

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 2032 - Office of Enterprise Technology (Delete-
Everything Amendment SCS2032A-1)**

Author: Senator Sheila M. Kiscaden

Prepared by: Thomas S. Bottem, Senate Counsel (651/296-3810) *TSB*

Date: April 11, 2005

This bill establishes an independent Office of Enterprise Technology (OET) which replaces the current Office of Technology housed within the Department of Administration. The state Chief Information Officer (CIO) will direct the office. The CIO is appointed by the governor. The authority delegated to the new office is stronger than the authority given to the current office. The new OET will have direct management and approval authority over the management and delivery of information and communications technology systems and services in the state.

**Article 1
Office of Enterprise Technology**

Section 1 [CREATION.] establishes the OET, specifying that it is under the control of the state Chief Information Officer.

Section 2. [DUTIES.] strengthens the oversight functions of the new OET compared to the current Office of Technology.

Paragraph (b) authorizes the CIO to require agencies to use shared information and communications technology systems and services.

Paragraph (c) authorizes the CIO to direct the Commissioner of Administration to issue a Reorganization Order requiring state agencies to transfer the employees, powers, and functions that the Commissioner of Administration deems necessary to the OET.

Section 3 [STRUCTURE AND PERSONNEL.] provides that the CIO is appointed by the governor, serving in the unclassified service. Substitutes the CIO for the Commissioner of Administration on certain intergovernmental task forces and councils. Requires the Commissioner of Administration to provide office space and administrative support services for the OET and the OET to reimburse the commissioner for those services.

Section 4 [DEFINITIONS.] specifies that the OET's authority includes all state computing and telecommunications hardware and software, and includes all proposed expenditures for those items and related services.

Section 5 [CHIEF INFORMATION OFFICER RESPONSIBILITY.] substitutes the CIO for the Commissioner of Administration with regard to coordination of the state's information and communications systems. Strengthens the authority of the CIO (compared to the former authority given to the Commissioner of Administration) including final approval authority for all information and communications technology plans and contracts, and authority to enforce compliance with standards for information and communications systems and to direct and manage shared operations of the state's information and communications technology services and systems.

Section 6 [EVALUATION AND APPROVAL.] provides authority for the CIO, instead of the governor or the governor's designee, to give written approval to information and communications technology projects and expands authority for that approval to include projects under the current \$100,000 threshold.

Section 7 [CYBER SECURITY SYSTEMS.] provides authority for the new CIO, instead of the Commissioner of Administration, to develop security policies and standards.

Section 8 [TECHNOLOGY POLICY.] requires the OET to develop, establish, and enforce policies and standards for agencies to use in developing and purchasing technology. Requires OET approval for agency requests for appropriations for development or purchase of information systems. Eliminates a requirement to provide advice and assistance to agencies regarding the operation of information systems. Requires a risk assessment and mitigation plan for all information systems development projects, and eliminates the \$1,000,000 threshold for the assessment.

Section 9 [TECHNICAL.] makes changes to existing law to conform with the new terms defined and used in this bill.

Section 10 [REVIEW AND APPROVAL.] substitutes the CIO for the Commissioner of Administration with respect to the review and approval of the use of state funds to purchase an information and communications technology project. Adds a requirement that the project must support the enterprise information technology strategy before state funds can be used to purchase it.

Section 11 [ELECTRONIC GOVERNMENT SERVICES.] requires the use of a single entry Web site created by the CIO for all agencies to use for electronic government services.

Section 12 [SECURE TRANSACTION SYSTEM.] requires state agencies to use the secure transaction system developed by the OET for electronic government services, including, fees, licenses, and sales.

Section 13 [ENTERPRISE TECHNOLOGY REVOLVING FUND.] appropriates money in the Enterprise Technology revolving fund annually to the CIO for the operation of information and telecommunications services. Requires agencies to reimburse the Enterprise Technology revolving fund for the cost of all services, supplies, materials, labor, and depreciation of equipment that the CIO is directed to furnish to the agencies. Provides the CIO with authority to make allotments, encumbrances, and, with the approval of the Commissioner of Finance, disbursements from the Enterprise Technology revolving fund in anticipation of transfers to the fund from agencies.

Article 2
Transfer of Duties and Conforming Changes
Office of Enterprise Technology

This article makes technical and conforming changes to substitute the CIO for the Commissioner of Administration in various statutes, and formally transfers all responsibilities of the Commissioner of Administration for the state telecommunication systems, state information infrastructure, and electronic conduct of state business to the OET.

Section 8 requires the Revisor to substitute "CIO" for "commissioner" or "Commissioner of Administration" in various sections of Minnesota Statutes and requires recodification of certain statutes within Minnesota Statutes, chapter 16A.

Section 9 repeals two subdivisions:

- Minnesota Statutes 2004, section 16B.48, subdivision 3: appropriation of money in the Intertechnologies Revolving fund; and
- Minnesota Statutes 2004, section 16E.0465, subdivision 3: Office of Technology review and approval of projects.

Section 10 makes Article 2 effective July 1, 2005. The entire bill is also effective on July 1, 2005, because it contains an appropriation.

TSB:rer

Senators Kiscaden, Michel and Day introduced--

S.F. No. 2032: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to state government; creating an Office of
3 Enterprise Technology; appropriating money; amending
4 Minnesota Statutes 2004, sections 16B.04, subdivision
5 2; 16B.48, subdivisions 4, 5; 16E.01, subdivisions 1,
6 3; 16E.02; 16E.03, subdivisions 1, 2, 3, 7; 16E.04;
7 16E.0465, subdivision 2; 16E.055; 16E.07, subdivision
8 8; 299C.65, subdivisions 1, 2; 403.36, subdivision 1;
9 proposing coding for new law in Minnesota Statutes,
10 chapter 16E; repealing Minnesota Statutes 2004,
11 sections 16B.48, subdivision 3; 16E.0465, subdivision
12 3.

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

14 ARTICLE 1

15 OFFICE OF ENTERPRISE TECHNOLOGY

16 Section 1. Minnesota Statutes 2004, section 16E.01,
17 subdivision 1, is amended to read:

18 Subdivision 1. [PURPOSE CREATION; CHIEF INFORMATION
19 OFFICER.] The Office of Enterprise Technology, referred to in
20 this chapter as the "office," is ~~under the supervision of the~~
21 ~~commissioner of administration~~ an agency in the executive branch
22 headed by the state chief information officer.

23 Subd. 1a. [RESPONSIBILITIES.] The office shall
24 provide oversight, leadership, and direction for information and
25 communications technology policy and the management and delivery
26 of information and communications technology services in
27 Minnesota. The office shall ~~coordinate~~ manage strategic
28 investments in information and communications technology to
29 encourage the development of a technically literate society and,

1 to ensure sufficient access to and efficient delivery of
2 government services, and to maximize benefits for the state
3 government as an enterprise.

4 Sec. 2. Minnesota Statutes 2004, section 16E.01,
5 subdivision 3, is amended to read:

6 Subd. 3. [DUTIES.] (a) The office shall:

7 (1) ~~coordinate~~ manage the efficient and effective use of
8 available federal, state, local, and private resources to
9 develop statewide information and communications technology and
10 its infrastructure;

11 (2) ~~review~~ approve state agency and intergovernmental
12 information and communications systems development efforts
13 involving state or intergovernmental funding, including federal
14 funding, provide information to the legislature regarding
15 projects reviewed, and recommend projects for inclusion in the
16 governor's budget under section 16A.11;

17 (3) ~~encourage~~ ensure cooperation and collaboration among
18 state and local governments in developing intergovernmental
19 communication and information systems, and define the structure
20 and responsibilities of ~~the-Information-Policy-Council~~ a
21 representative governance structure;

22 (4) cooperate and collaborate with the legislative and
23 judicial branches in the development of information and
24 communications systems in those branches;

25 (5) continue the development of North Star, the state's
26 official comprehensive on-line service and information
27 initiative;

28 (6) promote and collaborate with the state's agencies in
29 the state's transition to an effectively competitive
30 telecommunications market;

31 (7) collaborate with entities carrying out education and
32 lifelong learning initiatives to assist Minnesotans in
33 developing technical literacy and obtaining access to ongoing
34 learning resources;

35 (8) promote and coordinate public information access and
36 network initiatives, consistent with chapter 13, to connect

1 Minnesota's citizens and communities to each other, to their
2 governments, and to the world;

3 (9) promote and coordinate electronic commerce initiatives
4 to ensure that Minnesota businesses and citizens can
5 successfully compete in the global economy;

6 (10) manage and promote ~~and-coordinate~~ the regular and
7 periodic reinvestment in the core information and communications
8 technology infrastructure so that state and local government
9 agencies can effectively and efficiently serve their customers;

10 (11) facilitate the cooperative development of and ensure
11 compliance with standards and policies for information systems,
12 electronic data practices and privacy, and electronic commerce
13 among international, national, state, and local public and
14 private organizations; and

15 (12) ~~work-with-others-to-avoid~~ eliminate unnecessary
16 duplication of existing services provided by other public and
17 private organizations while building on the existing
18 governmental, educational, business, health care, and economic
19 development infrastructures;

20 (13) identify, sponsor, and develop enterprise and shared
21 information and communications technology initiatives, services,
22 system development, and ongoing operations; and

23 (14) direct planning and execution of shared information
24 and communications technology initiatives, services, system
25 developments, and ongoing operations.

26 (b) ~~The commissioner-of-administration~~ chief information
27 officer in consultation with the commissioner of finance may
28 must determine that when it is cost-effective for agencies to
29 develop and use shared information and communications technology
30 systems for the delivery of electronic government
31 services. ~~This-determination-may-be-made-if-an-agency-proposes~~
32 ~~a-new-system-that-duplicates-an-existing-system,-a-system-in~~
33 ~~development,-or-a-system-being-proposed-by-another-agency.~~ The
34 ~~commissioner-of-administration~~ chief information officer may
35 require agencies to use shared information and communications
36 technology and services. The chief information officer shall

1 establish reimbursement rates in cooperation with the
2 commissioner of finance to be billed to agencies and other
3 governmental entities sufficient to cover the actual
4 development, operating, maintenance, and administrative costs of
5 the shared systems. The methodology for billing may include the
6 use of interagency agreements, or other means as allowed by law.

7 (c) At the request of the chief information officer, the
8 commissioner of administration shall, under section 16B.37,
9 transfer from state agencies to the Office of Enterprise
10 Technology employees, powers, and functions the commissioner
11 deems necessary to the Office of Enterprise Technology.

12 Sec. 3. Minnesota Statutes 2004, section 16E.02, is
13 amended to read:

14 16E.02 [OFFICE OF ENTERPRISE TECHNOLOGY; STRUCTURE AND
15 PERSONNEL.]

16 Subdivision 1. [OFFICE MANAGEMENT AND STRUCTURE.] (a) The
17 commissioner-of-administration chief information officer is
18 appointed by the governor. The chief information officer serves
19 in the unclassified service at the pleasure of the governor.
20 The chief information officer must have experience leading
21 enterprise-level information technology organizations. The
22 chief information officer is the state's chief information
23 officer and technology advisor to the governor.

24 (b) The chief information officer may appoint other
25 employees of the office. Except for classified employees
26 transferred to the office on July 1, 2005, all employees of the
27 office serve in the unclassified service at the pleasure of the
28 chief information officer. The staff of the office must include
29 individuals knowledgeable in information and communications
30 technology.

31 Subd. 1a. [ACCOUNTABILITY.] The governor may designate an
32 official or subgroup within the governor's cabinet to whom the
33 chief information officer reports. The chief information
34 officer is accountable to this person or subgroup for meeting
35 individual and organizational performance measures.

36 Subd. 2. [INTERGOVERNMENTAL PARTICIPATION.] The

1 ~~commissioner-of-administration~~ chief information officer or the
 2 ~~commissioner's~~ chief information officer's designee shall serve
 3 as a member of the ~~Minnesota-Education-Telecommunications~~
 4 ~~Council~~, the Geographic Information Systems Council, and the
 5 Library Planning Task Force, or their respective successor
 6 organizations, and as a nonvoting member of Minnesota
 7 Technology, ~~Inc.~~ and the Minnesota Health Data Institute ~~as-a~~
 8 nonvoting-member.

9 Subd. 3. [ADMINISTRATIVE SUPPORT.] The commissioner of
 10 administration must provide office space and administrative
 11 support services to the office. The office must reimburse the
 12 commissioner for these services.

13 Sec. 4. Minnesota Statutes 2004, section 16E.03,
 14 subdivision 1, is amended to read:

15 Subdivision 1. [DEFINITIONS.] For the purposes of sections
 16 16E.03 to 16E.05, the following terms have the meanings given
 17 them.

18 (a) "Information and communications technology project"
 19 means the development or acquisition of information and
 20 communications technology devices and systems, ~~but does not~~
 21 ~~include~~ including the state information infrastructure ~~or~~ and
 22 its contractors.

23 (b) "Data processing device or system" means equipment or
 24 computer programs, including computer hardware, firmware,
 25 software, and communication protocols, used in connection with
 26 the processing of information through electronic data processing
 27 means, and includes data communication devices used in
 28 connection with computer facilities for the transmission of data.

29 (c) "State agency" means an agency in the executive branch
 30 of state government and includes the Minnesota Higher Education
 31 Services Office.

32 Sec. 5. Minnesota Statutes 2004, section 16E.03,
 33 subdivision 2, is amended to read:

34 Subd. 2. [~~COMMISSIONER'S~~ CHIEF INFORMATION OFFICER
 35 RESPONSIBILITY.] The ~~commissioner~~ chief information officer
 36 shall coordinate the state's information and communications

1 technology systems to serve the needs of the state government.

2 The commissioner chief information officer shall:

3 (1) ~~coordinate~~ the design of a master plan for information
4 and communications technology systems in the state and its
5 political subdivisions and shall report on the plan to the
6 governor and legislature at the beginning of each regular
7 session;

8 (2) coordinate, review, and approve all information and
9 communications technology plans and contracts and oversee the
10 state's information and communications systems;

11 (3) establish and enforce compliance with standards for
12 information and communications systems that encourage
13 competition are cost effective and support open systems
14 environments and that are compatible with state, national, and
15 international standards; and

16 (4) maintain a library of systems and programs developed by
17 the state and its political subdivisions for use by agencies of
18 government; and

19 (5) direct and manage the shared operations of the state's
20 information and communications technology services and systems,
21 including but not limited to: application design and
22 development and computer and network facilities.

23 Sec. 6. Minnesota Statutes 2004, section 16E.03,
24 subdivision 3, is amended to read:

25 Subd. 3. [EVALUATION AND APPROVAL.] A state agency may not
26 undertake an information and communications technology project
27 until it has been evaluated according to the procedures
28 developed under subdivision 4. ~~The governor-or-governor's~~
29 designee chief information officer shall give written approval
30 of the proposed project. If the proposed project is not
31 approved, the commissioner of finance shall cancel the
32 unencumbered balance of any appropriation allotted for the
33 project. ~~This-subdivision-does-not-apply-to-acquisitions-or~~
34 ~~development-of-information-and-communications-systems-that-have~~
35 ~~anticipated-total-cost-of-less-than-\$100,000.~~ The Minnesota
36 State Colleges and Universities shall submit for approval any

1 project related to acquisitions or development of information
2 and communications systems that has a total anticipated cost of
3 more than \$250,000.

