

1.1 A bill for an act

1.2 relating to government operations; describing how to fold the state flag; defining
1.3 certain powers of the Council on Black Minnesotans; requiring fiscal notes to
1.4 include information about job creation; limiting requirements for approval by
1.5 individual legislators in the disposal process for certain state-owned buildings;
1.6 increasing threshold requirements for deposit of agency receipts; imposing
1.7 requirements on agencies for contracts over a certain amount; requiring state
1.8 chief information officer to develop standards for enhanced public access to state
1.9 electronic records; clarifying use of fees in the combined charities campaign;
1.10 transferring membership in the Workers' Compensation Reinsurance Association
1.11 from the commissioner of management and budget to the commissioner of
1.12 administration; eliminating and modifying fees for certain filings with the
1.13 secretary of state; authorizing grants to counties for voting equipment and
1.14 vote-counting equipment; establishing the Commission on Service Innovation;
1.15 allowing contiguous counties to establish a home rule charter commission;
1.16 requiring reports; appropriating money; amending Minnesota Statutes 2008,
1.17 sections 1.141, by adding subdivisions; 3.9225, subdivision 5; 3.98, subdivision
1.18 2; 16A.275; 16B.24, subdivision 3; 16E.04, subdivision 2; 16E.05, by adding a
1.19 subdivision; 43A.50, subdivision 2; 79.34, subdivision 1; 318.02, subdivision 1;
1.20 557.01; proposing coding for new law in Minnesota Statutes, chapters 3; 16C;
1.21 proposing coding for new law as Minnesota Statutes, chapter 372A; repealing
1.22 Laws 2005, chapter 162, section 34, subdivision 2, as amended.

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

1.24 **ARTICLE 1**

1.25 **STATE GOVERNMENT**

1.26 Section 1. Minnesota Statutes 2008, section 1.141, is amended by adding a subdivision
1.27 to read:

1.28 Subd. 6. **Folding of the state flag for presentation or display.** The following
1.29 procedures constitute the proper way to fold the Minnesota State Flag for presentation or
1.30 display. Fold the flag four times lengthwise so that one section displays the three stars
1.31 of the state crest and the text "L'Etoile du Nord." Fold each side behind the displayed

2.1 section at a 90-degree angle so that the display section forms a triangle. Take the section
2.2 ending with the hoist and fold it at a 90-degree angle across the bottom of the display
2.3 section and then fold the hoist back over so it is aligned with the middle of the display
2.4 section. Fold the other protruding section directly upwards so that its edge is flush with
2.5 the display section and then fold it upwards along a 45-degree angle so that a mirror
2.6 of the display section triangle is formed. Fold the mirror section in half from the point
2.7 upwards, then fold the remaining portion upwards, tucking it between the display section
2.8 and the remainder of the flag.

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

2.10 Sec. 2. Minnesota Statutes 2008, section 1.141, is amended by adding a subdivision to
2.11 read:

2.12 **Subd. 7. Folding of the state flag for storage.** When folding the Minnesota State
2.13 Flag for storage, the proper procedure is to fold and store the flag in the same manner as
2.14 the national colors.

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

2.16 Sec. 3. Minnesota Statutes 2008, section 3.9225, subdivision 5, is amended to read:

2.17 Subd. 5. **Powers.** The council may contract in its own name, but no money shall be
2.18 accepted or received as a loan nor indebtedness incurred except as otherwise provided by
2.19 law. Contracts shall be approved by a majority of the members of the council and executed
2.20 by the chair and the executive director. The council may apply for, receive, and expend in
2.21 its own name grants and gifts of money consistent with the power and duties specified
2.22 in subdivisions 1 to 7. The council may solicit and accept payments for advertising,
2.23 use of exhibition space, or commemorative videos or other items in connection with
2.24 publications, events, media productions, and informational programs that are sponsored
2.25 by the council. These revenues must be deposited in an account in the special revenue
2.26 fund and are appropriated to the council to defray costs of publications, events, media
2.27 productions, or informational programs consistent with the powers and duties specified in
2.28 subdivisions 1 to 7. The council may not publish advertising or provide exhibition space
2.29 for any elected official or candidate for elective office.

2.30 The council shall appoint an executive director who is experienced in administrative
2.31 activities and familiar with the problems and needs of Black people. The council may
2.32 delegate to the executive director powers and duties under subdivisions 1 to 7 which do
2.33 not require council approval. The executive director serves in the unclassified service and

3.1 may be removed at any time by the council. The executive director shall recommend to the
3.2 council, and the council may appoint the appropriate staff necessary to carry out its duties.
3.3 Staff members serve in the unclassified service. The commissioner of administration shall
3.4 provide the council with necessary administrative services.

3.5 Sec. 4. Minnesota Statutes 2008, section 3.98, subdivision 2, is amended to read:

3.6 Subd. 2. **Contents.** (a) The fiscal note, where possible, shall:

3.7 (1) cite the effect in dollar amounts;

3.8 (2) cite the net increase or decrease in the total number of jobs in the state;

3.9 (3) estimate the average annual wages of jobs impacted;

3.10 ~~(2)~~ (4) cite the statutory provisions affected;

3.11 ~~(3)~~ (5) estimate the increase or decrease in revenues or expenditures;

3.12 (6) estimate the effect on the receipt by the state of federal money and describe any
3.13 federal requirements including, but not limited to, maintenance of effort requirements;

3.14 ~~(4)~~ (7) include the costs which may be absorbed without additional funds;

3.15 ~~(5)~~ (8) include the assumptions used in determining the cost estimates; and

3.16 ~~(6)~~ (9) specify any long-range implication.

