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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4536

04/07/2020 Authored by Bahner
The bill was read for the first time and referred to the Committee on Government Operations
05/07/2020 Adoption of Report: Amended and re-referred to the State Government Finance Division
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
Adoption of Report: Re-referred to the State Government Finance Division
Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act
1.2 relating to state government; establishing a Legislative Commission on
1.3 Cybersecurity; providing legislative appointments; changing the name of the Office
1.4 of MN.IT Services; changing provisions in chapter 16E; amending Minnesota
1.5 Statutes 2018, sections 16E.01; 16E.016; 16E.02; 16E.03, subdivisions 2, 3, 6;
1.6 16E.036; 16E.04, subdivision 3; 16E.0465, subdivision 2; 16E.05, subdivision 1;
1.7 16E.07, subdivision 12; 16E.21, subdivision 2; 97A.057, subdivision 1; Minnesota
1.8 Statutes 2019 Supplement, section 16E.03, subdivision 1; proposing coding for
1.9 new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2018,
1.10 sections 16E.0466, subdivision 1; 16E.05, subdivision 3; 16E.071; 16E.145.

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

1.12 **ARTICLE 1**
1.13 **LEGISLATIVE COMMISSION ON CYBERSECURITY**

1.14 Section 1. **[3.888] LEGISLATIVE COMMISSION ON CYBERSECURITY.**

1.15 Subdivision 1. **Membership.** The Legislative Commission on Cybersecurity consists
1.16 of the following eight members:

1.17 (1) four senators, including two senators appointed by the senate majority leader and
1.18 two senators appointed by the senate minority leader; and

1.19 (2) four members of the house of representatives, including two members appointed by
1.20 the speaker of the house and two members appointed by the minority leader of the house.

1.21 Subd. 2. **Terms; vacancies.** Members of the commission serve for a two-year term
1.22 beginning upon appointment and expiring on appointment of a successor after the opening
1.23 of the next regular session of the legislature in the odd-numbered year. A vacancy in the
1.24 membership of the commission must be filled for the unexpired term in a manner that will
1.25 preserve the representation established by this section.

2.1 Subd. 3. **Duties.** The commission shall provide oversight of the state's cybersecurity
2.2 measures. The commission shall review the policies and practices of state agencies with
2.3 regard to cybersecurity and may recommend changes in policy to adequately protect the
2.4 state from cybersecurity threats. The commission may develop recommendations and draft
2.5 legislation to support and strengthen the state's cybersecurity infrastructure.

2.6 Subd. 4. **Chair.** The commission shall elect a chair by a majority vote of members
2.7 present. The officers shall alternate between a member of the senate and a member of the
2.8 house of representatives. A chair shall serve a two-year term expiring upon election of a
2.9 new chair after the opening of the next regular session of the legislature in the odd-numbered
2.10 year.

2.11 Subd. 5. **Meetings.** The commission must meet at least three times per calendar year.
2.12 The meetings of the commission are subject to section 3.055, except that the commission
2.13 may close a meeting when necessary to safeguard the state's cybersecurity. The minutes,
2.14 recordings, and documents from a closed meeting under this subdivision shall be maintained
2.15 by the Legislative Coordinating Commission and shall not be made available to the public
2.16 until eight years after the date of the meeting.

2.17 Subd. 6. **Administration.** The Legislative Coordinating Commission shall provide
2.18 administrative services for the commission.

2.19 Subd. 7. **Sunset.** The commission sunsets December 31, 2028.

2.20 **Sec. 2. FIRST APPOINTMENTS AND FIRST MEETING OF LEGISLATIVE**
2.21 **COMMISSION ON CYBERSECURITY.**

2.22 Subdivision 1. **First appointments.** Appointing authorities must make initial
2.23 appointments to the Legislative Commission on Cybersecurity by July 1, 2020.

2.24 Subd. 2. **First meeting.** The majority leader of the senate shall designate one senate
2.25 member of the Legislative Commission on Cybersecurity under Minnesota Statutes, section
2.26 3.888, to convene the first meeting by August 15, 2020. The commission must select a chair
2.27 from among the senate members at the first meeting.

2.28 Subd. 3. **Meetings in 2020.** Notwithstanding Minnesota Statutes, section 3.888,
2.29 subdivision 5, the commission must meet at least twice in 2020.