4 Sec. 7. Minnesota Statutes 2004, section 16E.03,
5 subdivision 7, is amended to read:

6 Subd. 7. [DATA CYBER SECURITY SYSTEMS.] In consultation
7 with the attorney general and appropriate agency heads, the
8 commissioner chief information officer shall develop data cyber
9 security policies, guidelines, and standards, and the
10 commissioner-of-administration shall install and administer
11 state data security systems on the state's centralized computer
12 facility facilities consistent with these policies, guidelines,
13 standards, and state law to ensure the integrity of
14 computer-based and other data and to ensure applicable
15 limitations on access to data, consistent with the public's
16 right to know as defined in chapter 13. Each department or
17 agency head is responsible for the security of the department's
18 or agency's data within the guidelines of established enterprise
19 policy.

20 Sec. 8. Minnesota Statutes 2004, section 16E.04, is
21 amended to read:

22 16E.04 [INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICY.]

23 Subdivision 1. [DEVELOPMENT.] The office shall coordinate
24 with-state-agencies-in-developing-and-establishing develop,
25 establish, and enforce policies and standards for state agencies
26 to follow in developing and purchasing information and
27 communications systems and training appropriate persons in their
28 use. The office shall develop, promote, and coordinate manage
29 state technology, architecture, standards and guidelines,
30 information needs analysis techniques, contracts for the
31 purchase of equipment and services, and training of state agency
32 personnel on these issues.

33 Subd. 2. [RESPONSIBILITIES.] (a) In addition to other
34 activities prescribed by law, the office shall carry out the
35 duties set out in this subdivision.

36 (b) The office shall develop and establish a state

1 information architecture to ensure that further state agency
2 development and purchase of information and communications
3 systems, equipment, and services is designed to ensure that
4 individual agency information systems complement and do not
5 needlessly duplicate or conflict with the systems of other
6 agencies. When state agencies have need for the same or similar
7 public data, the commissioner chief information officer, in
8 coordination with the affected agencies, shall promote manage
9 the most efficient and cost-effective method of producing and
10 storing data for or sharing data between those agencies. The
11 development of this information architecture must include the
12 establishment of standards and guidelines to be followed by
13 state agencies. The office shall ensure compliance with the
14 architecture.

15 (c) The office shall assist state agencies in the planning
16 and management of information systems so that an individual
17 information system reflects and supports the state agency's
18 mission and the state's requirements and functions. The office
19 shall review and approve agency strategic plans to ensure
20 consistency with enterprise information and communications
21 technology strategy.

22 (d) The office shall review and approve agency requests for
23 legislative appropriations for the development or purchase of
24 information systems equipment or software.

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

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

29 ~~(2) ensure that-the-equipment-is-consistent-with-the~~
30 ~~information-management-principles-adopted-by-the-Information~~
31 ~~Policy-Council;~~

32 ~~(3)-evaluate-whether~~ the agency's proposed purchase
33 reflects a cost-effective policy regarding volume purchasing;
34 and

35 ~~(4)~~ (3) ensure that the equipment is consistent with other
36 systems in other state agencies so that data can be shared among

1 agencies, unless the office determines that the agency
2 purchasing the equipment has special needs justifying the
3 inconsistency.

4 (f) The office shall review the operation of information
5 systems by state agencies and ~~provide advice and assistance to~~
6 ensure that these systems are operated efficiently and
7 continually meet the standards and guidelines established by the
8 office. The standards and guidelines must emphasize
9 uniformity that is cost-effective for the enterprise, that
10 encourages information interchange, open systems environments,
11 and portability of information whenever practicable and
12 consistent with an agency's authority and chapter 13.

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

21 Subd. 3. [RISK ASSESSMENT AND MITIGATION.] (a) A risk
22 assessment and risk mitigation plan are required for an all
23 information systems development ~~project-estimated-to-cost-more~~
24 ~~than-\$17,000,000-that-is~~ projects undertaken by a state agency in
25 the executive or judicial branch or by a constitutional officer.
26 The ~~commissioner-of-administration~~ chief information officer
27 must contract with an entity outside of state government to
28 conduct the initial assessment and prepare the mitigation plan
29 for a project estimated to cost more than \$5,000,000. The
30 outside entity conducting the risk assessment and preparing the
31 mitigation plan must not have any other direct or indirect
32 financial interest in the project. The risk assessment and risk
33 mitigation plan must provide for periodic monitoring by the
34 commissioner until the project is completed.

35 (b) The risk assessment and risk mitigation plan must be
36 paid for with money appropriated for the information systems

1 development project. The commissioner of finance shall ensure
2 that no more than ten percent of the amount anticipated to be
3 spent on the project, other than the money spent on the risk
4 assessment and risk mitigation plan, ~~may-be~~ is spent until the
5 risk assessment and mitigation plan are reported to
6 the ~~commissioner-of-administration~~ chief information officer and
7 the ~~commissioner~~ chief information officer has approved the risk
8 mitigation plan.

9 Sec. 9. Minnesota Statutes 2004, section 16E.0465,
10 subdivision 2, is amended to read:

11 Subd. 2. [REQUIRED REVIEW AND APPROVAL.] (a) A state
12 agency receiving an appropriation for an information and
13 communications technology project or data processing device or
14 system subject to this section must divide the project into
15 phases.

16 (b) The commissioner of finance may not authorize the
17 encumbrance or expenditure of an appropriation of state funds to
18 a state agency for any phase of a project, device, or system
19 subject to this section unless the Office of Enterprise
20 Technology has reviewed each phase of the project, device, or
21 system, and based on this review, the ~~commissioner-of~~
22 ~~administration~~ chief information officer has determined for each
23 phase that:

24 (1) the project is compatible with the state information
25 architecture and other policies and standards established by the
26 ~~commissioner-of-administration~~ chief information officer; and

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

29 (3) the project supports the enterprise information
30 technology strategy.

31 Sec. 10. Minnesota Statutes 2004, section 16E.055, is
32 amended to read:

33 16E.055 [~~COMMON-WEB-FORMAT~~ ELECTRONIC GOVERNMENT SERVICES.]

34 A state agency that implements electronic government
35 services for fees, licenses, sales, or other purposes must use a
36 ~~common-Web-page-format-approved-by-the-commissioner-of~~

1 ~~administration-for-those-electronic-government-services---~~The
2 ~~commissioner-may-create-a~~ the single entry site created by the
3 chief information officer for all agencies to use for electronic
4 government services.

5 Sec. 11. Minnesota Statutes 2004, section 16E.07,
6 subdivision 8, is amended to read:

7 Subd. 8. [SECURE TRANSACTION SYSTEM.] The office shall
8 plan and develop a secure transaction system to support delivery
9 of government services electronically. A state agency that
10 implements electronic government services for fees, licenses,
11 sales, or other purposes must use the secure transaction system
12 developed in accordance with this section.

13 Sec. 12. [16E.14] [ENTERPRISE TECHNOLOGY REVOLVING FUND.]

14 Subdivision 1. [FUND.] Money in the enterprise technology
15 revolving fund is appropriated annually to the chief information
16 officer to operate information and telecommunications services,
17 including management, consultation, and design services.

18 Subd. 2. [REIMBURSEMENTS.] Except as specifically provided
19 otherwise by law, each agency shall reimburse the enterprise
20 technology revolving fund for the cost of all services,
21 supplies, materials, labor, and depreciation of equipment,
22 including reasonable overhead costs, which the chief information
23 officer is authorized and directed to furnish an agency. The
24 chief information officer shall report the rates to be charged
25 for the revolving fund no later than July 1 each year to the
26 chair of the committee or division in the senate and house of
27 representatives with primary jurisdiction over the budget of the
28 Office of Enterprise Technology. The commissioner of finance
29 shall make appropriate transfers to the revolving fund when
30 requested by the chief information officer. The chief
31 information officer may make allotments, encumbrances, and, with
32 the approval of the commissioner of finance, disbursements in
33 anticipation of such transfers. In addition, the chief
34 information officer, with the approval of the commissioner of
35 finance, may require an agency to make advance payments to the
36 revolving fund sufficient to cover the office's estimated

1 obligation for a period of at least 60 days. All reimbursements
 2 and other money received by the chief information officer under
 3 this section must be deposited in the enterprise technology
 4 revolving fund. If the enterprise technology revolving fund is
 5 abolished or liquidated, the total net profit from the operation
 6 of the fund must be distributed to the various funds from which
 7 purchases were made. The amount to be distributed to each fund
 8 must bear to the net profit the same ratio as the total
 9 purchases from each fund bears to the total purchases from all
 10 the funds during the same period of time.

11 ARTICLE 2

12 TRANSFER OF DUTIES AND CONFORMING CHANGES

13 Section 1. Minnesota Statutes 2004, section 16B.04,
 14 subdivision 2, is amended to read:

15 Subd. 2. [POWERS AND DUTIES, GENERAL.] Subject to other
 16 provisions of this chapter, the commissioner is authorized to:

17 (1) supervise, control, review, and approve all state
 18 contracts and purchasing;

19 (2) provide agencies with supplies and equipment and
 20 operate all central store or supply rooms serving more than one
 21 agency;

22 ~~(3) approve all computer plans and contracts, and oversee~~
 23 ~~the state's data processing system;~~

24 ~~(4)~~ investigate and study the management and organization
 25 of agencies, and reorganize them when necessary to ensure their
 26 effective and efficient operation;

27 ~~(5)~~ (4) manage and control state property, real and
 28 personal;

29 ~~(6)~~ (5) maintain and operate all state buildings, as
 30 described in section 16B.24, subdivision 1;

31 ~~(7)~~ (6) supervise, control, review, and approve all capital
 32 improvements to state buildings and the capitol building and
 33 grounds;

34 ~~(8)~~ (7) provide central duplicating, printing, and mail
 35 facilities;

36 ~~(9)~~ (8) oversee publication of official documents and

1 provide for their sale;

2 ~~(9)~~ (9) manage and operate parking facilities for state
3 employees and a central motor pool for travel on state business;

4 ~~(10)~~ (10) establish and administer a State Building Code;
5 and

6 ~~(11)~~ (11) provide rental space within the capitol complex
7 for a private day care center for children of state employees.
8 The commissioner shall contract for services as provided in this
9 chapter. The commissioner shall report back to the legislature
10 by October 1, 1984, with the recommendation to implement the
11 private day care operation.

12 Sec. 2. Minnesota Statutes 2004, section 16B.48,
13 subdivision 4, is amended to read:

14 Subd. 4. [REIMBURSEMENTS.] Except as specifically provided
15 otherwise by law, each agency shall reimburse ~~intertechologies~~
16 ~~and the~~ general services revolving funds for the cost of all
17 services, supplies, materials, labor, and depreciation of
18 equipment, including reasonable overhead costs, which the
19 commissioner is authorized and directed to furnish an agency.
20 The cost of all publications or other materials produced by the
21 commissioner and financed from the general services revolving
22 fund must include reasonable overhead costs. The commissioner
23 of administration shall report the rates to be charged for each
24 the general services revolving fund funds no later than July 1
25 each year to the chair of the committee or division in the
26 senate and house of representatives with primary jurisdiction
27 over the budget of the Department of Administration. The
28 commissioner of finance shall make appropriate transfers to the
29 revolving funds described in this section when requested by the
30 commissioner of administration. The commissioner of
31 administration may make allotments, encumbrances, and, with the
32 approval of the commissioner of finance, disbursements in
33 anticipation of such transfers. In addition, the commissioner
34 of administration, with the approval of the commissioner of
35 finance, may require an agency to make advance payments to the
36 revolving funds in this section sufficient to cover the agency's

1 estimated obligation for a period of at least 60 days. All
2 reimbursements and other money received by the commissioner of
3 administration under this section must be deposited in the
4 appropriate revolving fund. Any earnings remaining in the fund
5 established to account for the documents service prescribed by
6 section 16B.51 at the end of each fiscal year not otherwise
7 needed for present or future operations, as determined by the
8 commissioners of administration and finance, must be transferred
9 to the general fund.

10 Sec. 3. Minnesota Statutes 2004, section 16B.48,
11 subdivision 5, is amended to read:

12 Subd. 5. [LIQUIDATION.] If the ~~intertechologies-or~~
13 general services revolving fund-is funds are abolished or
14 liquidated, the total net profit from the operation of each fund
15 must be distributed to the various funds from which purchases
16 were made. The amount to be distributed to each fund must bear
17 to the net profit the same ratio as the total purchases from
18 each fund bears to the total purchases from all the funds during
19 the same period of time.

20 Sec. 4. Minnesota Statutes 2004, section 299C.65,
21 subdivision 1, is amended to read:

22 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and
23 Juvenile Justice Information Policy Group consists of the
24 commissioner of corrections, the commissioner of public safety,
25 the ~~commissioner-of-administration~~ state chief information
26 officer, the commissioner of finance, and four members of the
27 judicial branch appointed by the chief justice of the Supreme
28 Court. The policy group may appoint additional, nonvoting
29 members as necessary from time to time.

30 (b) The commissioner of public safety is designated as the
31 chair of the policy group. The commissioner and the policy
32 group have overall responsibility for the successful completion
33 of statewide criminal justice information system integration
34 (CrimNet). The policy group may hire a program manager to
35 manage the CrimNet projects and to be responsible for the
36 day-to-day operations of CrimNet. The policy group must ensure

1 that generally accepted project management techniques are
2 utilized for each CrimNet project, including:

- 3 (1) clear sponsorship;
- 4 (2) scope management;
- 5 (3) project planning, control, and execution;
- 6 (4) continuous risk assessment and mitigation;
- 7 (5) cost management;
- 8 (6) quality management reviews;
- 9 (7) communications management; and
- 10 (8) proven methodology.

11 (c) Products and services for CrimNet project management,
12 system design, implementation, and application hosting must be
13 acquired using an appropriate procurement process, which
14 includes:

- 15 (1) a determination of required products and services;
- 16 (2) a request for proposal development and identification
17 of potential sources;
- 18 (3) competitive bid solicitation, evaluation, and
19 selection; and
- 20 (4) contract administration and close-out.