3.17 (b) The fiscal note may comment on technical or mechanical defects in the bill but
3.18 shall express no opinions concerning the merits of the proposal.

3.19 **EFFECTIVE DATE.** This section is effective for fiscal notes requested after
3.20 January 1, 2011.

3.21 Sec. 5. Minnesota Statutes 2008, section 16A.275, is amended to read:

3.22 **16A.275 AGENCY RECEIPTS; DEPOSIT, REPORT, CREDIT.**

3.23 Subdivision 1. ~~If \$250, daily.~~ **Deposit receipts.** Except as otherwise provided by
3.24 law, an agency shall deposit receipts totaling ~~\$250~~ \$1,000 or more in the state treasury
3.25 daily. The depositing agency shall send a report to the commissioner on the disposition of
3.26 receipts since the last report. The commissioner shall credit the deposits received during a
3.27 month to the proper funds not later than the first day of the next month.

3.28 Notwithstanding the general rule stated above, the commissioner of revenue is not
3.29 required to make daily deposits if (1) the volume of tax receipts cannot be processed daily
3.30 with available resources, or (2) receipts cannot be immediately identified for posting to
3.31 accounts.

3.32 Subd. 2. **Exception.** The commissioner may authorize an agency to deposit
3.33 receipts totaling ~~\$250~~ \$1,000 or more less frequently than daily for those locations where

4.1 the agency furnishes documentation to the commissioner that the cost of making daily
4.2 deposits exceeds the lost interest earnings and the risk of loss or theft of the receipts.

4.3 Sec. 6. Minnesota Statutes 2008, section 16B.24, subdivision 3, is amended to read:

4.4 Subd. 3. **Disposal of old buildings.** (a) Upon request from the head of an agency
4.5 with control of a state-owned building with an estimated market value of less than
4.6 \$50,000, as determined by the commissioner, the commissioner may sell, demolish, or
4.7 otherwise dispose of the building if the commissioner determines that the building is no
4.8 longer used or is a fire or safety hazard.

4.9 ~~The commissioner, (b) Upon request of the head of an agency which has with control~~
4.10 ~~of a state-owned building which is no longer used or which is a fire or safety hazard, shall,~~
4.11 ~~with an estimated market value of \$50,000 or more, as determined by the commissioner,~~
4.12 ~~the commissioner may sell, demolish, or otherwise dispose of the building after obtaining~~
4.13 ~~approval of determining that the building is no longer used or is a fire or safety hazard~~
4.14 ~~and informing the chairs and ranking minority members of the senate Finance Committee~~
4.15 ~~and house of representatives Ways and Means Committee, sell, wreck, or otherwise~~
4.16 ~~dispose of the building.~~

4.17 (c) In the event a sale is made under this subdivision, the proceeds shall be deposited
4.18 in the proper account or in the general fund provided by law. If there is no requirement in
4.19 law specifying how proceeds must be deposited other than section 16A.72, the proceeds
4.20 must be deposited in the account from which the appropriation to acquire or construct the
4.21 building was made. If the account from which the appropriation was made cannot be
4.22 identified or has been terminated, the proceeds must be deposited in the general fund.

4.23 Sec. 7. **[16C.051] REQUIREMENTS FOR CONTRACTS OVER \$100,000.**

4.24 Subdivision 1. **Application.** This section applies to a contract with an estimated
4.25 value of \$100,000 or more. The requirements imposed by this section are in addition
4.26 to, and do not supersede, the requirements of any other applicable section of law. This
4.27 section does not apply to a Department of Transportation contract that is subject to
4.28 section 161.3203.

4.29 Subd. 2. **Required review.** (a) Before entering into a contract subject to this section,
4.30 the agency head must prepare a comprehensive written estimate of the cost of having the
4.31 same work provided in the most cost-effective manner by agency employees. The cost
4.32 estimate must include all costs of having agency employees provide the work, including
4.33 the cost of pension, insurance, and all other employee benefits. The cost estimate is

5.1 nonpublic data, as defined in section 13.02, subdivision 9, until the day after the deadline
5.2 for receipt of responses under paragraph (b).

5.3 (b) After soliciting and receiving responses, the contracting agency shall prepare
5.4 a comprehensive written estimate of the cost of the highest scoring proposal or lowest
5.5 cost bid based on the designated responder's response, including costs associated with
5.6 monitoring the proposed contract. If the designated responder proposes to perform any
5.7 or all of the desired services outside the state, the contracting agency shall include in
5.8 the cost estimate, as nearly as possible, any loss of sales and income tax revenue to the
5.9 state. The cost estimate must not include trade secret data that is classified as nonpublic
5.10 data under section 13.37, subdivision 2.