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

3.1 **ARTICLE 2**

3.2 **TECHNICAL CHANGES**

3.3 Section 1. Minnesota Statutes 2018, section 16E.01, is amended to read:

3.4 **16E.01 OFFICE OF MN.IT MINNESOTA DEPARTMENT OF INFORMATION**
 3.5 **TECHNOLOGY SERVICES.**

3.6 Subdivision 1. **Creation; chief information officer.** The ~~Office of MN.IT~~ Minnesota
 3.7 Department of Information Technology Services, which may also be known as Minnesota
 3.8 Information Technology Services or Minnesota IT Services, referred to in this chapter as
 3.9 the "~~office,~~" "department," is an agency in the executive branch headed by a commissioner,
 3.10 who also is the ~~state~~ chief information officer. The appointment of the commissioner is
 3.11 subject to the advice and consent of the senate under section 15.066.

3.12 Subd. 1a. **Responsibilities.** The ~~office~~ department shall provide oversight, leadership,
 3.13 and direction for information and telecommunications technology policy and the
 3.14 management, delivery, accessibility, and security of executive branch information and
 3.15 telecommunications technology systems and services in Minnesota. The ~~office~~ department
 3.16 shall manage strategic investments in information and telecommunications technology
 3.17 systems and services ~~to encourage the development of a technically literate society,~~ to ensure
 3.18 sufficient access to and efficient delivery of accessible government services, and to maximize
 3.19 benefits for the state government as an enterprise.

3.20 Subd. 2. **Discretionary powers.** The ~~office~~ department may:

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

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

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

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

3.29 (5) sponsor and conduct conferences and studies, collect and disseminate information,
 3.30 and issue reports relating to information and communications technology issues;

3.31 (6) review the technology infrastructure of regions of the state and cooperate with and
 3.32 make recommendations to the governor, legislature, state agencies, local governments, local

4.1 technology development agencies, the federal government, private businesses, and individuals
4.2 for the realization of information and communications technology infrastructure development
4.3 potential;

4.4 (7) sponsor, support, and facilitate innovative and collaborative economic and community
4.5 development and government services projects, including technology initiatives related to
4.6 culture and the arts, with public and private organizations; and

4.7 (8) review and recommend alternative sourcing strategies for state information and
4.8 communications systems.

4.9 Subd. 3. **Duties.** (a) The ~~office~~ department shall:

4.10 (1) manage the efficient and effective use of available federal, state, local, and
4.11 public-private resources to develop statewide information and telecommunications technology
4.12 systems and services and its infrastructure;

4.13 (2) approve state agency and intergovernmental information and telecommunications
4.14 technology systems and services development efforts involving state or intergovernmental
4.15 funding, including federal funding, provide information to the legislature regarding projects
4.16 reviewed, and recommend projects for inclusion in the governor's budget under section
4.17 16A.11;

4.18 (3) ~~ensure~~ promote cooperation and collaboration among state and local governments
4.19 in developing intergovernmental information and telecommunications technology systems
4.20 and services, ~~and define the structure and responsibilities of a representative governance~~
4.21 ~~structure~~;

4.22 (4) cooperate and collaborate with the legislative and judicial branches in the development
4.23 of information and communications systems in those branches, as requested;

4.24 (5) continue the development of North Star, the state's official comprehensive online
4.25 service and information initiative;

4.26 ~~(6) promote and collaborate with the state's agencies in the state's transition to an~~
4.27 ~~effectively competitive telecommunications market;~~

4.28 ~~(7) collaborate with entities carrying out education and lifelong learning initiatives to~~
4.29 ~~assist Minnesotans in developing technical literacy and obtaining access to ongoing learning~~
4.30 ~~resources;~~

5.1 ~~(8)~~ (6) promote and coordinate public information access and network initiatives,
5.2 consistent with chapter 13, to connect Minnesota's citizens and communities to each other,
5.3 to their governments, and to the world;

5.4 ~~(9) promote and coordinate electronic commerce initiatives to ensure that Minnesota~~
5.5 ~~businesses and citizens can successfully compete in the global economy;~~

5.6 ~~(10)~~ (7) manage and promote the regular and periodic reinvestment in the information
5.7 and telecommunications technology systems and services infrastructure so that state and
5.8 local government agencies can effectively and efficiently serve their customers;