21 (d) The policy group shall study and make recommendations
22 to the governor, the Supreme Court, and the legislature on:

- 23 (1) a framework for integrated criminal justice information
24 systems, including the development and maintenance of a
25 community data model for state, county, and local criminal
26 justice information;
- 27 (2) the responsibilities of each entity within the criminal
28 and juvenile justice systems concerning the collection,
29 maintenance, dissemination, and sharing of criminal justice
30 information with one another;
- 31 (3) actions necessary to ensure that information maintained
32 in the criminal justice information systems is accurate and
33 up-to-date;
- 34 (4) the development of an information system containing
35 criminal justice information on gross misdemeanor-level and
36 felony-level juvenile offenders that is part of the integrated

1 criminal justice information system framework;

2 (5) the development of an information system containing
3 criminal justice information on misdemeanor arrests,
4 prosecutions, and convictions that is part of the integrated
5 criminal justice information system framework;

6 (6) comprehensive training programs and requirements for
7 all individuals in criminal justice agencies to ensure the
8 quality and accuracy of information in those systems;

9 (7) continuing education requirements for individuals in
10 criminal justice agencies who are responsible for the
11 collection, maintenance, dissemination, and sharing of criminal
12 justice data;

13 (8) a periodic audit process to ensure the quality and
14 accuracy of information contained in the criminal justice
15 information systems;

16 (9) the equipment, training, and funding needs of the state
17 and local agencies that participate in the criminal justice
18 information systems;

19 (10) the impact of integrated criminal justice information
20 systems on individual privacy rights;

21 (11) the impact of proposed legislation on the criminal
22 justice system, including any fiscal impact, need for training,
23 changes in information systems, and changes in processes;

24 (12) the collection of data on race and ethnicity in
25 criminal justice information systems;

26 (13) the development of a tracking system for domestic
27 abuse orders for protection;

28 (14) processes for expungement, correction of inaccurate
29 records, destruction of records, and other matters relating to
30 the privacy interests of individuals; and

31 (15) the development of a database for extended
32 jurisdiction juvenile records and whether the records should be
33 public or private and how long they should be retained.

34 Sec. 5. Minnesota Statutes 2004, section 299C.65,
35 subdivision 2, is amended to read:

36 Subd. 2. [REPORT, TASK FORCE.] (a) The policy group shall

1 file an annual report with the governor, Supreme Court, and
2 chairs and ranking minority members of the senate and house
3 committees and divisions with jurisdiction over criminal justice
4 funding and policy by December 1 of each year.

5 (b) The report must make recommendations concerning any
6 legislative changes or appropriations that are needed to ensure
7 that the criminal justice information systems operate accurately
8 and efficiently. To assist them in developing their
9 recommendations, the policy group shall appoint a task force
10 consisting of its members or their designees and the following
11 additional members:

12 (1) the director of the Office of Strategic and Long-Range
13 Planning;

14 (2) two sheriffs recommended by the Minnesota Sheriffs
15 Association;

16 (3) two police chiefs recommended by the Minnesota Chiefs
17 of Police Association;

18 (4) two county attorneys recommended by the Minnesota
19 County Attorneys Association;

20 (5) two city attorneys recommended by the Minnesota League
21 of Cities;

22 (6) two public defenders appointed by the Board of Public
23 Defense;

24 (7) two district judges appointed by the Conference of
25 Chief Judges, one of whom is currently assigned to the juvenile
26 court;

27 (8) two community corrections administrators recommended by
28 the Minnesota Association of Counties, one of whom represents a
29 community corrections act county;

30 (9) two probation officers;

31 (10) four public members, one of whom has been a victim of
32 crime, and two who are representatives of the private business
33 community who have expertise in integrated information systems;

34 (11) two court administrators;

35 (12) one member of the house of representatives appointed
36 by the speaker of the house;

1 (13) one member of the senate appointed by the majority
2 leader;

3 (14) the attorney general or a designee;

4 (15) the ~~commissioner-of-administration~~ state chief
5 information officer or a designee;

6 (16) an individual recommended by the Minnesota League of
7 Cities; and

8 (17) an individual recommended by the Minnesota Association
9 of Counties.

10 In making these appointments, the appointing authority shall
11 select members with expertise in integrated data systems or best
12 practices.

13 (c) The commissioner of public safety may appoint
14 additional, nonvoting members to the task force as necessary
15 from time to time.

16 Sec. 6. Minnesota Statutes 2004, section 403.36,
17 subdivision 1, is amended to read:

18 Subdivision 1. [MEMBERSHIP.] (a) The commissioner of
19 public safety shall convene and chair the Statewide Radio Board
20 to develop a project plan for a statewide, shared, trunked
21 public safety radio communication system. The system may be
22 referred to as "Allied Radio Matrix for Emergency Response," or
23 "ARMER."

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

26 (1) the commissioner of public safety;

27 (2) the commissioner of transportation;

28 (3) the ~~commissioner-of-administration~~ state chief
29 information officer;

30 (4) the commissioner of natural resources;

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

32 (6) the commissioner of health;

33 (7) the commissioner of finance;

34 (8) two elected city officials, one from the nine-county
35 metropolitan area and one from Greater Minnesota, appointed by
36 the governing body of the League of Minnesota Cities;

1 (9) two elected county officials, one from the nine-county
2 metropolitan area and one from Greater Minnesota, appointed by
3 the governing body of the Association of Minnesota Counties;

4 (10) two sheriffs, one from the nine-county metropolitan
5 area and one from Greater Minnesota, appointed by the governing
6 body of the Minnesota Sheriffs' Association;

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

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

15 (13) two representatives of emergency medical service
16 providers, one from the nine-county metropolitan area and one
17 from Greater Minnesota, appointed by the governor after
18 considering recommendations made by the Minnesota Ambulance
19 Association;

20 (14) the chair of the Metropolitan Radio Board; and

21 (15) a representative of Greater Minnesota elected by those
22 units of government in phase three and any subsequent phase of
23 development as defined in the statewide, shared radio and
24 communication plan, who have submitted a plan to the Statewide
25 Radio Board and where development has been initiated.

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

32 Sec. 7. [TRANSFER OF DUTIES.]

33 Responsibilities of the commissioner of administration for
34 state telecommunications systems, state information
35 infrastructure, and electronic conduct of state business under
36 Minnesota Statutes, sections 16B.405; 16B.44; 16B.46; 16B.465;

1 16B.466; and 16B.467, are transferred to the Office of
2 Enterprise Technology. All classified positions in the Office
3 of Technology and the Intertechnologies Group are transferred to
4 the Office of Enterprise Technology.

5 Sec. 8. [REVISOR INSTRUCTION.]

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

8 (1) substitute the term "chief information officer" for
9 "commissioner" and "commissioner of administration" in the
10 following sections of Minnesota Statutes: 16B.405; 16B.44;
11 16B.46; 16B.465; 16B.466; 16B.467; 16E.03, subdivisions 4, 5, 6,
12 and 8; 16E.035; and 16E.07, subdivision 4;

13 (2) substitute the term "Office of Enterprise Technology"
14 for the term "Office of Technology" in Minnesota Statutes; and

15 (3) recodify the following sections of Minnesota Statutes
16 into Minnesota Statutes, chapter 16E: 16B.405; 16B.44; 16B.46;
17 16B.465; 16B.466; and 16B.467.

18 Sec. 9. [REPEALER.]

19 Minnesota Statutes 2004, sections 16B.48, subdivision 3;
20 and 16E.0465, subdivision 3, are repealed.

21 Sec. 10. [EFFECTIVE DATE.]

22 Sections 1 to 9 are effective July 1, 2005.

Article 1 OFFICE OF ENTERPRISE TECHNOLOGY.....	page 1
Article 2 TRANSFER OF DUTIES AND CONFORMING CHANGES.....	page 12

APPENDIX
Repealed Minnesota Statutes for 05-3729

16B.48 GENERAL SERVICES AND INTERTECHNOLOGIES REVOLVING FUNDS.

Subd. 3. Intertechnologies revolving fund. Money in the intertechnologies revolving fund is appropriated annually to the commissioner to operate information and telecommunications services, including management, consultation, and design services.

16E.0465 TECHNOLOGY APPROVAL.

Subd. 3. Role of commissioner. Unless money is appropriated directly to the commissioner of administration, the role of the commissioner and the Office of Technology is to review and approve projects under this section, and not to design or implement the projects.

1 Senator moves to amend S.F. No. 2032 as follows:

2 Delete everything after the enacting clause and insert:

3 "ARTICLE 1

4 OFFICE OF ENTERPRISE TECHNOLOGY

5 Section 1. Minnesota Statutes 2004, section 16E.01,

6 subdivision 1, is amended to read:

7 Subdivision 1. [~~PURPOSE~~ CREATION; CHIEF INFORMATION
8 OFFICER.] The Office of Enterprise Technology, referred to in
9 this chapter as the "office," is ~~under-the-supervision-of-the~~
10 ~~commissioner-of-administration~~ an agency in the executive branch
11 headed by the state chief information officer.

12 Subd. 1a. [~~RESPONSIBILITIES.~~] The office shall
13 provide oversight, leadership, and direction for information and
14 ~~communications~~ telecommunications technology policy and the
15 management and delivery of information and telecommunications
16 technology systems and services in Minnesota. The office
17 shall ~~coordinate~~ manage strategic investments in information and
18 ~~communications~~ telecommunications technology systems and
19 services to encourage the development of a technically literate
20 society and, to ensure sufficient access to and efficient
21 delivery of government services, and to maximize benefits for
22 the state government as an enterprise.

23 Sec. 2. Minnesota Statutes 2004, section 16E.01,
24 subdivision 3, is amended to read:

25 Subd. 3. [~~DUTIES.~~] (a) The office shall:

26 (1) ~~coordinate~~ manage the efficient and effective use of
27 available federal, state, local, and ~~private~~ public-private
28 resources to develop statewide information and ~~communications~~
29 telecommunications technology systems and services and its
30 infrastructure;

31 (2) ~~review~~ approve state agency and intergovernmental
32 information and ~~communications~~ telecommunications technology
33 systems and services development efforts involving state or
34 intergovernmental funding, including federal funding, provide
35 information to the legislature regarding projects reviewed, and
36 recommend projects for inclusion in the governor's budget under

1 section 16A.11;

2 (3) ~~encourage~~ ensure cooperation and collaboration among
3 state and local governments in developing intergovernmental
4 ~~communication-and~~ information and telecommunications technology
5 systems and services, and define the structure and
6 responsibilities of ~~the-Information-Policy-Council~~ a
7 representative governance structure;

8 (4) cooperate and collaborate with the legislative and
9 judicial branches in the development of information and
10 communications systems in those branches;

11 (5) continue the development of North Star, the state's
12 official comprehensive on-line service and information
13 initiative;

14 (6) promote and collaborate with the state's agencies in
15 the state's transition to an effectively competitive
16 telecommunications market;

17 (7) collaborate with entities carrying out education and
18 lifelong learning initiatives to assist Minnesotans in
19 developing technical literacy and obtaining access to ongoing
20 learning resources;

21 (8) promote and coordinate public information access and
22 network initiatives, consistent with chapter 13, to connect
23 Minnesota's citizens and communities to each other, to their
24 governments, and to the world;

25 (9) promote and coordinate electronic commerce initiatives
26 to ensure that Minnesota businesses and citizens can
27 successfully compete in the global economy;

28 (10) manage and promote and-coordinate the regular and
29 periodic reinvestment in the ~~core~~ information communications and
30 telecommunications technology systems and services
31 infrastructure so that state and local government agencies can
32 effectively and efficiently serve their customers;

33 (11) facilitate the cooperative development of and ensure
34 compliance with standards and policies for information and
35 telecommunications technology systems and services, electronic
36 data practices and privacy, and electronic commerce among

1 international, national, state, and local public and private
2 organizations; and

3 (12) ~~work-with-others-to-avoid~~ eliminate unnecessary
4 duplication of existing information and telecommunications
5 technology systems and services provided by other public and
6 private organizations while building on the existing
7 governmental, educational, business, health care, and economic
8 development infrastructures;

9 (13) identify, sponsor, develop, and execute shared
10 information and telecommunications technology projects and
11 ongoing operations.

12 (b) The ~~commissioner-of-administration~~ chief information
13 officer in consultation with the commissioner of finance may
14 must determine ~~that~~ when it is cost-effective for agencies to
15 develop and use shared information and ~~communications~~
16 telecommunications technology systems and services for the
17 delivery of electronic government services. ~~This-determination~~
18 ~~may-be-made-if-an-agency-proposes-a-new-system-that-duplicates~~
19 ~~an-existing-system,-a-system-in-development,-or-a-system-being~~
20 ~~proposed-by-another-agency.~~ The ~~commissioner-of~~
21 ~~administration~~ chief information officer may require agencies to
22 use shared information and telecommunications technology systems
23 and services. The chief information officer shall establish
24 reimbursement rates in cooperation with the commissioner of
25 finance to be billed to agencies and other governmental entities
26 sufficient to cover the actual development, operating,
27 maintenance, and administrative costs of the shared systems.
28 The methodology for billing may include the use of interagency
29 agreements, or other means as allowed by law.

30 (c) At the request of the chief information officer, the
31 commissioner of administration shall, under section 16B.37,
32 transfer from state agencies to the Office of Enterprise
33 Technology employees, powers, and functions the commissioner
34 deems necessary to the Office of Enterprise Technology.

35 Sec. 3. Minnesota Statutes 2004, section 16E.02, is
36 amended to read:

1 16E.02 [OFFICE OF ENTERPRISE TECHNOLOGY; STRUCTURE AND
2 PERSONNEL.]

3 Subdivision 1. [OFFICE MANAGEMENT AND STRUCTURE.] (a) The
4 ~~commissioner-of-administration~~ chief information officer is
5 appointed by the governor. The chief information officer serves
6 in the unclassified service at the pleasure of the governor.
7 The chief information officer must have experience leading
8 enterprise-level information technology organizations. The
9 chief information officer is the state's chief information
10 officer and information and telecommunications technology
11 advisor to the governor.

12 (b) The chief information officer may appoint other
13 employees of the office. The staff of the office must include
14 individuals knowledgeable in information and ~~communications~~
15 telecommunications technology systems and services.

16 Subd. 1a. [ACCOUNTABILITY.] The governor may designate an
17 official or subgroup within the governor's cabinet to whom the
18 chief information officer reports. The chief information
19 officer is accountable to this person or subgroup for meeting
20 individual and organizational performance measures.

21 Subd. 2. [INTERGOVERNMENTAL PARTICIPATION.] The
22 ~~commissioner-of-administration~~ chief information officer or the
23 ~~commissioner's~~ chief information officer's designee shall serve
24 as a member of ~~the-Minnesota-Education-Telecommunications~~
25 ~~Council~~, the Geographic Information Systems Council, and the
26 Library Planning Task Force, or their respective successor
27 organizations, and as a nonvoting member of Minnesota
28 ~~Technology~~, ~~Inc.~~ and the Minnesota Health Data Institute as-a
29 ~~nonvoting-member~~.

30 Subd. 3. [ADMINISTRATIVE SUPPORT.] The commissioner of
31 administration must provide office space and administrative
32 support services to the office. The office must reimburse the
33 commissioner for these services.

34 Sec. 4. Minnesota Statutes 2004, section 16E.03,
35 subdivision 1, is amended to read:

36 Subdivision 1. [DEFINITIONS.] For the purposes of ~~sections~~

1 ~~16E.03-to-16E.05~~ chapter 16E, the following terms have the
2 meanings given them.

3 (a) "Information and telecommunications technology systems
4 and services" means all computing and telecommunications
5 hardware and software and the activities undertaken to acquire,
6 transport, process, analyze, store, and disseminate information
7 electronically. "Information and telecommunications technology
8 systems and services" includes all proposed expenditures for
9 computing and telecommunications hardware and software, and
10 related consulting or other professional services.