5.11 (c) An agency may not enter into a contract subject to this section unless the agency
5.12 head determines that:

5.13 (1) the cost estimated under paragraph (b) will be lower than the cost estimated
5.14 under paragraph (a);

5.15 (2) the quality of the work to be provided by the designated responder is likely to
5.16 equal or exceed the quality of services that could be provided by state employees;

5.17 (3) the contract, together with other contracts to which the agency is or has been a
5.18 party, will not violate section 16C.08 or 16C.09, or otherwise reduce full-time equivalent
5.19 positions within the agency; and

5.20 (4) the proposed contract is in the public interest.

5.21 Subd. 3. **Reports.** The commissioner must electronically report to the chairs and
5.22 ranking minority members of the legislative committees with jurisdiction over finance by
5.23 January 15 each year, in compliance with sections 3.195 and 3.197, on implementation of
5.24 this section. The report must list all contracts subject to this section that were executed or
5.25 performed, whether wholly or in part, in the previous fiscal year. The report must identify,
5.26 with respect to each contract: the contractor; contract amount; duration; work, provided or
5.27 to be provided; the comprehensive estimate derived under subdivision 2, paragraph (a);
5.28 the comprehensive estimate derived under subdivision 2, paragraph (b); the actual cost to
5.29 the agency of the contractor's performance of the contract; and a statement containing the
5.30 agency head's determinations under subdivision 2, paragraph (c).

5.31 Sec. 8. Minnesota Statutes 2008, section 16E.04, subdivision 2, is amended to read:

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

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

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

6.5 (2) that enhanced access to data can be provided to the public in accordance with
6.6 the policy developed under section 16E.05, subdivision 4.

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

6.13 (c) The office shall assist state agencies in the planning and management of
6.14 information systems so that an individual information system reflects and supports the
6.15 state agency's mission and the state's requirements and functions. The office shall review
6.16 and approve agency technology plans to ensure consistency with enterprise information
6.17 and telecommunications technology strategy. By January 15 of each year, the chief
6.18 information officer must report to the chairs and the ranking minority members of
6.19 the legislative committees and divisions with jurisdiction over the office regarding the
6.20 assistance provided under this paragraph. The report must include a listing of agencies
6.21 that have developed or are developing plans under this paragraph.

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

6.25 (e) The office shall review major purchases of information systems equipment to:

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

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

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

6.33 (f) The office shall review the operation of information systems by state agencies
6.34 and ensure that these systems are operated efficiently and securely and continually meet
6.35 the standards and guidelines established by the office. The standards and guidelines must
6.36 emphasize uniformity that is cost-effective for the enterprise, that encourages information

7.1 interchange, open systems environments, and portability of information whenever
7.2 practicable and consistent with an agency's authority and chapter 13.

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

7.8 Sec. 9. Minnesota Statutes 2008, section 16E.05, is amended by adding a subdivision
7.9 to read:

7.10 Subd. 4. **Policy for transparency.** The chief information officer shall develop
7.11 a policy to enhance public access to electronic data maintained by state government,
7.12 consistent with the requirements of chapter 13. The policy must ensure that:

- 7.13 (1) the state information architecture facilitates public access to agency data;
7.14 (2) publicly available data is managed using an approved state metadata model; and
7.15 (3) all geospatial data conform to an approved state geocode model.

7.16 Sec. 10. Minnesota Statutes 2008, section 43A.50, subdivision 2, is amended to read:

7.17 Subd. 2. **Registration.** (a) A federated funding organization shall apply to the
7.18 commissioner by March 1 in order to be eligible to participate in the state employee
7.19 combined charities campaign for that year.

7.20 (b) A federated funding organization must apply in the form prescribed by the
7.21 commissioner and shall provide the following:

7.22 (1) assurance of tax exempt status for the federated funding organization and each of
7.23 the charitable agencies identified by the federated funding organization as an affiliated
7.24 agency;

7.25 (2) assurance of proper registration with the attorney general of Minnesota to solicit
7.26 contributions in the state of Minnesota for the federated funding organization and each of
7.27 the charitable agencies identified by the federated funding organization as an affiliated
7.28 agency. A copy of the registration letter in effect at the time of application for the state
7.29 employee combined charities campaign must be available upon request;

7.30 (3) an affidavit signed by a duly constituted officer of the federated funding
7.31 organization attesting to the fact that the federated funding organization and its affiliated
7.32 agencies are in compliance with each of the provisions of this section;

8.1 (4) a list of the board of directors or local advisory board for the federated funding
8.2 organization which identifies the members who live or work in Minnesota and contiguous
8.3 counties;

8.4 (5) a list of the name and business address of each affiliated agency the federated
8.5 funding organization supports;

8.6 (6) a list of any related organizations, as defined in section 317A.011, subdivision 18;

8.7 (7) the total contributions received in the organization's accounting year last
8.8 reported and, from those contributions, the amounts expended by the federated funding
8.9 organization for management and general costs and for fund-raising costs and the amount
8.10 distributed to the affiliated agencies, programs, and designated agencies it supports; and

8.11 (8) a fee of \$100, or ten percent of the funds raised from state employees in the
8.12 previous campaign, whichever is less. The fee for an organization which did not participate
8.13 in the previous year's state employee campaign is \$100. These fees must be credited to
8.14 an account in the special revenue fund and are appropriated to the commissioner to be
8.15 expended with the approval of the Combined Charities Board in section 43A.04 for costs
8.16 associated with administering the annual campaign.