5.9 ~~(11)~~ (8) facilitate the cooperative development of and ensure compliance with standards
5.10 and policies for information and telecommunications technology systems and services,
5.11 electronic data practices and privacy, ~~and electronic commerce among international, national,~~
5.12 ~~state, and local public and private organizations~~ within the executive branch;

5.13 ~~(12)~~ (9) eliminate unnecessary duplication of existing information and
5.14 telecommunications technology systems and services provided by state agencies;

5.15 ~~(13)~~ (10) identify, sponsor, develop, and execute shared information and
5.16 telecommunications technology projects and ongoing operations;

5.17 ~~(14)~~ (11) ensure overall security of the state's information and technology systems and
5.18 services; and

5.19 ~~(15)~~ (12) manage and direct compliance with accessibility standards for informational
5.20 technology, including hardware, software, websites, online forms, and online surveys.

5.21 (b) The chief information officer, in consultation with the commissioner of management
5.22 and budget, must determine when it is cost-effective for agencies to develop and use shared
5.23 information and telecommunications technology systems and services for the delivery of
5.24 electronic government services. The chief information officer may require agencies to use
5.25 shared information and telecommunications technology systems and services. The chief
5.26 information officer shall establish reimbursement rates in cooperation with the commissioner
5.27 of management and budget to be billed to agencies and other governmental entities sufficient
5.28 to cover the actual development, operating, maintenance, and administrative costs of the
5.29 shared systems. The methodology for billing may include the use of interagency agreements,
5.30 or other means as allowed by law.

5.31 (c) A state agency that has an information and telecommunications technology project
5.32 ~~with a total expected project cost of more than \$1,000,000~~, whether funded as part of the
5.33 biennial budget or by any other means, shall register with the ~~office~~ department by submitting

6.1 basic project startup documentation, as specified by the chief information officer in both
 6.2 format and content, ~~before any project funding is requested or committed and before the~~
 6.3 ~~project commences~~. State agency project leaders must demonstrate that the project will be
 6.4 properly managed, provide updates to the project documentation as changes are proposed,
 6.5 and regularly report on the current status of the project on a schedule agreed to with the
 6.6 chief information officer. The chief information officer has the authority to define a project
 6.7 for the purposes of this chapter.

6.8 (d) The chief information officer shall monitor progress on any active information and
 6.9 telecommunications technology project with a total expected project cost of more than
 6.10 \$5,000,000 and report on the performance of the project in comparison with the plans for
 6.11 the project in terms of time, scope, and budget. The chief information officer may conduct
 6.12 an independent project audit of the project. The audit analysis and evaluation of the projects
 6.13 subject to paragraph (c) must be presented to agency executive sponsors, the project
 6.14 governance bodies, and the chief information officer. All reports and responses must become
 6.15 part of the project record.

6.16 (e) For any active information and telecommunications technology project with a total
 6.17 expected project cost of more than \$10,000,000, the state agency must perform an annual
 6.18 independent audit that conforms to published project audit principles ~~promulgated~~ adopted
 6.19 by the office department.

6.20 (f) The chief information officer shall report by January 15 of each year to the chairs
 6.21 and ranking minority members of the legislative committees and divisions with jurisdiction
 6.22 over the ~~office department~~ regarding projects the office department has reviewed under
 6.23 paragraph (a), clause (13) (10). The report must include the reasons for the determinations
 6.24 made in the review of each project and a description of its current status.

6.25 Sec. 2. Minnesota Statutes 2018, section 16E.016, is amended to read:

6.26 **16E.016 RESPONSIBILITY FOR INFORMATION TECHNOLOGY SERVICES**
 6.27 **AND EQUIPMENT.**

6.28 (a) The chief information officer is responsible for providing or entering into managed
 6.29 services contracts for the provision, improvement, and development of the following
 6.30 information technology systems and services to state agencies:

6.31 (1) state data centers;

6.32 (2) mainframes including system software;

6.33 (3) servers including system software;