11 ~~(a) (b) "Information and communications telecommunications~~
12 ~~technology project" means the-development-or-acquisition-of~~
13 ~~information-and-communications-technology-devices-and-systems,~~
14 ~~but-does-not-include-the-state-information-infrastructure-or~~
15 ~~its-contractors.~~

16 ~~(b) "Data-processing-device-or-system" means equipment-or~~
17 ~~computer-programs,-including-computer-hardware,-firmware,~~
18 ~~software,-and-communication-protocols,-used-in-connection-with~~
19 ~~the-processing-of-information-through-electronic-data-processing~~
20 ~~means,-and-includes-data-communication-devices-used-in~~
21 ~~connection-with-computer-facilities-for-the-transmission-of-data.~~
22 an effort to acquire or produce information and
23 telecommunications technology systems and services.

24 (c) "Telecommunications" means voice, video and data
25 electronic transmissions transported by wire, wireless,
26 fiber-optic, radio or other available transport technology.

27 (d) "Cyber security" means the protection of data and
28 systems in networks connected to the Internet.

29 ~~(e) (e) "State agency" means an agency in the executive~~
30 ~~branch of state government and includes the Minnesota Higher~~
31 ~~Education Services Office.~~

32 Sec. 5. Minnesota Statutes 2004, section 16E.03,
33 subdivision 2, is amended to read:

34 Subd. 2. [~~COMMISSIONER'S~~ CHIEF INFORMATION OFFICER
35 RESPONSIBILITY.] The ~~commissioner~~ chief information officer
36 shall coordinate the state's information and ~~communications~~

1 telecommunications technology systems and services to serve the
2 needs of the state government. The ~~commissioner~~ chief
3 information officer shall:

4 (1) ~~coordinate-the~~ design of a master plan for information
5 and ~~communications~~ telecommunications technology systems and
6 services in the state and its political subdivisions and shall
7 report on the plan to the governor and legislature at the
8 beginning of each regular session;

9 (2) coordinate, review, and approve all information and
10 ~~communications~~ telecommunications technology ~~plans-and-contracts~~
11 projects and oversee the state's information and ~~communications~~
12 telecommunications technology systems and services;

13 (3) establish and enforce compliance with standards for
14 information and ~~communications~~ telecommunications technology
15 systems and services that ~~encourage-competition~~ are cost
16 effective and support open systems environments and that are
17 compatible with state, national, and international
18 standards; and

19 (4) maintain a library of systems and programs developed by
20 the state and its political subdivisions for use by agencies of
21 government; and

22 (5) direct and manage the shared operations of the state's
23 information and telecommunications technology systems and
24 services.

25 Sec. 6. Minnesota Statutes 2004, section 16E.03,
26 subdivision 3, is amended to read:

27 Subd. 3. [EVALUATION AND APPROVAL.] A state agency may not
28 undertake an information and ~~communications~~ telecommunications
29 technology project until it has been evaluated according to the
30 procedures developed under subdivision 4. The ~~governor-or~~
31 ~~governor's-designee~~ chief information officer shall give written
32 approval of the proposed project. If the proposed project is
33 not approved, the commissioner of finance shall cancel the
34 unencumbered balance of any appropriation allotted for the
35 project. ~~This-subdivision-does-not-apply-to-acquisitions-or~~
36 ~~development-of-information-and-communications-systems-that-have~~

1 ~~anticipated-total-cost-of-less-than-\$100,000-~~ The Minnesota
2 State Colleges and Universities shall submit for approval any
3 project related to acquisitions or development of information
4 and ~~communications~~ telecommunications technology systems and
5 services that has a total anticipated cost of more than \$250,000.

6 Sec. 7. Minnesota Statutes 2004, section 16E.03,
7 subdivision 7, is amended to read:

8 Subd. 7. [~~DATA~~ CYBER SECURITY SYSTEMS.] In consultation
9 with the attorney general and appropriate agency heads, the
10 ~~commissioner~~ chief information officer shall develop data cyber
11 security policies, guidelines, and standards, and the
12 ~~commissioner-of-administration~~ shall install and administer
13 state data security systems on the state's ~~centralized~~ computer
14 ~~facility~~ facilities consistent with these policies, guidelines,
15 standards, and state law to ensure the integrity of
16 computer-based and other data and to ensure applicable
17 limitations on access to data, consistent with the public's
18 right to know as defined in chapter 13. Each department or
19 agency head is responsible for the security of the department's
20 or agency's data within the guidelines of established enterprise
21 policy.

22 Sec. 8. Minnesota Statutes 2004, section 16E.04, is
23 amended to read:

24 16E.04 [~~INFORMATION AND COMMUNICATIONS~~ TELECOMMUNICATIONS
25 TECHNOLOGY POLICY.]

26 Subdivision 1. [~~DEVELOPMENT.~~] The office shall ~~coordinate~~
27 ~~with-state-agencies-in-developing-and-establishing~~ develop,
28 establish, and enforce policies and standards for state agencies
29 to follow in developing and purchasing information and
30 ~~communications~~ telecommunications technology systems and
31 services and training appropriate persons in their use. The
32 office shall develop, promote, and ~~coordinate~~ manage state
33 technology, architecture, standards and guidelines, information
34 needs analysis techniques, contracts for the purchase of
35 equipment and services, and training of state agency personnel
36 on these issues.

1 Subd. 2. [RESPONSIBILITIES.] (a) In addition to other
2 activities prescribed by law, the office shall carry out the
3 duties set out in this subdivision.

4 (b) The office shall develop and establish a state
5 information architecture to ensure that ~~farther~~ state agency
6 development and purchase of information and communications
7 systems, equipment, and services is designed to ensure that
8 individual agency information systems complement and do not
9 needlessly duplicate or conflict with the systems of other
10 agencies. When state agencies have need for the same or similar
11 public data, the ~~commissiener~~ chief information officer, in
12 coordination with the affected agencies, shall ~~promote~~ manage
13 the most efficient and cost-effective method of producing and
14 storing data for or sharing data between those agencies. The
15 development of this information architecture must include the
16 establishment of standards and guidelines to be followed by
17 state agencies. The office shall ensure compliance with the
18 architecture.

19 (c) The office shall assist state agencies in the planning
20 and management of information systems so that an individual
21 information system reflects and supports the state agency's
22 mission and the state's requirements and functions. The office
23 shall review and approve agency strategic plans to ensure
24 consistency with enterprise information and telecommunications
25 technology strategy.

26 (d) The office shall review and approve agency requests for
27 legislative appropriations for the development or purchase of
28 information systems equipment or software.

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

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

33 (2) ~~ensure that-the-equipment-is-consistent-with-the~~
34 ~~information-management-principles-adopted-by-the-Information~~
35 ~~Policy-Council;~~

36 ~~{3}-evaluate-whether~~ the agency's proposed purchase

1 reflects a cost-effective policy regarding volume purchasing;
2 and

3 ~~(4)~~ (3) ensure that the equipment is consistent with other
4 systems in other state agencies so that data can be shared among
5 agencies, unless the office determines that the agency
6 purchasing the equipment has special needs justifying the
7 inconsistency.

8 (f) The office shall review the operation of information
9 systems by state agencies and ~~provide-advice-and-assistance-to~~
10 ensure that these systems are operated efficiently and
11 continually meet the standards and guidelines established by the
12 office. The standards and guidelines must emphasize
13 uniformity that is cost-effective for the enterprise, that
14 encourages information interchange, open systems environments,
15 and portability of information whenever practicable and
16 consistent with an agency's authority and chapter 13.

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

25 Subd. 3. [RISK ASSESSMENT AND MITIGATION.] (a) A risk
26 assessment and risk mitigation plan are required for an all
27 information systems development ~~project-estimated-to-cost-more~~
28 ~~than-\$1,000,000-that-is~~ projects undertaken by a state agency in
29 the executive or judicial branch or by a constitutional officer.
30 ~~The commissioner-of-administration~~ chief information officer
31 must contract with an entity outside of state government to
32 conduct the initial assessment and prepare the mitigation plan
33 for a project estimated to cost more than \$5,000,000. The
34 outside entity conducting the risk assessment and preparing the
35 mitigation plan must not have any other direct or indirect
36 financial interest in the project. The risk assessment and risk

1 mitigation plan must provide for periodic monitoring by the
2 commissioner until the project is completed.

3 (b) The risk assessment and risk mitigation plan must be
4 paid for with money appropriated for the information systems
5 development and telecommunications technology project. The
6 commissioner of finance shall ensure that no more than ten
7 percent of the amount anticipated to be spent on the project,
8 other than the money spent on the risk assessment and risk
9 mitigation plan, ~~may-be~~ is spent until the risk assessment and
10 mitigation plan are reported to the ~~commissioner-of~~
11 ~~administration~~ chief information officer and the ~~commissioner~~
12 chief information officer has approved the risk mitigation plan.

13 Sec. 9. Minnesota Statutes 2004, section 16E.0465,
14 subdivision 1 is amended to read:

15 Subdivision 1. [APPLICATION.] This section applies to an
16 appropriation of more than \$1,000,000 of state or federal funds
17 to a state agency for any information and ~~communications~~
18 telecommunications technology project ~~or-data-processing-device~~
19 ~~or-system~~ or for any phase of such a project, device, or
20 system. For purposes of this section, an appropriation of state
21 or federal funds to a state agency includes an appropriation:

- 22 (1) to the Minnesota State Colleges and Universities;
- 23 (2) to a constitutional officer;
- 24 (3) for a project that includes both a state agency and
25 units of local government; and
- 26 (4) to a state agency for grants to be made to other
27 entities.

28 Sec. 10. Minnesota Statutes 2004, section 16E.0465,
29 subdivision 2, is amended to read:

30 Subd. 2. [REQUIRED REVIEW AND APPROVAL.] (a) A state
31 agency receiving an appropriation for an information and
32 ~~communications~~ telecommunications technology project ~~or-data~~
33 ~~processing-device-or-system~~ subject to this section must divide
34 the project into phases.

35 (b) The commissioner of finance may not authorize the
36 encumbrance or expenditure of an appropriation of state funds to

1 a state agency for any phase of a project, device, or system
2 subject to this section unless the Office of Enterprise
3 Technology has reviewed each phase of the project, device, or
4 system, and based on this review, the ~~commissioner-of~~
5 ~~administration~~ chief information officer has determined for each
6 phase that:

7 (1) the project is compatible with the state information
8 architecture and other policies and standards established by the
9 ~~commissioner-of-administration~~ chief information officer; and

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

12 (3) the project supports the enterprise information
13 technology strategy.

14 Sec. 11. Minnesota Statutes 2004, section 16E.055, is
15 amended to read:

16 16E.055 [~~COMMON-WEB-FORMAT~~ ELECTRONIC GOVERNMENT SERVICES.]

17 A state agency that implements electronic government
18 services for fees, licenses, sales, or other purposes must use a
19 ~~common-Web-page-format-approved-by-the-commissioner-of~~
20 ~~administration-for-these-electronic-government-services---~~The
21 ~~commissioner-may-create-a~~ the single entry site created by the
22 chief information officer for all agencies to use for electronic
23 government services.

24 Sec. 12. Minnesota Statutes 2004, section 16E.07,
25 subdivision 8, is amended to read:

26 Subd. 8. [SECURE TRANSACTION SYSTEM.] The office shall
27 plan and develop a secure transaction system to support delivery
28 of government services electronically. A state agency that
29 implements electronic government services for fees, licenses,
30 sales, or other purposes must use the secure transaction system
31 developed in accordance with this section.

32 Sec. 13. [16E.14] [ENTERPRISE TECHNOLOGY REVOLVING FUND.]

33 Subdivision 1. [FUND.] Money in the enterprise technology
34 revolving fund is appropriated annually to the chief information
35 officer to operate information and telecommunications services,
36 including management, consultation, and design services.

1 contracts and purchasing;

2 (2) provide agencies with supplies and equipment and
3 operate all central store or supply rooms serving more than one
4 agency;

5 ~~(3) approve all computer plans and contracts, and oversee~~
6 ~~the state's data processing system;~~

7 ~~(4)~~ investigate and study the management and organization
8 of agencies, and reorganize them when necessary to ensure their
9 effective and efficient operation;

10 ~~(5)~~ (4) manage and control state property, real and
11 personal;

12 ~~(6)~~ (5) maintain and operate all state buildings, as
13 described in section 16B.24, subdivision 1;

14 ~~(7)~~ (6) supervise, control, review, and approve all capital
15 improvements to state buildings and the capitol building and
16 grounds;

17 ~~(8)~~ (7) provide central duplicating, printing, and mail
18 facilities;

19 ~~(9)~~ (8) oversee publication of official documents and
20 provide for their sale;

21 ~~(10)~~ (9) manage and operate parking facilities for state
22 employees and a central motor pool for travel on state business;

23 ~~(11)~~ (10) establish and administer a State Building Code;
24 and

25 ~~(12)~~ (11) provide rental space within the capitol complex
26 for a private day care center for children of state employees.

27 The commissioner shall contract for services as provided in this
28 chapter. The commissioner shall report back to the legislature
29 by October 1, 1984, with the recommendation to implement the
30 private day care operation.

31 Sec. 2. Minnesota Statutes 2004, section 16B.48,
32 subdivision 4, is amended to read:

33 Subd. 4. [REIMBURSEMENTS.] Except as specifically provided
34 otherwise by law, each agency shall reimburse ~~intertechnologies~~
35 and the general services revolving funds for the cost of all
36 services, supplies, materials, labor, and depreciation of

1 equipment, including reasonable overhead costs, which the
2 commissioner is authorized and directed to furnish an agency.
3 The cost of all publications or other materials produced by the
4 commissioner and financed from the general services revolving
5 fund must include reasonable overhead costs. The commissioner
6 of administration shall report the rates to be charged for each
7 the general services revolving fund funds no later than July 1
8 each year to the chair of the committee or division in the
9 senate and house of representatives with primary jurisdiction
10 over the budget of the Department of Administration. The
11 commissioner of finance shall make appropriate transfers to the
12 revolving funds described in this section when requested by the
13 commissioner of administration. The commissioner of
14 administration may make allotments, encumbrances, and, with the
15 approval of the commissioner of finance, disbursements in
16 anticipation of such transfers. In addition, the commissioner
17 of administration, with the approval of the commissioner of
18 finance, may require an agency to make advance payments to the
19 revolving funds in this section sufficient to cover the agency's
20 estimated obligation for a period of at least 60 days. All
21 reimbursements and other money received by the commissioner of
22 administration under this section must be deposited in the
23 appropriate revolving fund. Any earnings remaining in the fund
24 established to account for the documents service prescribed by
25 section 16B.51 at the end of each fiscal year not otherwise
26 needed for present or future operations, as determined by the
27 commissioners of administration and finance, must be transferred
28 to the general fund.

29 Sec. 3. Minnesota Statutes 2004, section 16B.48,
30 subdivision 5, is amended to read:

31 Subd. 5. [LIQUIDATION.] If the ~~intertechologies-or~~
32 general services revolving ~~fund-is~~ funds are abolished or
33 liquidated, the total net profit from the operation of each fund
34 must be distributed to the various funds from which purchases
35 were made. The amount to be distributed to each fund must bear
36 to the net profit the same ratio as the total purchases from

1 each fund bears to the total purchases from all the funds during
2 the same period of time.