8.17 The commissioner may require submission of additional information needed to
8.18 determine compliance with the provisions of this chapter.

8.19 (c) The commissioner shall register or not register the application of an organization
8.20 and shall notify the organization of the decision by May 1. An organization whose
8.21 application is denied has ten calendar days after receiving notice of the denial to appeal
8.22 the decision or file an amended application correcting the deficiency. The commissioner
8.23 shall register or not register the organization within ten calendar days after receiving the
8.24 appeal or amended application. If registration is denied a second time, the organization
8.25 may appeal within five calendar days after receiving notice of the denial. A hearing
8.26 shall be scheduled by the commissioner and shall be held within 15 calendar days after
8.27 receiving notice of the appeal. The parties may mutually agree to a later date. The
8.28 provisions of chapter 14 do not apply to the hearing. The hearing shall be conducted in
8.29 a manner considered appropriate by the commissioner. The commissioner shall make a
8.30 determination within five calendar days after the hearing has been completed.

8.31 (d) Only organizations that are approved may participate in the state employee
8.32 combined charities campaign for the year of approval and only contributions to approved
8.33 organizations may be deducted from an employee's pay pursuant to section 16A.134.

8.34 Sec. 11. Minnesota Statutes 2008, section 79.34, subdivision 1, is amended to read:

9.1 Subdivision 1. **Conditions requiring membership.** The nonprofit association
9.2 known as the Workers' Compensation Reinsurance Association may be incorporated under
9.3 chapter 317A with all the powers of a corporation formed under that chapter, except that
9.4 if the provisions of that chapter are inconsistent with sections 79.34 to 79.40, sections
9.5 79.34 to 79.40 govern. Each insurer as defined by section 79.01, subdivision 2, shall, as
9.6 a condition of its authority to transact workers' compensation insurance in this state, be
9.7 a member of the reinsurance association and is bound by the plan of operation of the
9.8 reinsurance association; provided, that all affiliated insurers within a holding company
9.9 system as defined in chapter 60D are considered a single entity for purposes of the exercise
9.10 of all rights and duties of membership in the reinsurance association. Each self-insurer
9.11 approved under section 176.181 and each political subdivision that self-insures shall, as a
9.12 condition of its authority to self-insure workers' compensation liability in this state, be a
9.13 member of the reinsurance association and is bound by its plan of operation; provided that:

9.14 (1) all affiliated companies within a holding company system, as determined by
9.15 the commissioner of labor and industry in a manner consistent with the standards and
9.16 definitions in chapter 60D, are considered a single entity for purposes of the exercise of all
9.17 rights and duties of membership in the reinsurance association; and

9.18 (2) all group self-insurers granted authority to self-insure pursuant to section
9.19 176.181 are considered single entities for purposes of the exercise of all the rights and
9.20 duties of membership in the reinsurance association. As a condition of its authority to
9.21 self-insure workers' compensation liability, and for losses incurred after December 31,
9.22 1983, the state is a member of the reinsurance association and is bound by its plan of
9.23 operation. The commissioner of ~~management and budget~~ administration represents
9.24 the state in the exercise of all the rights and duties of membership in the reinsurance
9.25 association. The amounts necessary to pay the state's premiums required for coverage by
9.26 the Workers' Compensation Reinsurance Association are appropriated from the general
9.27 fund to the commissioner of ~~management and budget~~ administration. The University
9.28 of Minnesota shall pay its portion of workers' compensation reinsurance premiums
9.29 directly to the Workers' Compensation Reinsurance Association. For the purposes of
9.30 this section, "state" means the administrative branch of state government, the legislative
9.31 branch, the judicial branch, the University of Minnesota, and any other entity whose
9.32 workers' compensation liability is paid from the state revolving fund. The commissioner
9.33 of management and budget may calculate, prorate, and charge a department or agency
9.34 the portion of premiums paid to the reinsurance association for employees who are
9.35 paid wholly or in part by federal funds, dedicated funds, or special revenue funds. The
9.36 reinsurance association is not a state agency. Actions of the reinsurance association and its

10.1 board of directors and actions of the commissioner of labor and industry with respect to
10.2 the reinsurance association are not subject to chapters 13 and 15. All property owned by
10.3 the association is exempt from taxation. The reinsurance association is not obligated to
10.4 make any payments or pay any assessments to any funds or pools established pursuant to
10.5 this chapter or chapter 176 or any other law.