- 7.1 (4) desktops including system software;
- 7.2 (5) laptop computers including system software;
- 7.3 (6) a data network including system software;
- 7.4 (7) database, electronic mail, office systems, reporting, and other standard software
- 7.5 tools;
- 7.6 (8) business application software and related technical support services;
- 7.7 (9) help desk for the components listed in clauses (1) to (8);
- 7.8 (10) maintenance, problem resolution, and break-fix for the components listed in clauses
- 7.9 (1) to (8);
- 7.10 (11) regular upgrades and replacement for the components listed in clauses (1) to (8);
- 7.11 and
- 7.12 (12) network-connected output devices.
- 7.13 (b) All state agency employees whose work primarily involves functions specified in
- 7.14 paragraph (a) are employees of the ~~Office of MN.IT Services~~ Minnesota Department of
- 7.15 Information Technology Services. This includes employees who directly perform the
- 7.16 functions in paragraph (a), as well as employees whose work primarily involves managing,
- 7.17 supervising, or providing administrative services or support services to employees who
- 7.18 directly perform these functions. The chief information officer may assign employees of
- 7.19 the ~~office~~ department to perform work exclusively for another state agency.
- 7.20 (c) Subject to sections 16C.08 and 16C.09, the chief information officer may allow a
- 7.21 state agency to obtain services specified in paragraph (a) through a contract with an outside
- 7.22 vendor when the chief information officer and the agency head agree that a contract would
- 7.23 provide best value, as defined in section 16C.02, under the service-level agreement. The
- 7.24 chief information officer must require that agency contracts with outside vendors ensure
- 7.25 that systems and services are compatible with standards established by the ~~Office of MN.IT~~
- 7.26 ~~Services~~ Minnesota Department of Information Technology Services.
- 7.27 (d) The Minnesota State Retirement System, the Public Employees Retirement
- 7.28 Association, the Teachers Retirement Association, the State Board of Investment, the
- 7.29 Campaign Finance and Public Disclosure Board, the State Lottery, and the Statewide Radio
- 7.30 Board are not state agencies for purposes of this section.

8.1 Sec. 3. Minnesota Statutes 2018, section 16E.02, is amended to read:

8.2 **16E.02 OFFICE OF MN.IT MINNESOTA DEPARTMENT OF INFORMATION**
8.3 **TECHNOLOGY SERVICES; STRUCTURE AND PERSONNEL.**

8.4 Subdivision 1. **Office Department management and structure.** (a) The chief
8.5 information officer is appointed by the governor. The chief information officer serves in
8.6 the unclassified service at the pleasure of the governor. The chief information officer must
8.7 have experience leading enterprise-level information technology organizations. The chief
8.8 information officer is the state's chief information officer and information and
8.9 telecommunications technology ~~advisor~~ adviser to the governor.

8.10 (b) The chief information officer may appoint other employees of the ~~office~~ department.
8.11 ~~The~~ Staff of the ~~office~~ department must include individuals knowledgeable in information
8.12 and telecommunications technology systems and services and individuals with specialized
8.13 training in information security and accessibility.

8.14 ~~(c) The chief information officer may appoint a webmaster responsible for the supervision~~
8.15 ~~and development of state websites under the control of the office. The webmaster, if~~
8.16 ~~appointed, shall ensure that these websites are maintained in an easily accessible format~~
8.17 ~~that is consistent throughout state government and are consistent with the accessibility~~
8.18 ~~standards developed under section 16E.03, subdivision 9. The webmaster, if appointed,~~
8.19 ~~shall provide assistance and guidance consistent with the requirements of this paragraph to~~
8.20 ~~other state agencies for the maintenance of other websites not under the direct control of~~
8.21 ~~the office.~~

8.22 Subd. 1a. **Accountability.** The chief information officer reports to the governor. The
8.23 chief information officer must consult regularly with ~~the~~ executive branch agency
8.24 ~~commissioners of administration, management and budget, human services, revenue, and~~
8.25 ~~other commissioners as designated by the governor,~~ on technology projects, standards, and
8.26 services as well as management of resources and staff utilization.

8.27 Sec. 4. Minnesota Statutes 2019 Supplement, section 16E.03, subdivision 1, is amended
8.28 to read:

8.29 Subdivision 1. **Definitions.** (a) For the purposes of this chapter, the following terms
8.30 have the meanings given them.