3 Sec. 4. Minnesota Statutes 2004, section 299C.65,
4 subdivision 1, is amended to read:

5 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and
6 Juvenile Justice Information Policy Group consists of the
7 commissioner of corrections, the commissioner of public safety,
8 the ~~commissioner-of-administration~~ state chief information
9 officer, the commissioner of finance, and four members of the
10 judicial branch appointed by the chief justice of the Supreme
11 Court. The policy group may appoint additional, nonvoting
12 members as necessary from time to time.

13 (b) The commissioner of public safety is designated as the
14 chair of the policy group. The commissioner and the policy
15 group have overall responsibility for the successful completion
16 of statewide criminal justice information system integration
17 (CrimNet). The policy group may hire a program manager to
18 manage the CrimNet projects and to be responsible for the
19 day-to-day operations of CrimNet. The policy group must ensure
20 that generally accepted project management techniques are
21 utilized for each CrimNet project, including:

- 22 (1) clear sponsorship;
- 23 (2) scope management;
- 24 (3) project planning, control, and execution;
- 25 (4) continuous risk assessment and mitigation;
- 26 (5) cost management;
- 27 (6) quality management reviews;
- 28 (7) communications management; and
- 29 (8) proven methodology.

30 (c) Products and services for CrimNet project management,
31 system design, implementation, and application hosting must be
32 acquired using an appropriate procurement process, which
33 includes:

- 34 (1) a determination of required products and services;
- 35 (2) a request for proposal development and identification
36 of potential sources;

1 (3) competitive bid solicitation, evaluation, and
2 selection; and

3 (4) contract administration and close-out.

4 (d) The policy group shall study and make recommendations
5 to the governor, the Supreme Court, and the legislature on:

6 (1) a framework for integrated criminal justice information
7 systems, including the development and maintenance of a
8 community data model for state, county, and local criminal
9 justice information;

10 (2) the responsibilities of each entity within the criminal
11 and juvenile justice systems concerning the collection,
12 maintenance, dissemination, and sharing of criminal justice
13 information with one another;

14 (3) actions necessary to ensure that information maintained
15 in the criminal justice information systems is accurate and
16 up-to-date;

17 (4) the development of an information system containing
18 criminal justice information on gross misdemeanor-level and
19 felony-level juvenile offenders that is part of the integrated
20 criminal justice information system framework;

21 (5) the development of an information system containing
22 criminal justice information on misdemeanor arrests,
23 prosecutions, and convictions that is part of the integrated
24 criminal justice information system framework;

25 (6) comprehensive training programs and requirements for
26 all individuals in criminal justice agencies to ensure the
27 quality and accuracy of information in those systems;

28 (7) continuing education requirements for individuals in
29 criminal justice agencies who are responsible for the
30 collection, maintenance, dissemination, and sharing of criminal
31 justice data;

32 (8) a periodic audit process to ensure the quality and
33 accuracy of information contained in the criminal justice
34 information systems;

35 (9) the equipment, training, and funding needs of the state
36 and local agencies that participate in the criminal justice

1 information systems;

2 (10) the impact of integrated criminal justice information
3 systems on individual privacy rights;

4 (11) the impact of proposed legislation on the criminal
5 justice system, including any fiscal impact, need for training,
6 changes in information systems, and changes in processes;

7 (12) the collection of data on race and ethnicity in
8 criminal justice information systems;

9 (13) the development of a tracking system for domestic
10 abuse orders for protection;

11 (14) processes for expungement, correction of inaccurate
12 records, destruction of records, and other matters relating to
13 the privacy interests of individuals; and

14 (15) the development of a database for extended
15 jurisdiction juvenile records and whether the records should be
16 public or private and how long they should be retained.

17 Sec. 5. Minnesota Statutes 2004, section 299C.65,
18 subdivision 2, is amended to read:

19 Subd. 2. [REPORT, TASK FORCE.] (a) The policy group shall
20 file an annual report with the governor, Supreme Court, and
21 chairs and ranking minority members of the senate and house
22 committees and divisions with jurisdiction over criminal justice
23 funding and policy by December 1 of each year.

24 (b) The report must make recommendations concerning any
25 legislative changes or appropriations that are needed to ensure
26 that the criminal justice information systems operate accurately
27 and efficiently. To assist them in developing their
28 recommendations, the policy group shall appoint a task force
29 consisting of its members or their designees and the following
30 additional members:

31 (1) the director of the Office of Strategic and Long-Range
32 Planning;

33 (2) two sheriffs recommended by the Minnesota Sheriffs
34 Association;

35 (3) two police chiefs recommended by the Minnesota Chiefs
36 of Police Association;

1 (4) two county attorneys recommended by the Minnesota
2 County Attorneys Association;

3 (5) two city attorneys recommended by the Minnesota League
4 of Cities;

5 (6) two public defenders appointed by the Board of Public
6 Defense;

7 (7) two district judges appointed by the Conference of
8 Chief Judges, one of whom is currently assigned to the juvenile
9 court;

10 (8) two community corrections administrators recommended by
11 the Minnesota Association of Counties, one of whom represents a
12 community corrections act county;

13 (9) two probation officers;

14 (10) four public members, one of whom has been a victim of
15 crime, and two who are representatives of the private business
16 community who have expertise in integrated information systems;

17 (11) two court administrators;

18 (12) one member of the house of representatives appointed
19 by the speaker of the house;

20 (13) one member of the senate appointed by the majority
21 leader;

22 (14) the attorney general or a designee;

23 (15) the ~~commissioner-of-administration~~ state chief
24 information officer or a designee;

25 (16) an individual recommended by the Minnesota League of
26 Cities; and

27 (17) an individual recommended by the Minnesota Association
28 of Counties.

29 In making these appointments, the appointing authority shall
30 select members with expertise in integrated data systems or best
31 practices.

32 (c) The commissioner of public safety may appoint
33 additional, nonvoting members to the task force as necessary
34 from time to time.

35 Sec. 6. Minnesota Statutes 2004, section 403.36,
36 subdivision 1, is amended to read:

1 Subdivision 1. [MEMBERSHIP.] (a) The commissioner of
2 public safety shall convene and chair the Statewide Radio Board
3 to develop a project plan for a statewide, shared, trunked
4 public safety radio communication system. The system may be
5 referred to as "Allied Radio Matrix for Emergency Response," or
6 "ARMER."

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

9 (1) the commissioner of public safety;

10 (2) the commissioner of transportation;

11 (3) the ~~commissioner-of-administration~~ state chief
12 information officer;

13 (4) the commissioner of natural resources;

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

15 (6) the commissioner of health;

16 (7) the commissioner of finance;

17 (8) two elected city officials, one from the nine-county
18 metropolitan area and one from Greater Minnesota, appointed by
19 the governing body of the League of Minnesota Cities;

20 (9) two elected county officials, one from the nine-county
21 metropolitan area and one from Greater Minnesota, appointed by
22 the governing body of the Association of Minnesota Counties;

23 (10) two sheriffs, one from the nine-county metropolitan
24 area and one from Greater Minnesota, appointed by the governing
25 body of the Minnesota Sheriffs' Association;

26 (11) two chiefs of police, one from the nine-county
27 metropolitan area and one from Greater Minnesota, appointed by
28 the governor after considering recommendations made by the
29 Minnesota Chiefs' of Police Association;

30 (12) two fire chiefs, one from the nine-county metropolitan
31 area and one from Greater Minnesota, appointed by the governor
32 after considering recommendations made by the Minnesota Fire
33 Chiefs' Association;

34 (13) two representatives of emergency medical service
35 providers, one from the nine-county metropolitan area and one
36 from Greater Minnesota, appointed by the governor after

1 considering recommendations made by the Minnesota Ambulance
2 Association;

3 (14) the chair of the Metropolitan Radio Board; and

4 (15) a representative of Greater Minnesota elected by those
5 units of government in phase three and any subsequent phase of
6 development as defined in the statewide, shared radio and
7 communication plan, who have submitted a plan to the Statewide
8 Radio Board and where development has been initiated.

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

15 Sec. 7. [TRANSFER OF DUTIES.]

16 Responsibilities of the commissioner of administration for
17 state telecommunications systems, state information
18 infrastructure, and electronic conduct of state business under
19 Minnesota Statutes, sections 16B.405; 16B.44; 16B.46; 16B.465;
20 16B.466; and 16B.467, are transferred to the Office of
21 Enterprise Technology. All positions in the Office of
22 Technology and the Intertechnologies Group are transferred to
23 the Office of Enterprise Technology.

24 Sec. 8. [REVISOR INSTRUCTION.]

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

27 (1) substitute the term "chief information officer" for
28 "commissioner" and "commissioner of administration" in the
29 following sections of Minnesota Statutes: 16B.405; 16B.44;
30 16B.46; 16B.465; 16B.466; 16B.467; 16E.03, subdivisions 4, 5, 6,
31 and 8; 16E.035; and 16E.07, subdivision 4;

32 (2) substitute the term "Office of Enterprise Technology"
33 for the term "Office of Technology" in Minnesota Statutes; and

34 (3) recodify the following sections of Minnesota Statutes
35 into Minnesota Statutes, chapter 16E: 16B.405; 16B.44; 16B.46;
36 16B.465; 16B.466; and 16B.467.

1 Sec. 9. [REPEALER.]

2 Minnesota Statutes 2004, sections 16B.48, subdivision 3;
3 and 16E.0465, subdivision 3, are repealed.

4 Sec. 10. [EFFECTIVE DATE.]

5 Sections 1 to 9 are effective July 1, 2005."

6 Amend the title accordingly

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Last update: April 8, 2005 at 8:22 PM

Editorial: A needed agency streamlining

Published April 9, 2005

Try this yourself sometime: Pretend you want to dig a new well somewhere in Minnesota. Go to the state's website (www.state.mn.us) and see how long it takes you to find information about the permits the project will require, and the application forms you'll need to submit.

State Administration Commissioner Dana Badgerow said that when she tried, she was at it for 20 minutes before stopping her search in frustration.

Gov. Tim Pawlenty unveiled a "back office" reordering of state government on Monday, and its aims include improving searches for such information.

The changes, labeled "Drive to Excellence," stop short of melding state agencies. But in matters of data collection and dispersal, procurement, licensure, real property management and more, the new order promises to get 24 cabinet-level agencies to operate in concert as never before.

Soon to be consolidated, streamlined and/or rationalized will be some or all of the state's 25,000 Microsoft licenses, dozens of cell phone service plans, 100 data centers and 500 websites. Eventually, as the baby boom generation of state employees begins to retire, the changes will also mean a smaller state workforce. Some of the retirees will not be replaced.

The changes should soon mean faster, more convenient applications for licenses and requests for information. That will be particularly helpful to entrepreneurs seeking to open a new business -- starting a restaurant now requires 11 license applications -- and to the construction industry, which is now regulated by six state agencies.

It should also mean savings to the taxpayer -- \$354 million projected by 2011, provided that upfront investments of an estimated \$216 million are made in the next several years. Investment money can come in part from the project's early savings and from partnerships with vendors. But perhaps as early as 2006, the governor is likely to ask the Legislature for an appropriation to keep the savings coming down the road.

When such a request comes, the Legislature should smile on it.