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

10.7 Sec. 12. Minnesota Statutes 2008, section 318.02, subdivision 1, is amended to read:

10.8 Subdivision 1. **Definition.** The term "declaration of trust" as used in this section
10.9 means the declaration of trust, business trust instrument, trust indenture, contract of
10.10 custodianship, or other instrument pursuant to which such association is organized. Every
10.11 such association organized after April 20, 1961, for the purpose of transacting business
10.12 in this state shall, prior to transacting any business in this state, file in the Office of the
10.13 Secretary of State a true and correct copy of the "declaration of trust" under which the
10.14 association proposes to conduct its business. The copy shall also contain a statement that
10.15 the true and correct copy of the "declaration of trust" is being filed in the Office of the
10.16 Secretary of State of the state of Minnesota pursuant to this chapter and shall also include
10.17 the full name and street address of an agent of the business trust in this state. That agent
10.18 shall be the agent for service of process which shall be made pursuant to the provisions
10.19 of section 543.08. The "declaration of trust" may provide that the duration of such
10.20 association shall be perpetual. Upon the filing of the copy of the "declaration of trust," ~~and~~
10.21 ~~the payment of a filing fee of \$150 to the secretary of state,~~ the secretary of state shall issue
10.22 to such association, or to the trustees named in the said "declaration of trust," or to the
10.23 persons or parties to the "declaration of trust," a certificate showing that such "declaration
10.24 of trust" has been duly filed; whereupon, such association in its name shall be authorized
10.25 to transact business in this state; provided that all other applicable laws have been
10.26 complied with. The "declaration of trust" may be amended as provided in the "declaration
10.27 of trust" or in any amendments thereto but a true and correct copy of all amendments to the
10.28 "declaration of trust," shall be filed in the Office of the Secretary of State ~~upon the payment~~
10.29 ~~of a filing fee of \$50 to the secretary of state~~ and all amendments shall become effective at
10.30 the time of said filing. When such copy of the "declaration of trust" and any amendments
10.31 thereto shall have been filed in the Office of the Secretary of State it shall constitute public
10.32 notice as to the purposes and manner of the business to be engaged in by such association.

11.1 Sec. 13. Minnesota Statutes 2008, section 557.01, is amended to read:

11.2 **557.01 NONRESIDENT, AGENT TO ACCEPT SERVICE.**

11.3 Any nonresident person or corporation owning or claiming any interest or lien in
11.4 or upon lands in the state may file with the secretary of state a writing, executed and
11.5 acknowledged in the manner of a conveyance, appointing a resident agent, whose place
11.6 of residence shall be stated, to accept service of process or summons in any action or
11.7 proceeding in the courts of the state concerning such interest or lien, except actions or
11.8 proceedings for the collection of taxes, and consenting that service of such process or
11.9 summons upon such agent shall be binding upon the person executing the same. Such
11.10 writing shall be recorded by the secretary. No service by publication of summons shall
11.11 be made upon any such nonresident who has complied with the provisions hereof, but in
11.12 all such cases service of such process or summons, or of any writ or notice in the action
11.13 or proceedings, shall be made upon such agent in the manner provided by law for such
11.14 service upon residents of the state, and have the same effect as personal service within
11.15 the state upon such owner or claimant; but, if such party appears by attorneys therein, the
11.16 service of papers shall thereafter be upon such attorney. The authority of such agent
11.17 may be revoked by writing similarly executed and acknowledged and recorded, but no
11.18 revocation shall affect any action or proceeding then pending. ~~For filing and recording~~
11.19 ~~such papers the secretary shall be entitled to 15 cents for each folio~~ The fee for each filing
11.20 made under this section is \$50.

11.21 Sec. 14. **TRANSPARENCY POLICY REPORT.**

11.22 By January 15, 2011, the chief information officer shall report to the chairs and
11.23 ranking minority members of the legislative committees with jurisdiction over the Office
11.24 of Enterprise Technology regarding the development of the policy to enhance public
11.25 access to data required under Minnesota Statutes, section 16E.05, subdivision 4. The
11.26 report must describe the process for developing the policy, including the opportunity
11.27 provided for public comment, and specify the components of the policy that have been
11.28 implemented, including a description of the level of public use of the new opportunities
11.29 for data access under the policy.

11.30 Sec. 15. **APPROPRIATION; ASSISTIVE VOTING EQUIPMENT AND**
11.31 **VOTE-COUNTING EQUIPMENT.**

11.32 Subdivision 1. **Operating grants.** \$300,000 is appropriated in fiscal year 2010 from
11.33 the Help America Vote Act account to the secretary of state for grants to counties to defray
11.34 operating costs of the assistive voting equipment and vote-counting equipment in each

12.1 polling place. This appropriation is available until spent. Grants of up to \$300 per polling
12.2 place may be made until this appropriation is exhausted. If the grant requests exceed the
12.3 appropriation available, the secretary of state shall prorate the grant amounts to each
12.4 eligible county to match the amount available.

12.5 Subd. 2. **Grant application.** To receive a grant under this subdivision, a county
12.6 must apply to the secretary of state on forms prescribed by the secretary of state that
12.7 set forth how the grant money will be spent. Grant applications for operating costs for
12.8 the 2010 elections must be received by the secretary of state by August 1, 2010. Grant
12.9 awards must be made to the counties by December 1, 2010. If money remains from this
12.10 appropriation, the secretary may also make grants available for the 2012 election, with
12.11 grant applications due by March 1, 2012, and grants made to counties by June 30, 2012.

12.12 Subd. 3. **Eligibility.** To be eligible to apply for a grant under this section, a county
12.13 must have fewer than 50,000 registered voters as of January 1, 2010, and must have
12.14 less than \$300 per polling place that was used in the 2008 general election as a balance,
12.15 including any interest earned on the account, in its Help America Vote Act account from
12.16 money distributed to it in 2005.

