The commissioner may consult with local government representatives and legislative fiscal staff to determine which local impact notes were key.

**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.

**16A.06 ADDITIONAL COMMISSIONER DUTIES AND POWERS.**

Subd. 9. **First class city teacher retirement funds aids reporting.** Each year, on or before April 15, the commissioner of management and budget shall report to the chairs of the senate Finance Committee and the house of representatives Ways and Means Committee on expenditures for state aids to the St. Paul Teacher Retirement Fund Association, and to the Teachers Retirement Association on behalf of the merged Minneapolis Teachers Retirement Fund Association, under sections 354.435, 354A.12, and 423A.02, subdivision 3. This report shall include the amounts expended in the most recent fiscal year and estimates of expected expenditures for the current and next fiscal year.

**16A.103 FORECASTS OF REVENUE AND EXPENDITURES.**

Subd. 4. **Report on expenditure increases.** By January 10 of an odd-numbered year, the commissioner of management and budget must report on those programs or components of programs for which expenditures for the next biennium according to the forecast issued the previous November are projected to increase more than 15 percent over the expenditures for that program in the current biennium. The report must include an analysis of the factors that are causing the increases in expenditures.

**16A.106 ADEQUACY OF BUDGETED AND FORECASTED DEFINED BENEFIT PLAN RETIREMENT CONTRIBUTIONS.**

(a) On or before May 30 or the date occurring 30 days after the conclusion of the regular legislative session, whichever is later, in each odd-numbered year, the commissioner shall prepare a report to the legislature on the adequacy of the budgeted appropriations, including retirement-related state aids, and forecasted member and employer retirement contributions to meet the total calculated actuarial funding requirements of the statewide and major local defined benefit retirement plans.

(b) The total calculated actuarial funding requirements are the sum of:

(1) the normal cost;

(2) the administrative expenses as defined in section 356.20, subdivision 4, paragraph

(c); and

(3) the supplemental amortization contribution requirement using the amortization target date specified in section 356.215, subdivision 11.

The total calculated actuarial funding requirements must be as determined in the most recent actuarial valuation of the retirement plan prepared by an approved actuary under section 356.215 and the most recent standards for actuarial work adopted by the Legislative Commission on Pensions and Retirement.

(c) The statewide and major local retirement plans are the defined benefit retirement plans listed in section 356.20, subdivision 2, clauses (1) to (6), (9), (12), (13), and (14).

(d) The report must also include as an exhibit as of the start of the most recent fiscal year, the following information for each statewide and major local retirement plan in a single comparative table:

(1) the year the retirement plan was enacted or established;

(2) the number of active members of the retirement plan;

(3) the number of retirement annuitants and retirement benefit recipients;

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### Repealed Minnesota Statutes: H1389-1

- (4) whether or not the retirement plan supplements the federal Old Age, Survivors and Disability Insurance program;
  - (5) the complete schedule of accrued benefit obligations and projected benefit obligations from the latest actuarial valuation reports;
  - (6) whether or not the retirement plan permits the purchase of service credit for out-of-state service or time;
  - (7) the percentage of covered salary employer contributions;
  - (8) the percentage of covered salary member contributions;
  - (9) the amount of unfunded actuarial accrued liability calculated using the actuarial value of assets and the market value of assets;
  - (10) the percentage that assets, at actuarial value and at market value, represent of the actuarial accrued liability;
  - (11) the normal retirement age or ages;
  - (12) the salary base definition and the percentage of salary base benefit accrual rate per year of service credit formula for a normal retirement annuity;
  - (13) the amount of automatic postretirement adjustment;
  - (14) whether or not service credit is available for military service and any limitation on its acquisition;
  - (15) the vesting period for a disability benefit and the definition of a disability qualifying for a disability benefit;
  - (16) investment performance and interest rate actuarial assumptions;
  - (17) the amortization target date;
  - (18) four fiscal years running statistics of active retirement plan members;
  - (19) four fiscal years running statistics of retirement annuitants and retirement benefit recipients;
  - (20) four fiscal years running statistics of deferred annuitants;
  - (21) four fiscal years running statistics of unfunded actuarial accrued liability determined on an actuarial value of assets basis and on a market value of assets basis;
  - (22) four fiscal years running statistics of the percentage that assets, at actuarial value and at market value, represent of the actuarial accrued liability;
  - (23) four fiscal years running statistics of actuarial value of assets; and
  - (24) four fiscal years running statistics of market value of assets.
- (e) The report under this section also must be included on the Web site of the department.

#### **43A.31 ADMINISTRATION.**

Subd. 2. **Commissioner reports.** The commissioner shall transmit a report each biennium to the Legislative Commission on Employee Relations concerning the operation of sections 43A.22 to 43A.30, including a study of local and statewide market trends regarding provider concentration, costs, and other factors as they may relate to the state's health benefits purchasing strategy. The commissioner shall consult with the commissioners of commerce and health in the conduct of this study. The commissioner shall also report the number, type, and disposition of complaints relating to the insurance programs offered by the commissioner.

#### **127A.095 IMPLEMENTATION OF NO CHILD LEFT BEHIND ACT.**

Subd. 3. **Department of Management and Budget certification.** If the federal Department of Education does not transmit to the commissioner of education its approval of the conditions in subdivision 2, paragraph (b), the commissioner of management and budget shall certify and report to the legislature annually beginning January 1, 2008, the amount of federal revenue, if any, that the federal government may withhold as a result of a potential state decision to discontinue implementation of the No Child Left Behind Act. The report shall also specify the intended purpose of the federal revenue and the amount of revenue that the federal government may withhold from the state, each school district, and each charter school in each fiscal year.

#### **325G.415 CREDIT CARD DISCLOSURE REPORTS.**

Subdivision 1. **Filing with commissioner of management and budget.** A creditor who distributes a credit card application in this state after July 31, 1992, must file with the commissioner of management and budget a written report containing the disclosures required or allowed by sections 325G.42 and 325G.46. This report must be filed annually on December 31.

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Subd. 2. **Rulemaking.** The commissioner of management and budget shall adopt rules governing: (1) the form and content of reports to be filed under subdivision 1; and (2) public access to the information filed.

The commissioner of management and budget may adopt other rules as necessary to administer subdivision 1.

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*Laws 2000, chapter 479, article 2, section 1, as amended by Laws 2000, chapter 499, section 41; as amended by Laws 2001, First Special Session chapter 5, article 20, section 20*

Sec. 41. [CORRECTION 27A.] Laws 2000, chapter 479, article 2, section 1, is amended to read:

Section 1. **PROHIBITION AGAINST APPROPRIATIONS FROM TRUNK HIGHWAY FUND.**

To ensure compliance with the Minnesota Constitution, article XIV, sections 2, 5, and 6, the commissioner of finance, agency directors, and legislative commission personnel may not include in the biennial budget for fiscal years 2002 and 2003, or in any budget thereafter, expenditures from the trunk highway fund for a nonhighway purpose as jointly determined by the commissioner of finance and the attorney general. For purposes of this section, an expenditure for a nonhighway purpose is any expenditure not for construction, improvement, or maintenance of highways. At the time of submission of the biennial budget proposal to the legislature, the commissioner of finance and the attorney general shall report to the senate and house of representatives transportation committees concerning any expenditure that is proposed to be appropriated from the trunk highway fund, if that expenditure is similar to those reduced or eliminated in sections 5 to 20. The report must explain the highway purpose of, and recommend a fund to be charged for, the proposed expenditure.