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SF 2032

The Drive to Excellence

Restructuring IT Governance

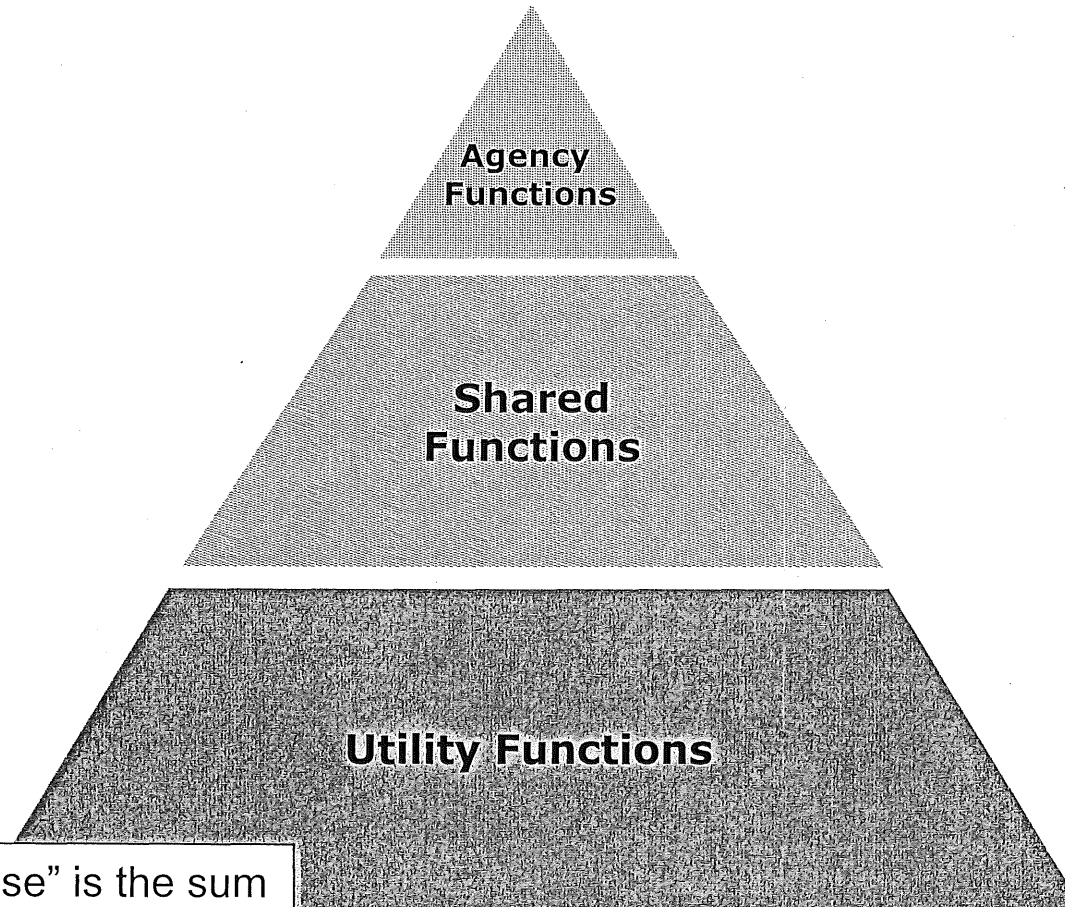
April 2005



Senate File 2032 Key Questions

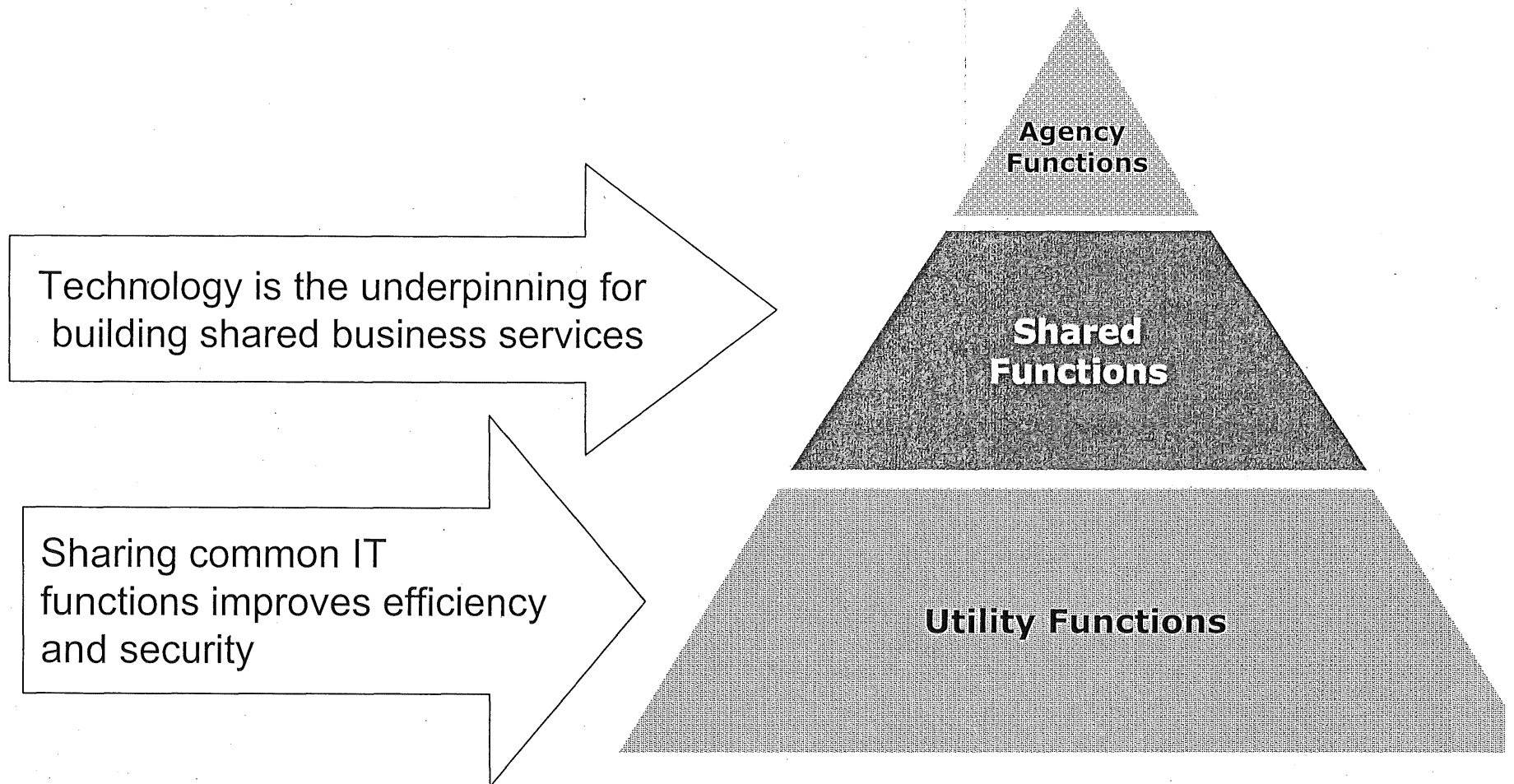
- **What do we mean by “enterprise”?**
- **Why is IT important in the Drive to Excellence?**
- **How is it going to be different?**
- **How is it going to work?**

What is “Enterprise?”



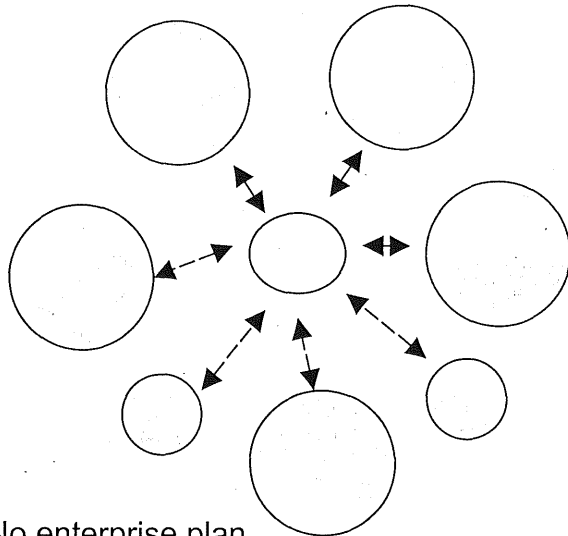
The State “enterprise” is the sum of all state business functions including agency, shared, and utility functions.

Why is Information Technology Important?



How will it be different?

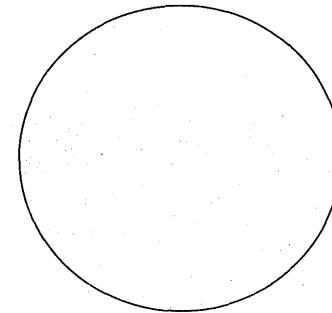
Minnesota Today



- No enterprise plan
- Bias toward agency autonomy
- Central function “encourages” collaboration
- Limited endorsed shared services
- Disparity in delivery effectiveness & security

Centralized Model

(Deemed Inappropriate for MN)

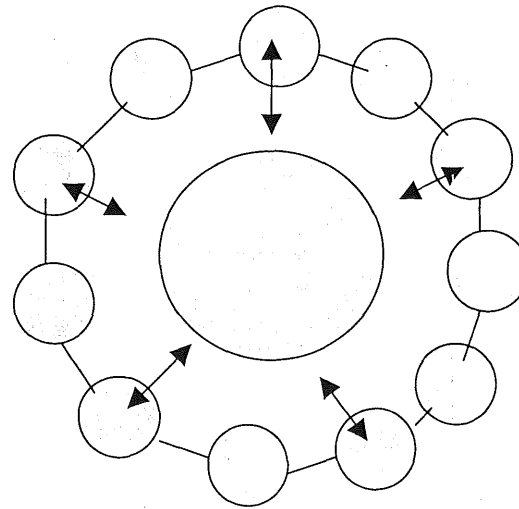


- Central Management all IT

Before recommending this new enterprise framework, the IT team studied a variety of public, private, and international models of IT governance.

How will it be different?

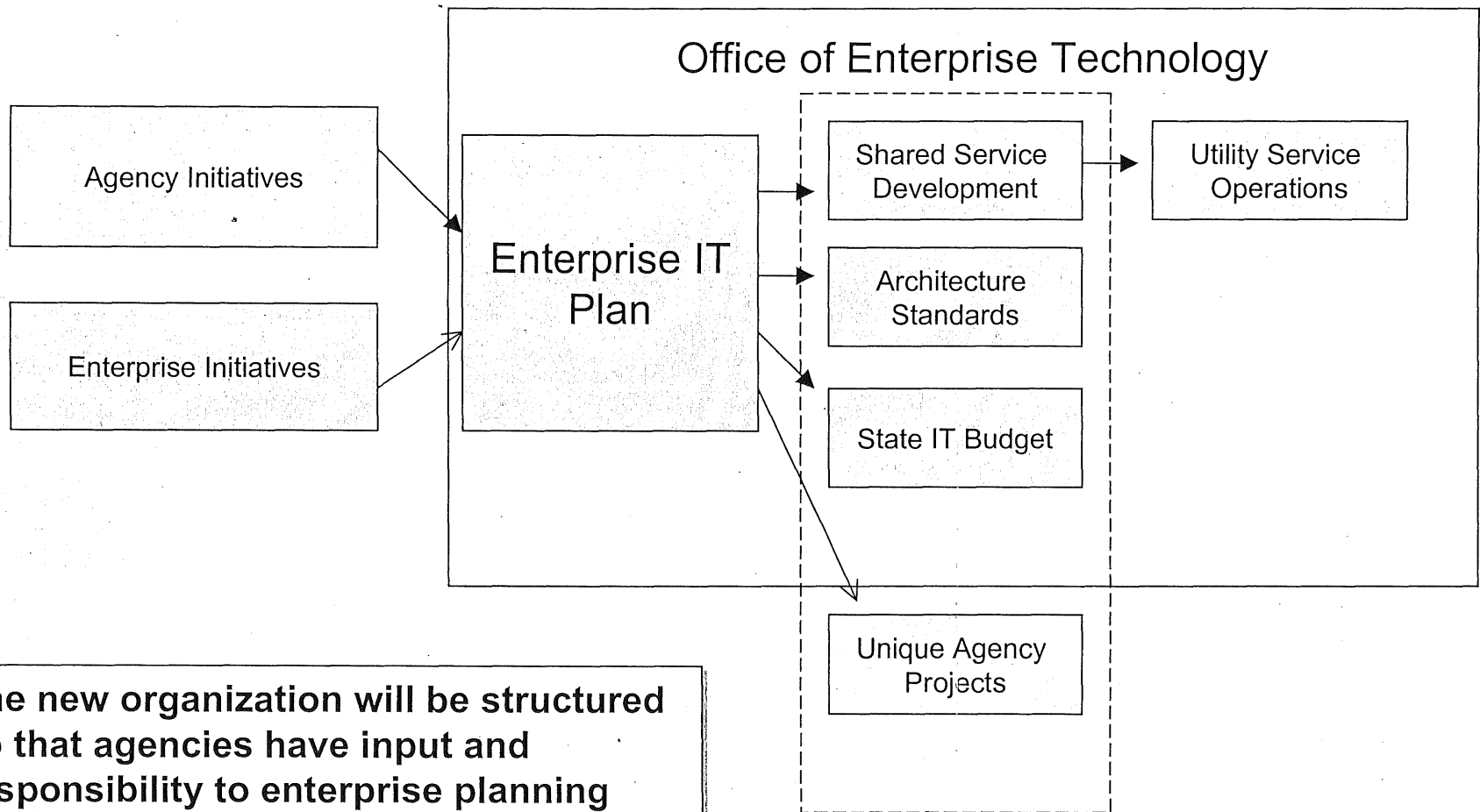
Recommended Model



- Enterprise plan
- Central leadership and accountability
- Agency participation in governance
- Agency responsibility to enterprise
- Strategic standardization
- Coordinated collaboration
- Partnerships & aggregation
- Shared & endorsed utility services

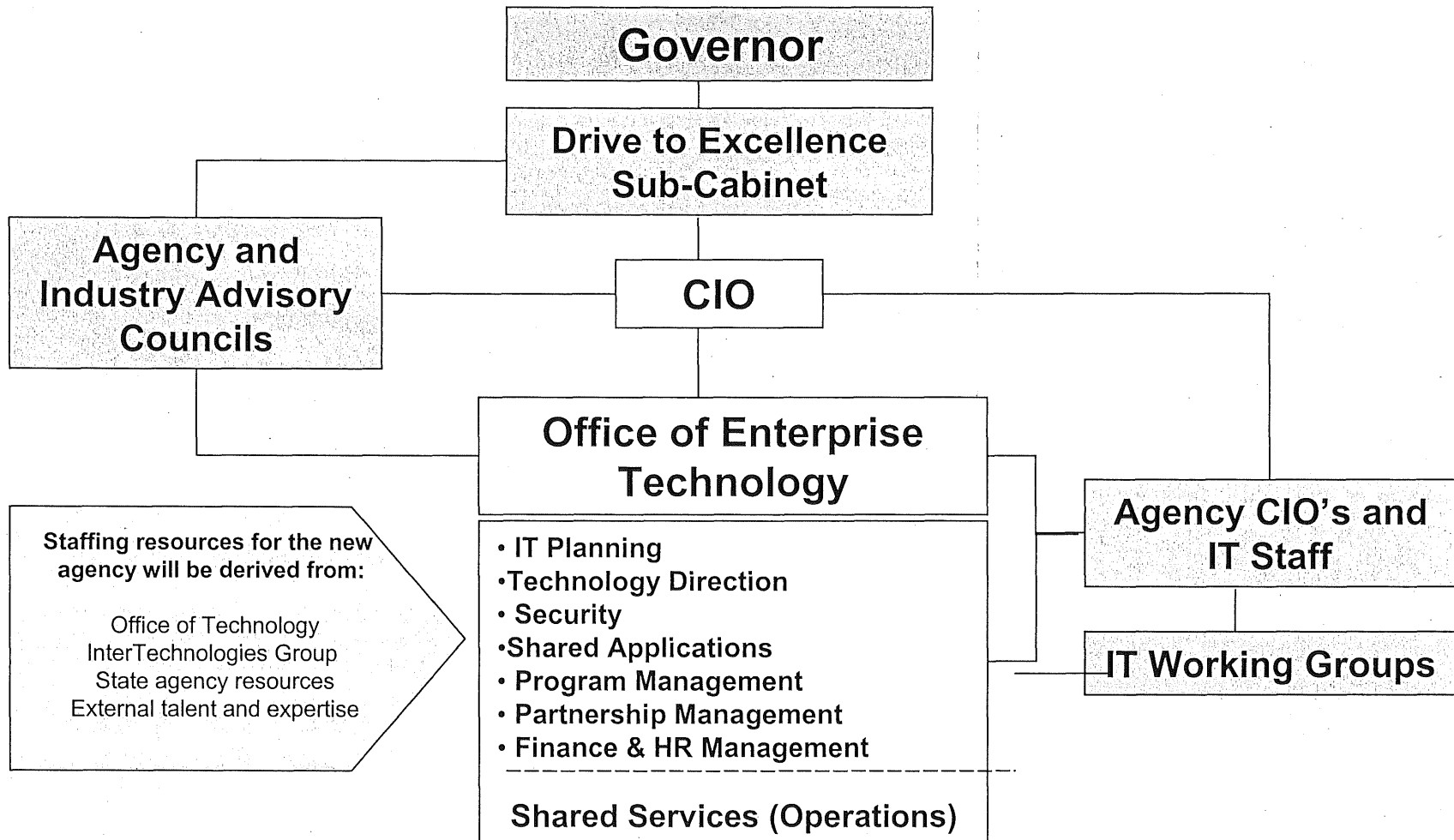
The recommended model is one of balance and collaborative enterprise participation.

How Will It Work?



The new organization will be structured so that agencies have input and responsibility to enterprise planning and so that the operations function serves the statewide IT strategy.

How Will It Work?