8.31 (b) "Information and telecommunications technology systems and services" means all
8.32 computing and telecommunications hardware and software, the activities undertaken to
8.33 secure that hardware and software, and the activities undertaken to acquire, transport, process,

9.1 analyze, store, and disseminate information electronically. "Information and
9.2 telecommunications technology systems and services" includes all proposed expenditures
9.3 for computing and telecommunications hardware and software, security for that hardware
9.4 and software, and related consulting or other professional services.

9.5 ~~(e) "Information and telecommunications technology project" means an effort to acquire~~
9.6 ~~or produce information and telecommunications technology systems and services.~~

9.7 ~~(d)~~ (c) "Telecommunications" means voice, video, and data electronic transmissions
9.8 transported by wire, wireless, fiber-optic, radio, or other available transport technology.

9.9 ~~(e)~~ (d) "Cyber security" means the protection of data and systems in networks connected
9.10 to the Internet.

9.11 ~~(f)~~ (e) "State agency" means an agency in the executive branch of state government and
9.12 includes the Minnesota Office of Higher Education, but does not include the Minnesota
9.13 State Colleges and Universities unless specifically provided elsewhere in this chapter.

9.14 ~~(g)~~ (f) "Total expected project cost" includes direct staff costs, all supplemental contract
9.15 staff and vendor costs, and costs of hardware and software development or purchase.
9.16 Breaking a project into several phases does not affect the cost threshold, which must be
9.17 computed based on the full cost of all phases.

9.18 ~~(h)~~ (g) "Cloud computing" has the meaning described by the National Institute of
9.19 Standards and Technology of the United States Department of Commerce in special
9.20 publication 800-145, September 2011.

9.21 Sec. 5. Minnesota Statutes 2018, section 16E.03, subdivision 2, is amended to read:

9.22 Subd. 2. **Chief information officer's responsibility.** The chief information officer shall:

9.23 (1) design a master plan for information and telecommunications technology systems
9.24 and services in the state ~~and its political subdivisions~~ and shall report on the plan to the
9.25 governor and legislature at the beginning of each regular session;

9.26 (2) coordinate, review, and approve all information and telecommunications technology
9.27 projects and oversee the state's information and telecommunications technology systems
9.28 and services;

9.29 (3) establish and enforce compliance with standards for information and
9.30 telecommunications technology systems and services that are cost-effective and support
9.31 open systems environments and that are compatible with state, national, and international
9.32 standards, including accessibility standards;

10.1 (4) maintain a library of systems and programs developed by the state ~~and its political~~
10.2 ~~subdivisions~~ for use by agencies of government;

10.3 (5) direct and manage the shared operations of the state's information and
10.4 telecommunications technology systems and services; and

10.5 (6) establish and enforce standards and ensure acquisition of hardware and software
10.6 necessary to protect data and systems in state agency networks connected to the Internet.

10.7 Sec. 6. Minnesota Statutes 2018, section 16E.03, subdivision 3, is amended to read:

10.8 Subd. 3. **Evaluation and approval.** A state agency may not undertake an information
10.9 and telecommunications technology project until it has been evaluated according to the
10.10 procedures developed under subdivision 4. The chief information officer or delegate shall
10.11 give written approval of the proposed project. ~~When notified by the chief information officer~~
10.12 ~~that a project has not been approved, the commissioner of management and budget shall~~
10.13 ~~cancel the unencumbered balance of any appropriation allotted for the project.~~

10.14 Sec. 7. Minnesota Statutes 2018, section 16E.03, subdivision 6, is amended to read:

10.15 Subd. 6. **System development methods.** The chief information officer shall establish
10.16 and, as necessary, update and modify methods for developing information and
10.17 communications systems appropriate to the specific needs of individual state agencies. The
10.18 development methods shall be used to define the design, programming, and implementation
10.19 of systems. ~~The development methods must also enable and require a data processing system~~
10.20 ~~to be defined in terms of its computer programs, input requirements, output formats,~~
10.21 ~~administrative procedures, and processing frequencies.~~