12.17 Subd. 4. **Report.** Each county receiving a grant under this section must include
12.18 the expenditures it has made on the appropriate Help America Vote Act reports submitted
12.19 to the secretary of state. If a county does not use the money it has received under this
12.20 section by June 15, 2013, it must return the money to the secretary of state by June 30,
12.21 2013. In addition to the report required by this section, each county receiving a grant
12.22 under this section must maintain financial records for each grant sufficient to satisfy
12.23 federal audit standards and must transmit those records to the secretary of state upon
12.24 request of the secretary of state.

12.25 Subd. 5. **Operating costs.** "Operating costs" include actual county and municipal
12.26 costs for hardware maintenance, election day technical support, software licensing, system
12.27 programming, voting system testing, training of county or municipal staff in the use of
12.28 voting equipment, and transportation and storage of the voting equipment.

12.29 **Sec. 16. APPROPRIATION; OPTICAL SCAN EQUIPMENT.**

12.30 Subdivision 1. **Optical scan voting equipment grants.** \$2,100,000 is appropriated
12.31 in fiscal year 2010 from the Help America Vote Act account to the secretary of state
12.32 for grants to counties to purchase optical scan voting equipment. This appropriation
12.33 is available until spent. If the grant requests exceed the appropriation available, the

13.1 secretary of state shall prorate the grant amounts to each eligible county to match the
13.2 amount available.

13.3 Subd. 2. **Grant application.** To receive a grant under this section, a county must
13.4 apply to the secretary of state on forms prescribed by the secretary of state that set forth
13.5 how the grant money will be spent. Applications for grants under this section must be
13.6 submitted to the secretary of state by December 1, 2010, and be for purchases made
13.7 before March 31, 2014.

13.8 Subd. 3. **Eligibility.** A county is eligible to apply for a grant of up to \$4,000 per
13.9 precinct to replace precinct-based optical scan vote counters if the vote counter was
13.10 purchased before December 31, 2002, and the county received no federal or state money
13.11 to defray the cost of that purchase. Counties must agree to provide a local match at least
13.12 equal to the amount of the grant.

13.13 Subd. 4. **Report.** Each county receiving a grant under this section must include the
13.14 expenditures it has made on the appropriate Help America Vote Act reports submitted to
13.15 the secretary of state. If a county does not use the money it has received under this section
13.16 by June 15, 2014, it must return the unused money to the secretary of state by June 30,
13.17 2014. In addition to the report required by this section, each county receiving a grant
13.18 under this section must maintain financial records for each grant sufficient to satisfy
13.19 federal audit standards and must transmit those records to the secretary of state upon
13.20 request of the secretary of state.

13.21 Sec. 17. **REPEALER.**

13.22 Laws 2005, chapter 162, section 34, subdivision 2, as amended by Laws 2009,
13.23 chapter 101, article 2, section 95, is repealed.

13.24 **ARTICLE 2**

13.25 **GOVERNMENT REFORM**

13.26 Section 1. **[3.9280] COMMISSION ON SERVICE INNOVATION.**

13.27 Subdivision 1. **Establishment.** The Commission on Service Innovation is
13.28 established to provide the legislature and the Board of Innovation with a strategic plan to
13.29 reengineer the delivery of state and local government services, including the realignment
13.30 of service delivery by region and proximity, the use of new technologies, shared facilities,
13.31 centralized information technologies, and other means of improving efficiency.

14.1 Subd. 2. **Membership.** (a) The commission consists of 18 members, appointed
14.2 as follows:

14.3 (1) one representative of the Minnesota Chamber of Commerce;

14.4 (2) one representative of the Minnesota Business Partnership;

14.5 (3) one representative of the McKnight Foundation;

14.6 (4) one representative of the Wilder Foundation;

14.7 (5) one representative of the Bush Foundation;

14.8 (6) one representative of the Minnesota Council of Nonprofits;

14.9 (7) one representative of the Minnesota Association of Townships;

14.10 (8) one representative of the Association of Minnesota Counties;

14.11 (9) one representative of the League of Minnesota Cities;

14.12 (10) one representative of the University of Minnesota;

14.13 (11) one representative of the Minnesota State Colleges and Universities;

14.14 (12) one representative of the Minnesota Association of School Administrators;

14.15 (13) two representatives of the American Federation of State, County, and Municipal

14.16 Employees, including one from council 5 and one from council 65;

14.17 (14) one representative of the Minnesota Association of Professional Employees;

14.18 (15) one representative of the Service Employees International Union;

14.19 (16) one representative of the Minnesota High Tech Association; and

14.20 (17) the state chief information officer.

14.21 (b) The appointments required by this section must be completed by June 30,
14.22 2010. Appointing authorities shall notify the state chief information officer when making
14.23 their appointments. The members of the commission shall serve at the pleasure of the
14.24 appointing authorities.

14.25 Subd. 3. **Organization.** (a) Within two weeks after completion of the appointments
14.26 under subdivision 2, the state chief information officer shall convene the first meeting of
14.27 the commission. The state chief information officer shall provide meeting space for the
14.28 commission. The commission shall select co-chairpersons from its appointed membership
14.29 at the first meeting. Members of the legislature may attend the meetings of the commission
14.30 and participate as nonvoting members of the commission.

14.31 (b) The commission shall provide notice of its meetings to the public and to
14.32 interested members of the legislature. Meetings of the commission are subject to chapter
14.33 13D. The commission shall post all reports required under this section on the Legislative
14.34 Coordinating Commission Web site.