**Senate File 2032/House File 2243
Bill Summary**

Establishes independent State CIO:

- Appointed by Governor, reporting to sub-cabinet
- Accountable for all state information and communications technology systems
- Reviews and approves all spending for information and communications technology systems
- Responsible for all IT policy development and enforcement
- Directs Office of Enterprise Technology

Establishes Office of Enterprise Technology (OET)

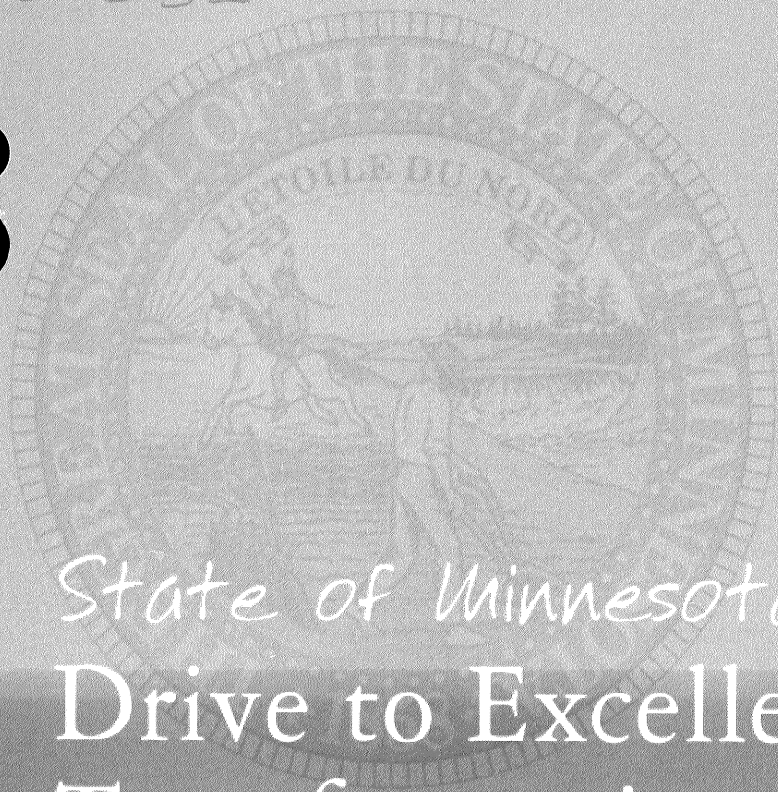
- Delivers infrastructure and shared services
- Manages planning and approval process for information and communications technology systems
- Sponsors and develops enterprise and shared IT initiatives, services and systems
- Cooperates, collaborates with Legislature, Judiciary
- Ensures cooperation, collaboration among state and local governments



**Statutory changes
Senate File 2032/House File 2243**

Today	New IT Governance Structure
Department of Administration is responsible agency	Office of Enterprise Technology (OET) is responsible agency
Commissioner of Administration is responsible lead	Governor appoints State CIO; State CIO reports to sub-cabinet
No statewide IT plan	State CIO responsible for developing IT plan, reporting annually to Governor, Legislature
IT project funding occurs at agency level by direct appropriation, operating budgets and program-level funding	OET approves all funding, including agency and enterprise-level systems
Office of Technology (OT) coordinates collaborative technical architecture review and recommendations	OET sets, manages and enforces enterprise standards
OT approves agency IT contracts over \$100,000 and maintains master roster of third-party contractors	OET approves and manages vendors and contracts on behalf of the enterprise
Agencies determine security needs independently	OET sets and enforces cyber-security policies, guidelines and standards
Agencies determine Internet-based electronic government services independently	OET ensures enterprise-wide customer-centric design with common approach

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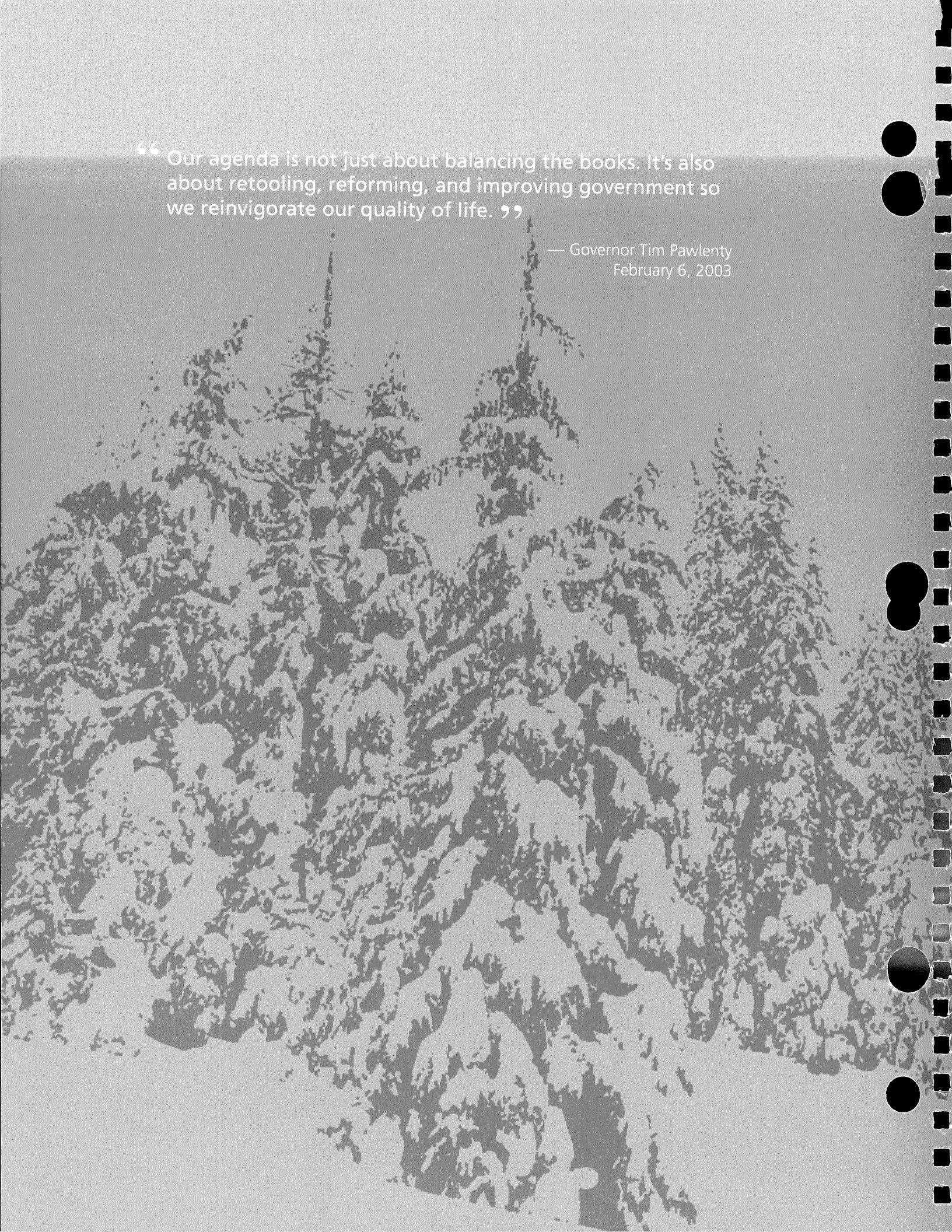


State of Minnesota
Drive to Excellence
Transformation Roadmap

March 2005



Pawlenty — Molnau Administration



“ Our agenda is not just about balancing the books. It’s also about retooling, reforming, and improving government so we reinvigorate our quality of life. ”

— Governor Tim Pawlenty
February 6, 2003

To the Citizens of the State of Minnesota:

Changing times and demands are constant pressures felt by every organization, including Minnesota state government. The institutions that succeed in this environment are those that are nimble, embrace change, and continuously improve.

State government has a monopoly on many of the services it provides. Inertia, political pressures and a lack of competition have tended to remove the forces of competition that drive thousands of businesses to either change or fail. In recent decades, American businesses facing tough domestic and international competition have been forced to improve customer service, strive for the best quality, and do things in more cost-effective ways. Those that failed to adapt have failed to succeed.

In his 2003 State of the State address, Governor Tim Pawlenty outlined a vision for transforming Minnesota state government based on three primary factors:

Faster, better, more efficient. Citizens and businesses expect the State to deliver services faster, better, and more cost effectively. The same speed and ease of use that citizens experience in the private sector is expected of state government.

Budgetary pressures. Ongoing budget challenges and rapidly rising health care costs require state government to be leaner and more effective so that resources can be dedicated to core priorities, such as education, transportation, health care, and the environment.

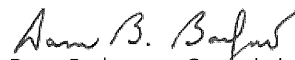
Changing state workforce. The Baby Boom Generation will soon begin to retire. By 2015, 47 percent of state employees will be 60 years and older, setting off a massive wave of retirements. This provides an enormous opportunity to enhance state services and consolidate functions without large-scale layoffs.

Minnesota is up to the Governor's challenge. The changing times are viewed as a new opportunity to do things better. The State of Minnesota Transformation Roadmap is a significant first step in our pursuit of continuous improvement.

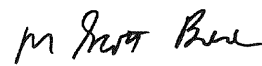
We would like to thank the over 200 dedicated state employees who contributed to this effort. They brought their ideas and their experience with state processes and technology, as well as a focus and desire to improve government services. We would also like to thank the dedicated people from Deloitte Consulting LLP who brought a breadth and depth of knowledge of state and corporate leading practices and how they apply to Minnesota, as well as effective tools and methodologies, and responsive, collaborative, and results-oriented project management. In a short period of time, this combination of high-caliber state employees and Deloitte consultants produced a strategy that is practical and on-target.

The following document summarizes the State of Minnesota Transformation Roadmap for providing services more efficiently to meet citizens' expectations, using resources more effectively in response to budget pressures, and enhancing state services and consolidating functions without large-scale layoffs. The complete Transformation Roadmap report can be viewed on the State's website at www.excellence.state.mn.us.

The major task of reinventing state government will be a long-term endeavor aided by leading technologies and the dedication and commitment of the thousands of men and women who serve in state government. This roadmap is a critical first step.


Dana Badgerow, Commissioner
Department of Administration




Scott Brener, Commissioner
Department of Labor & Industry

Drive to Excellence

The **Drive to Excellence** is a bold, proactive move to create a long-term solution for the challenges and opportunities that lie ahead. It is a cultural shift in how the State views its business.

The intent is to ensure that the individual agencies within Minnesota's government work together to reach enterprise goals. The State's enterprise goal is to serve the citizen. The Transformation Roadmap is the strategy and initial action plan.

In Minnesota's current government structure, each agency independently serves its constituency. This puts the burden on citizens to know where services come from and how they need to interact with the various agencies.

"Moving from the current practice of each department being relatively autonomous to a more enterprise or 'whole state' approach," explained Governor Pawlenty in his September 9, 2004, press release, "is an important step

towards making state government more accountable. Right now, there are too many overlapping functions in state agencies, and we can do better."

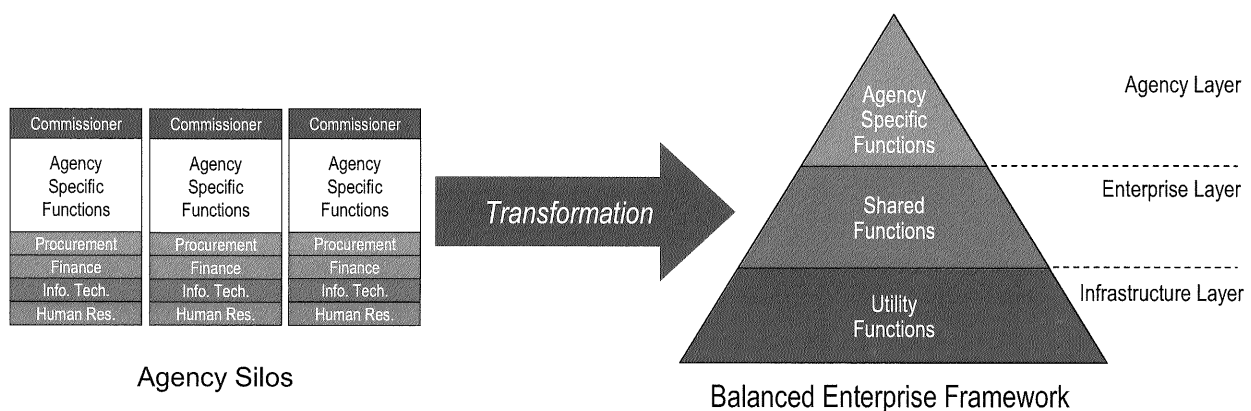
The transformation from an individual agency model to an enterprise model is shown in the following graphic that envisions a balanced model that includes three levels of functions:

Agency specific functions: Unique "front line" services and programs for citizens that are delivered by each agency, based on their mission and purpose.

Shared functions: Shared business and technology functions that can be grouped together to promote effective delivery of front-line services.

Utility functions: An infrastructure of daily operational functions that, if performed by one dedicated team, allows agencies to focus on their core business.

Transformation from an Individual Agency Model to an Enterprise Model



Transformation Roadmap

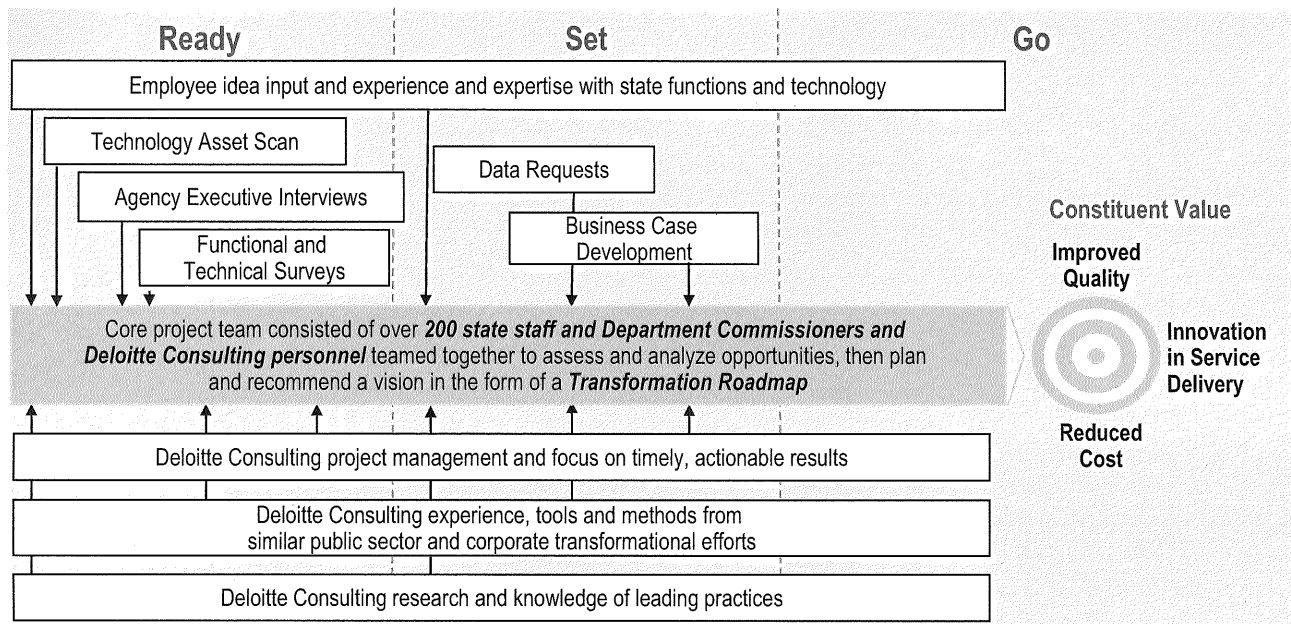
The Transformation Roadmap was created over a period of five months, from September 2004 through January 2005. It involved hundreds of state employees sharing their expertise and ideas. Specifically, the project was executed with a core team that consisted of over 200 State of Minnesota staff and a team from Deloitte Consulting LLP (“Deloitte Consulting”). Hundreds of additional state staff participated in surveys and interviews, and dozens of commissioners, deputy commissioners, assistant commissioners, and many chief information officers (“CIOs”) participated in the Steering Committee, an Enterprise Workgroup, and other working groups.