10.22 Sec. 8. Minnesota Statutes 2018, section 16E.036, is amended to read:

10.23 **16E.036 ADVISORY COMMITTEE COUNCIL.**

10.24 (a) The Technology Advisory ~~Committee~~ Council is created to advise the governor,
10.25 executive branch, and the state chief information officer. ~~The committee consists of council~~
10.26 shall consist of 15 voting members. The governor shall appoint six members appointed by
10.27 ~~the governor~~ who are individuals actively involved in business planning for state executive
10.28 branch agencies, one county member designated by the Association of Minnesota Counties,
10.29 one member appointed by the governor as a representative of a union that represents state
10.30 information technology employees, and one member appointed by the governor to represent
10.31 private businesses. The governor and lieutenant governor shall select six additional members

11.1 with private-sector or public-sector IT experience or experience in academia pertaining to
11.2 IT. The council shall also have the following four ex officio nonvoting members:

11.3 (1) a member of the house of representatives selected by the speaker of the house;

11.4 (2) a member of the house of representatives selected by the minority leader;

11.5 (3) a member of the senate selected by the majority leader; and

11.6 (4) a member of the senate selected by the minority leader.

11.7 (b) Membership terms, removal of members, and filling of vacancies are as provided in
11.8 section 15.059. Members do not receive compensation or reimbursement for expenses.

11.9 (c) The ~~committee~~ council shall select a chair from its members. The chief information
11.10 officer shall provide administrative support to the ~~committee~~ council.

11.11 (d) The ~~committee~~ council shall advise the chief information officer on:

11.12 (1) development and implementation of the state information technology strategic plan;

11.13 (2) critical information technology initiatives for the state;

11.14 (3) standards for state information architecture;

11.15 (4) identification of business and technical needs of state agencies;

11.16 (5) strategic information technology portfolio management, project prioritization, and
11.17 investment decisions;

11.18 (6) the ~~office's~~ department's performance measures and fees for service agreements with
11.19 executive branch agencies;

11.20 (7) management of the state MN.IT services revolving fund; and

11.21 (8) the efficient and effective operation of the ~~office~~ department.

11.22 Sec. 9. Minnesota Statutes 2018, section 16E.04, subdivision 3, is amended to read:

11.23 Subd. 3. **Risk assessment and mitigation.** (a) A risk assessment and risk mitigation
11.24 plan are required for all information systems development projects undertaken by a state
11.25 agency in the executive or judicial branch or by a constitutional officer. The chief information
11.26 officer must contract with an entity outside of state government to conduct the initial
11.27 assessment and prepare the mitigation plan for a project estimated to cost more than
11.28 \$5,000,000. The outside entity conducting the risk assessment and preparing the mitigation
11.29 plan must not have any other direct or indirect financial interest in the project. The risk

12.1 assessment and risk mitigation plan must provide for periodic monitoring by the
12.2 commissioner until the project is completed.

12.3 (b) The risk assessment and risk mitigation plan must be paid for with money appropriated
12.4 for the information and telecommunications technology project. ~~The chief information~~
12.5 ~~officer must notify the commissioner of management and budget when work has begun on~~
12.6 ~~a project and must identify the proposed budget for the project. The commissioner of~~
12.7 ~~management and budget shall ensure that no more than ten percent of the proposed budget~~
12.8 ~~be spent on the project, other than the money spent on the risk assessment and risk mitigation~~
12.9 ~~plan, is spent until the risk assessment and mitigation plan are reported to the chief~~
12.10 ~~information officer and the chief information officer has approved the risk mitigation plan.~~

12.11 Sec. 10. Minnesota Statutes 2018, section 16E.0465, subdivision 2, is amended to read:

12.12 Subd. 2. **Required review and approval.** (a) A state agency receiving an appropriation
12.13 for an information and telecommunications technology project subject to this section must
12.14 divide the project into phases.

12.15 (b) ~~The commissioner of management and budget may not authorize the~~ An encumbrance
12.16 or expenditure of an appropriation of state funds to a state agency may not be made for any
12.17 phase of a state agency information and telecommunications technology project, device, or
12.18 ~~system~~ subject to this section unless the ~~Office of MN.IT~~ Minnesota Department of
12.19 Information Technology Services has reviewed each phase of the project, ~~device, or system,~~
12.20 and based on this review, the chief information officer has determined for each phase that:

12.21 (1) the project is compatible with the state information architecture and other policies
12.22 and standards established by the chief information officer;

12.23 (2) the agency is able to accomplish the goals of the phase of the project with the funds
12.24 appropriated; and

12.25 (3) the project supports the enterprise information technology strategy.