14.35 (c) The commission may solicit and receive private contributions. Money received
14.36 under this paragraph is deposited in a special revenue account and appropriated to the

15.1 commission for the purposes of this section. The commission may provide per diem
15.2 payments to voting members as determined by the commission from the appropriation
15.3 in this paragraph. No public money may be used to provide payment of per diems or
15.4 expenses for members of the commission. The commission may hire staff to assist the
15.5 commission in its work.

15.6 (d) The commission shall solicit and coordinate public input. The commission
15.7 must use its best efforts to maximize public involvement in the work of the commission,
15.8 including the use of best practices in social media. The commission may retain an expert
15.9 in the use of social media to assist in public outreach and involvement.

15.10 Subd. 4. **Reporting.** (a) Beginning August 1, 2010, the commission shall publish
15.11 electronic monthly reports on its progress, including a description of upcoming agenda
15.12 items.

15.13 (b) By January 15 of each year, beginning in 2011, the commission shall report to
15.14 the chairs and ranking minority members of the legislative committees and divisions with
15.15 jurisdiction over state government policy and finance regarding its work under this section
15.16 and to the Board of Innovation established under section 465.7902, with a strategic plan
15.17 containing findings and recommendations to improve state and local government delivery
15.18 of public services. The strategic plan must address:

15.19 (1) how to enhance the public involvement and input as the public uses state and
15.20 local government services and public schools;

15.21 (2) how technology can be leveraged to reduce costs and enhance quality;

15.22 (3) how service innovation will conserve substantial financial resources;

15.23 (4) a transition plan and governance structure that will facilitate high-quality
15.24 innovation and change in the future;

15.25 (5) how to improve public sector employee productivity;

15.26 (6) the security of individual data and government programs;

15.27 (7) data transparency and accountability;

15.28 (8) centralized and shared services; and

15.29 (9) data interoperability across jurisdictions.

15.30 The strategic plan shall also provide a process to review and modify
15.31 recommendations at regular intervals in the future based on specific results measured
15.32 at regular intervals.

15.33 The strategic plan shall also include any proposed legislation necessary to implement
15.34 the commission's recommendations.

15.35 Subd. 5. **Expiration.** This section expires June 30, 2012.

16.1 Sec. 2. [372A.01] HOME RULE CHARTER FOR CONTIGUOUS COUNTIES.

16.2 Any two or more contiguous counties in the state may propose a county home rule
16.3 charter commission as provided in this chapter.

16.4 The county board of each contiguous county shall adopt a resolution to establish a
16.5 home rule charter commission for the counties. The resolution must name the contiguous
16.6 counties proposing to establish the charter commission.

16.7 Sec. 3. [372A.02] CHARTER COMMISSION; NOMINATIONS AND
16.8 APPOINTMENTS.

16.9 Subdivision 1. **Publication.** Within 30 days after the date of the resolution in section
16.10 372A.01, the county board of each county shall publish the resolution and a notice inviting
16.11 interested persons to apply to the county board of commissioners for consideration by the
16.12 county board and the joint legislative delegation for nomination to the charter commission.
16.13 The resolution and notice must be published at least once a week for two successive weeks
16.14 in a qualified newspaper of general circulation within each county. If one newspaper is a
16.15 qualified newspaper of general circulation for more than one county, those counties may
16.16 publish jointly. The county boards shall furnish copies of the applications to the members
16.17 of the joint legislative delegation.

16.18 Subd. 2. **Nomination.** (a) Within 60 days after the date of the resolution in section
16.19 372A.01, the county board of each county shall nominate 15 persons as candidates for
16.20 appointment to a charter commission to propose a charter to provide for the form of
16.21 county government for the counties. Three persons who reside in the district must be
16.22 nominated for each of the county commissioner districts in each county. Immediately
16.23 following selection of the nominees, the county board of each county shall submit the
16.24 nominations, together with the county board resolution, to the chief judge of the district
16.25 court with jurisdiction in the county.

16.26 (b) Within 75 days after the date of the resolution in section 372A.01, the joint
16.27 legislative delegation of each county shall nominate six persons who reside in the county
16.28 as candidates for appointment to a charter commission to propose a charter to provide for
16.29 the form of county government for the counties. The six persons must be nominated
16.30 without regard to county commissioner districts. Immediately following selection of the
16.31 nominees, the delegation shall submit the nominations to the chief judge of the district
16.32 court with jurisdiction in the county. For purposes of this section, "joint legislative
16.33 delegation" means all elected members of the house of representatives and senate
16.34 whose legislative district includes a portion of a county proposing a home rule charter
16.35 commission under section 372A.01.

17.1 Subd. 3. **Appointment.** Within 30 days after the last submission of nominations, the
17.2 chief judge shall appoint to the charter commission seven members for each county, one
17.3 appointee for each county commissioner district in each county, selected from those who
17.4 were nominated by county commissioner district, and two appointees from each county
17.5 who were nominated to serve from the county without regard to county commissioner
17.6 districts. The commission members must be qualified voters in the county from which
17.7 they are appointed. A person is not disqualified from serving on the charter commission
17.8 because the person holds an elective or appointive office. The appointing authority shall
17.9 fill any vacancies. Appointments must be filed with the board of county commissioners
17.10 of the county in which the appointee resides. An appointee must file an acceptance with
17.11 the board within ten days after notification of the appointment or be considered to have
17.12 declined the appointment.