12.26 Sec. 11. Minnesota Statutes 2018, section 16E.05, subdivision 1, is amended to read:

12.27 Subdivision 1. **Duties.** The ~~office~~ department, in consultation with interested persons,
12.28 shall:

12.29 ~~(1) coordinate statewide efforts by units of state and local government to plan for and~~
12.30 ~~develop a system for providing access to government services; and~~

13.1 (2) explore ways and means to improve citizen and business access to public services,
13.2 including implementation of technological improvements.

13.3 Sec. 12. Minnesota Statutes 2018, section 16E.07, subdivision 12, is amended to read:

13.4 Subd. 12. **Private entity services; fee authority.** (a) The ~~office~~ department may enter
13.5 into a contract with a private entity to manage, maintain, support, and expand North Star
13.6 and online government information services to citizens and businesses.

13.7 (b) A contract established under paragraph (a) may provide for compensation of the
13.8 private entity through a fee established under paragraph (c).

13.9 (c) The ~~office~~ department, subject to the approval of the agency or ~~office~~ department
13.10 responsible for the data or services involved in the transaction, may charge and may authorize
13.11 a private entity that enters into a contract under paragraph (a) to charge a convenience fee
13.12 for users of North Star and online government information services up to a total of \$2 per
13.13 transaction, provided that no fee shall be charged for viewing or inspecting data. ~~The office~~
13.14 ~~shall consider the recommendation of the E-Government Advisory Council under section~~
13.15 ~~16E.071 in setting the convenience fee.~~ A fee established under this paragraph is in addition
13.16 to any fees or surcharges authorized under other law.

13.17 (d) Receipts from the convenience fee shall be deposited in the North Star account
13.18 established in subdivision 7. Notwithstanding section 16A.1285, subdivision 2, receipts
13.19 credited to the account are appropriated to the ~~office~~ department for payment to the contracted
13.20 private entity under paragraph (a). In lieu of depositing the receipts in the North Star account,
13.21 the ~~office~~ department can directly transfer the receipts to the private entity or allow the
13.22 private entity to retain the receipts pursuant to a contract established under this subdivision.

13.23 (e) The ~~office~~ department shall report to the chairs and ranking minority members of
13.24 the house of representatives and senate committees with jurisdiction over state government
13.25 finance by January 15 of each odd-numbered year regarding the convenience fee receipts
13.26 and the status of North Star projects and online government information services developed
13.27 and supported by convenience fee receipts.

13.28 Sec. 13. Minnesota Statutes 2018, section 16E.21, subdivision 2, is amended to read:

13.29 Subd. 2. **Charges.** (a) Upon agreement of the participating agency, the ~~Office of MN.IT~~
13.30 Minnesota Department of Information Technology Services may collect a charge or receive
13.31 a fund transfer under section 16E.0466 for purchases of information and telecommunications
13.32 technology systems and services by state agencies and other governmental entities through

14.1 state contracts for purposes described in subdivision 1. Charges collected under this section
14.2 must be credited to the information and telecommunications technology systems and services
14.3 account.

14.4 (b) Notwithstanding section 16A.28, subdivision 3, any unexpended operating balance
14.5 appropriated to a state agency may be transferred to the information and telecommunications
14.6 technology systems and services account for the information technology cost of a specific
14.7 project, subject to the review of the Legislative Advisory Commission under section 16E.21,
14.8 subdivision 3.

14.9 Sec. 14. Minnesota Statutes 2018, section 97A.057, subdivision 1, is amended to read:

14.10 Subdivision 1. **Compliance with federal law.** The commissioner shall take any action
14.11 necessary to comply with the Federal Aid in Wildlife Restoration Act, United States Code,
14.12 title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act, United States
14.13 Code, title 16, sections 777 to 777k. Notwithstanding ~~section 16E.145~~ or any other law to
14.14 the contrary, an appropriation for an information or telecommunications technology project
14.15 from the game and fish fund, as established in section 97A.055, must be made to the
14.16 commissioner. Any assets acquired with or expenditures made from the game and fish fund
14.17 must remain under control of the commissioner.

14.18 Sec. 15. **REVISOR INSTRUCTION.**

14.19 The revisor of statutes shall change "Office of MN.IT Services" to "Minnesota
14.20 Department of Information Technology Services" or a derivative of these terms wherever
14.21 it appears in Minnesota Statutes.