17.13 Sec. 4. **[372A.03] CHARTER COMMISSION; TERMS; ADMINISTRATION.**

17.14 Subdivision 1. **Chair; rules.** The charter commission shall meet within 30 days
17.15 after the initial appointment, elect a chair from among the members, and establish rules,
17.16 including quorum requirements, for its operation and procedures.

17.17 Subd. 2. **Expenses and administration.** The members of the charter commission
17.18 receive no compensation except reimbursement for expenses actually incurred in the
17.19 course of their duties. The board of county commissioners of each county may make
17.20 appropriations to the charter commission to be used to employ research and clerical
17.21 assistance, for supplies, and to meet expenses considered necessary by the charter
17.22 commission. The charter commission may request and receive assistance from any county
17.23 official. If requested, a personnel director shall assist the charter commission to test and
17.24 hire employees. If requested, a county attorney shall provide legal services.

17.25 Subd. 3. **Terms.** Members of the charter commission hold office until a final report
17.26 has been made under section 372A.04.

17.27 Sec. 5. **[372A.04] CHARTER COMMISSION; POWERS AND DUTIES.**

17.28 Subdivision 1. **Report to county boards.** The charter commission shall deliver
17.29 to the board of county commissioners of each contiguous county either (1) its report
17.30 determining that the present form of county government is adequate for the county and
17.31 that a charter is not necessary or desirable, or (2) a draft of a proposed charter. The report
17.32 must be signed by a majority of the members of the charter commission.

17.33 Subd. 2. **Contents of report.** The proposed charter may provide for any form of
17.34 government consistent with the Constitution of the state of Minnesota. It may provide for

18.1 the establishment and administration of all departments of a county government and for
18.2 the regulation of all local county functions. It may abolish or consolidate any department
18.3 or agency. It must provide for present functions to be assumed by new elective or
18.4 appointive officers as provided in the charter and may provide for other powers consistent
18.5 with other law. It must provide methods of procedure in respect to the operation of the
18.6 government created and the duties of all officers. It must provide for a home rule charter
18.7 commission consistent with article XII, section 5, of the Constitution of the state of
18.8 Minnesota and may provide for alternative methods for amending or abandoning the
18.9 charter consistent with the Constitution. A county may be authorized to acquire by
18.10 gift, devise, purchase, or condemnation or sell or lease any property needed for the full
18.11 discharge of its duties and powers.

18.12 Subd. 3. **Public hearings.** The charter commission must hold at least one public
18.13 hearing on the report in each of the county commissioner districts. Based upon the
18.14 public hearings, the charter commission may revise the report. The revised report must
18.15 be signed by a majority of the members of the charter commission, and delivered to
18.16 the county boards.

18.17 Sec. 6. **[372A.05] ELECTION; BALLOT.**

18.18 Subdivision 1. **Procedure; notice.** Upon delivery of the final proposed charter to the
18.19 board of county commissioners in each county, each board shall submit it to the voters in
18.20 that county at a general election. The notice of election must contain the complete charter
18.21 and must be published once a week for two successive weeks in a qualified newspaper
18.22 of general circulation within each county.

18.23 Subd. 2. **Ballot form.** The ballot must at least contain the following question
18.24 with additional descriptive language, approved by the secretary of state, that the charter
18.25 commission may include:

18.26 "Shall the proposed county charter be adopted?"

18.27 Yes

18.28 No"

18.29 The voter shall place an "X" after one of the last two words to express the voter's choice.

18.30 Sec. 7. **[372A.06] ADOPTION OF CHARTER.**

18.31 If a majority of the votes cast in a county on the proposition are in favor of the
18.32 proposed charter, it must be considered adopted for that county. The charter takes effect
18.33 two years after the election.

19.1 Sec. 8. **[372A.07] HOME RULE CHARTER COUNTY POWERS AND DUTIES.**

19.2 Subdivision 1. **General rule.** Unless specifically provided otherwise in general laws
19.3 or statutes, the term "county" when used in Minnesota Statutes or any general legislative
19.4 act includes home rule charter counties organized under this chapter. In addition to powers
19.5 and duties granted or imposed under its charter, a home rule charter county has all the
19.6 powers granted a county by law and all of the duties imposed upon it by law. If a charter
19.7 provision conflicts with a general law, the requirements of the law prevail.

19.8 Subd. 2. **County bonds and indebtedness.** All general and special laws authorizing
19.9 a county to incur indebtedness or issue bonds are subject to the charter if the charter
19.10 provisions are not in conflict with general laws relating to indebtedness.

19.11 Subd. 3. **Personnel exception.** A home rule charter does not apply to personnel
19.12 matters relating to employees of a county, which continue to be governed by law.

19.13 Sec. 9. **EFFECTIVE DATE.**

19.14 Sections 1 to 8 are effective July 1, 2010.

APPENDIX
Article locations in s3134-2

ARTICLE 1 STATE GOVERNMENT Page.Ln 1.24
ARTICLE 2 GOVERNMENT REFORM Page.Ln 13.24