14.22 Sec. 16. **REPEALER.**

14.23 Minnesota Statutes 2018, sections 16E.0466, subdivision 1; 16E.05, subdivision 3;
14.24 16E.071; and 16E.145, are repealed.

16E.0466 STATE AGENCY TECHNOLOGY PROJECTS.

Subdivision 1. **Consultation required.** (a) Every state agency with an information or telecommunications project must consult with the Office of MN.IT Services to determine the information technology cost of the project. Upon agreement between the commissioner of a particular agency and the chief information officer, the agency must transfer the information technology cost portion of the project to the Office of MN.IT Services. Service level agreements must document all project-related transfers under this section. Those agencies specified in section 16E.016, paragraph (d), are exempt from the requirements of this section.

(b) Notwithstanding section 16A.28, subdivision 3, any unexpended operating balance appropriated to a state agency may be transferred to the information and telecommunications technology systems and services account for the information technology cost of a specific project, subject to the review of the Legislative Advisory Commission, under section 16E.21, subdivision 3.

16E.05 GOVERNMENT INFORMATION ACCESS.

Subd. 3. **Capital investment.** No state agency may propose or implement a capital investment plan for a state office building unless:

(1) the agency has developed a plan for increasing telecommuting by employees who would normally work in the building, or the agency has prepared a statement describing why such a plan is not practicable; and

(2) the plan or statement has been reviewed by the office.

16E.071 E-GOVERNMENT ADVISORY COUNCIL.

Subdivision 1. **E-Government Advisory Council established.** The E-Government Advisory Council is established for the purpose of improving online government information services to citizens and businesses.

Subd. 2. **Membership.** The council shall consist of nine members as follows:

(1) the state chief information officer or the chief information officer's designee;

(2) one public member appointed by the speaker of the house;

(3) one public member appointed by the senate Subcommittee on Committees of the Rules and Administration Committee;

(4) five members appointed by the governor representing state executive branch agencies that are actively involved with private businesses, the private business community, or the public; and

(5) one member appointed by the governor who is knowledgeable in public access to government data.

Subd. 3. **Initial appointments and first meeting.** Appointing authorities shall make the first appointments to the council by September 1, 2013. The first member appointed by the speaker of the house shall serve until the first Monday in January 2015. The governor shall designate three initial appointees to serve until the first Monday in January 2015. The term of the other three initial appointees of the governor and the first member appointed by the senate shall be until the first Monday in January 2017. The chief information officer or the chief information officer's designee shall convene the council's first meeting by November 1, 2013, and shall act as chair until the council elects a chair at its first meeting.

Subd. 4. **Terms; removal; vacancies; compensation.** Membership terms, removal of member, and filling of vacancies are as provided in section 15.059, except that members shall not receive compensation or be reimbursed for expenses and except that terms of initial appointees are as provided in subdivision 3.

Subd. 5. **Chair.** The council shall annually elect a chair from its members.

Subd. 6. **Duties.** The council shall recommend to the office the priority of North Star projects and online government information services to be developed and supported by convenience fee receipts. The council shall provide oversight on the convenience fee and its receipts in the North Star account. The council shall by majority quorum vote to recommend to approve or disapprove establishing the convenience fee on particular types of transactions, the fee amount, and any changes in the fee amount. If the convenience fee receipts are retained by or transferred to the private entity

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in lieu of deposit in the North Star account, the council may audit the private entity's convenience fee receipts, expenses paid by the receipts, and associated financial statements.

Subd. 7. **Staff.** The office shall provide administrative support to the council.

Subd. 8. **Sunset.** The council shall expire the first Monday in January 2017.

Subd. 9. **Reports.** By June 1, 2014, and every year thereafter, the council shall report to the office with its recommendations regarding establishing the convenience fee, the fee amount, and changes to the fee amount.

16E.145 INFORMATION TECHNOLOGY APPROPRIATION.

An appropriation for a state agency information and telecommunications technology project must be made to the chief information officer. The chief information officer must manage and disburse the appropriation on behalf of the sponsoring state agency. Any appropriation for an information and telecommunications technology project made to a state agency other than the Office of MN.IT Services is transferred to the chief information officer.