The project was divided into three phases:

Ready: Data gathering—surveys, interviews, and idea generation to identify areas for improvement.

Set: Research into the ideas and data to identify valid opportunities for improvement. The opportunities were organized into eight broad categories, named “Business Transformation Areas,” which were then developed into initial business cases by the teams.

Go: Sequencing the business cases, identifying interdependencies, and developing governance, policy, and structural recommendations. All of that information was then formed into the Transformation Roadmap.



Opportunities for Change

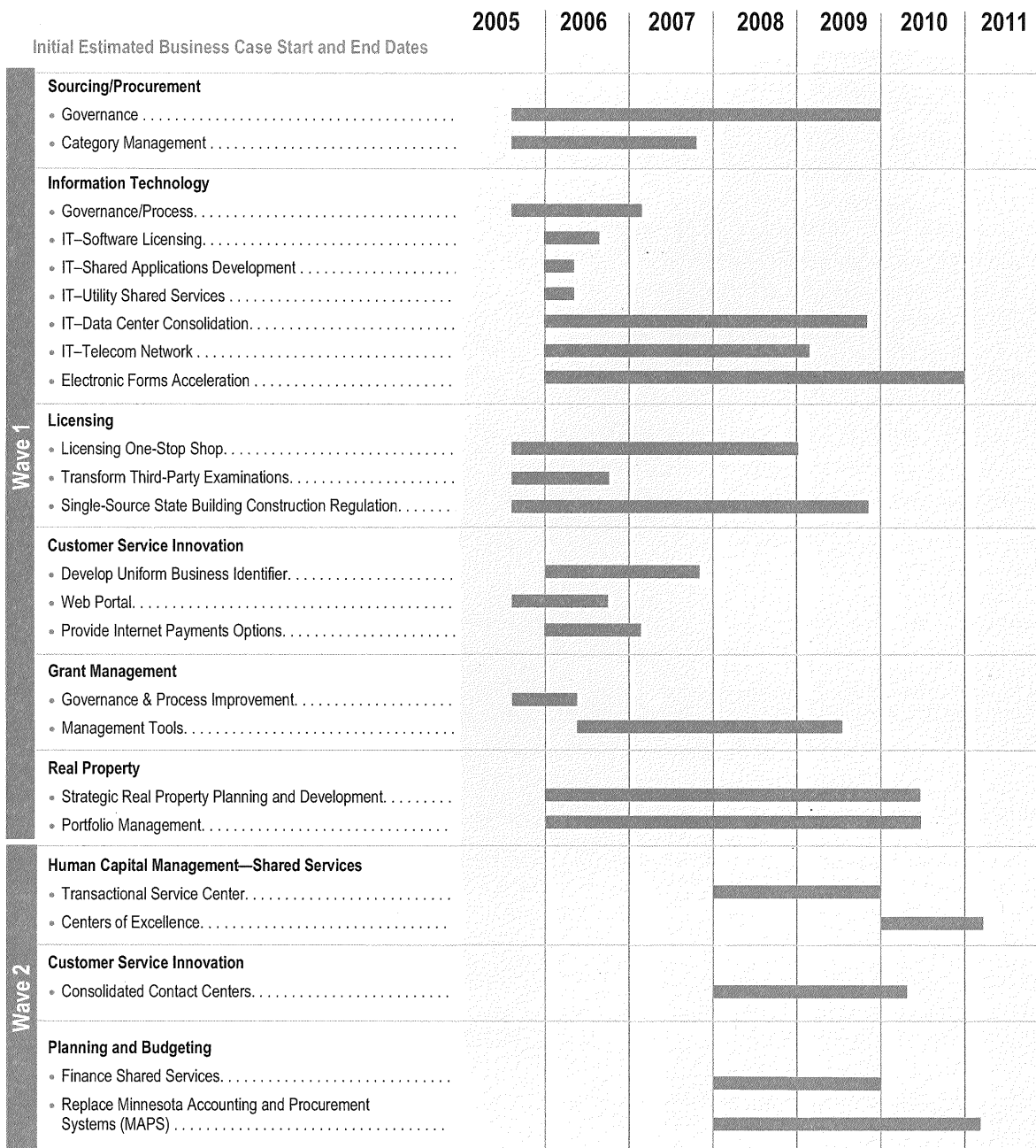
The Transformation Roadmap project identified eight Business Transformation Areas which experience has shown provide great potential for reform in both public and private sector organizations. The Roadmap project identifies how improvements in these areas can transform state government from agency silos to an enterprise model.



Implementation Timeline

The following chart shows estimated timing and recommended sequencing of Transformation Roadmap projects. The projects have been organized to increase the value of related projects and the effort as a whole. The implementation is shown in two waves.

Detail of Roadmap Projects



Cases for Change

Sourcing/Procurement

Reform

Manage the purchasing of goods and services to make the best use of the State's buying power to create cost savings.

Rationale

The State spends approximately one billion dollars annually to buy commodities and services from 25,000 different vendors.

A changed organizational structure will improve the State's ability to harness demand for goods and services to buy goods and services more cheaply.

Recommendation

Create a changed organizational structure for demand management goods and services. This structure will improve the State's ability to analyze, expenditures and drive down life cycle costs.

- Take a lifecycle approach to purchasing, streamline procurement business processes, implement technology, and apply economies of scale to realize savings from frequently purchased commodities and services.

- Consolidate purchasing activities. This will allow vendors to offer significant discounts and increased service options because they can plan for larger and more regular orders. Consolidated purchasing streamlines processes for vendors and the State.

Results

- Increased buying power creates cost savings through discounts on consolidated purchases.
- Better forecasting improves the efficiency and accuracy of State and increases vendors' ability to plan for providing commodities and services.





Information Technology

Reform

Create an enterprise technology organization and strategy that promotes shared systems, architecture, and tools. Use technology to deliver new and better services to the citizen.

Rationale

The State's technology that has been built over time was designed to meet agency-specific business needs without a wider, enterprise perspective. Results include disparate systems, redundant expenditures, fragmented security, and limited compatibility. Technology buying power is limited, standards are not consistent, and information cannot always be shared.

State information technology spending, estimated to be \$600 million per year, flows through more than 66 different agencies.

State agencies have developed and are operating over 500 different websites.

There are approximately 1,000 separately managed networks statewide.

All of the Business Transformation Areas include recommendations that propose technology to implement better and more efficient processes. Those recommendations depend on a stable, efficient, and secure technology infrastructure.

Recommendations

A New Enterprise IT Governance Structure/Model—create a new IT structure to balance enterprise perspective with agency business needs.

Update Telecommunications—replace Centrex systems with Voice Over IP services in more agencies.

Consolidated Data Center—consolidate over 90 Saint Paul-area state data centers for improved performance, economy, and security.

Enterprise Software Licensing—create new purchasing process for standard software licenses, including aggregation of purchases and statewide licenses.

Shared Applications Development—shared development of new business applications; migrate from old, nonstandard applications to shared new ones.

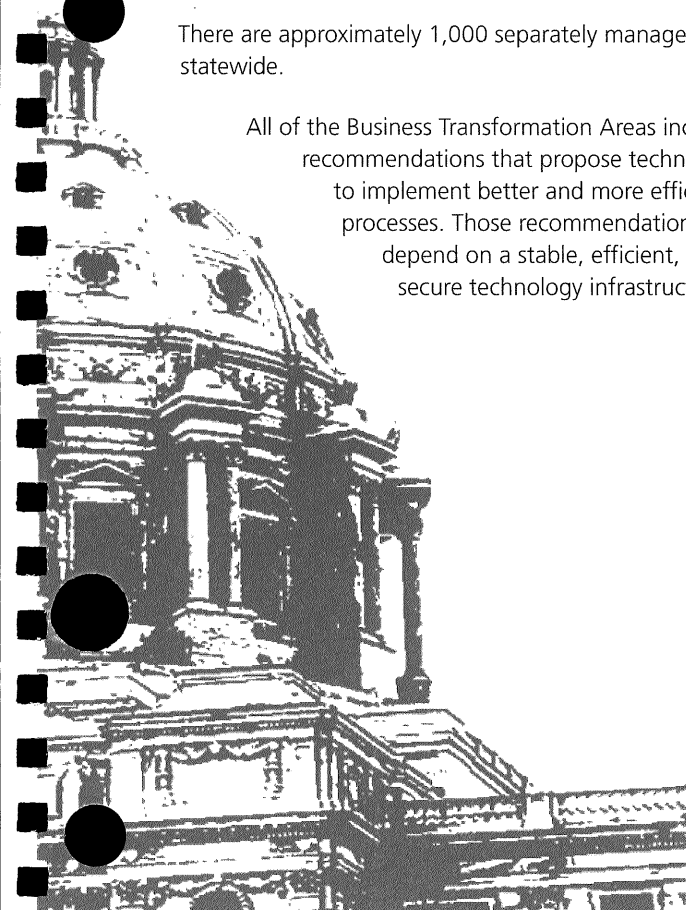
Reengineer InterTech-Utility/Shared Services—analyze and recommend changes in the current IT service organization to improve service delivery and reduce cost.

Electronic Forms Acceleration—develop an electronic document management system to save printing and distribution fees.

Other Opportunities—other significant opportunities have been identified such as: email consolidation, help desk and other support systems, and elimination of redundant projects.

Results

- More effective business processes, reduced costs, and improved customer service based on better use of technology.
- An integrated approach to planning and operating the State's technology assets.
- A stable, efficient and secure technology infrastructure to support Transformation projects.
- More shared service, technology, IT professionals, and standards.



Licensing, Regulation, and Compliance

Reform

Improve convenience, accessibility, and consistency in licensing and regulations to make it easier to do business in the State and with the State.

Rationale

One million business and professional licensing transactions are handled each year by more than 40 agencies and 800 state employees, using over 60 licensing systems.

Building codes are currently administered by five different state agencies.

85% of Minnesotans surveyed want licenses online. Only 18% of licensing transactions are online today.

This volume of licensing activity and disparate licensing systems is inefficient for both state staff and citizens. The current system minimizes the sharing of data and includes redundant systems development and maintenance costs. It requires the citizens and businesses to understand different individual agency processes for multiple licenses and permits.

Recommendations

The Drive to a “Licensing One-Stop Shop”—create one customer-centric, online licensing transaction center for professional, occupational, and business licensing.

Single Source State Building Construction Regulation—consolidate the construction regulation process from five agencies to one.

Third-Party Exams—provide third-party administration of professional exams.

Results

- Improved customer service; reduced costs; easier and more consistent access to licenses for businesses.
- Improved electronic access for citizens to conduct licensing activities, and reduced time required to process licenses.
- A single source for building construction regulation activities to reduce compliance inconsistencies, reduce job delays and stoppages due to jurisdictional disputes, coordinate state inspections, increase the relationship of service to fees, and assist the building construction industry in efforts to be in compliance rather than focusing on punitive efforts.
- Increased access to scheduling, accessing, and receiving results of professional examinations through third-party administration.





Customer Service Innovation

Reform

Develop consistent processes and internet-based access for improved customer transactions and services.

Rationale

In one year, the executive branch processes more than 90 million transactions spread out over 72 agencies through a variety of channels such as mail, phone, over the counter, Web, and fax.

Without a consistent way to handle those transactions and without shared data, the State cannot deliver customer-centric information and service.

Recommendations

Consolidated Contact Centers—consolidate multimedia contact centers to provide basic service to customers.

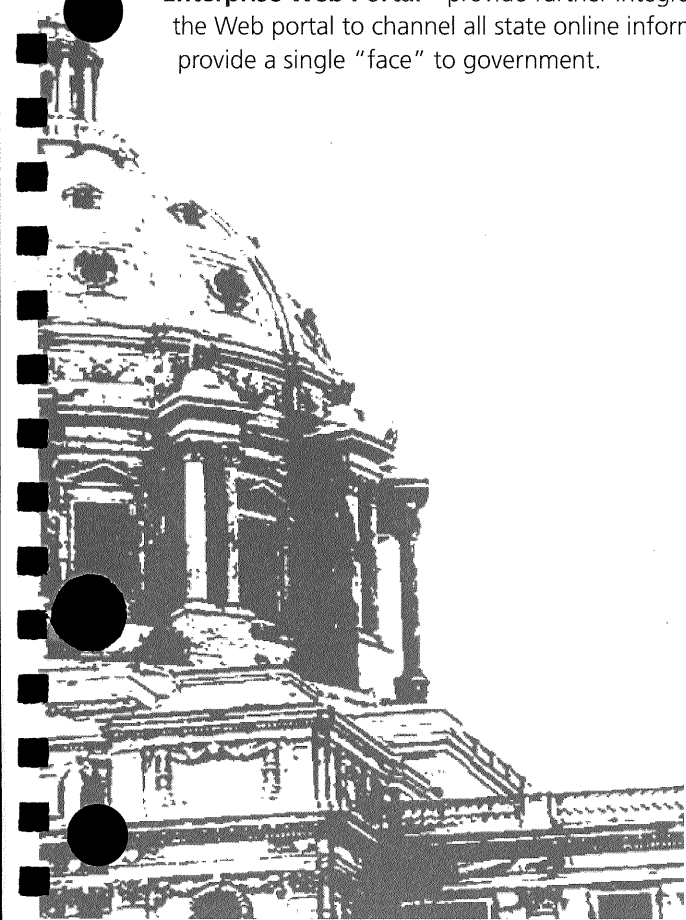
Enterprise Web Portal—provide further integration of the Web portal to channel all state online information and provide a single “face” to government.

Uniform Business Identifier—create one identifying number for each business for all transactions and communications with the State.

Internet Payments—establish an enterprisewide Internet payment system that supports both credit cards and electronic checks, moving the State to conducting its business electronically, tripling online transactions in five years.

Results

- Improved access to state services, making it easier to do business with the State of Minnesota.
- Contact Centers provide citizens with one number to get first-call resolution for basic needs; improve accuracy of information received through citizen interaction and increase resolution rates for citizens calls.
- Web portal allows citizens to conduct selected transactions through the state website; seamless, transparent access for the citizen regardless of agency providing the service.
- Uniform Business Identifier allows businesses to provide data to the State once rather than multiple times; reduces costs of duplicate data capture; reduces errors and cost of corrections; provides one up-to-date data set on businesses that can be shared across agencies.
- Internet payments increase customer satisfaction by offering more payment options for citizens and businesses; increase accuracy of payment data; integrate with agencies' business applications and increase number of agencies with Web presence.



Grant Management

Reform

Create an enterprise grant management structure to improve granting services, assist in identifying additional grant dollars, and improve accountability for the spending of state dollars by grantees.

Rationale

The State currently pursues, distributes, and manages more than \$1.1 billion of incoming grant money from more than 500 grants. It also monitors the performance of approximately 7,000 organizations that receive \$1.4 billion via 9,400 state grants.

This activity is managed through multiple agencies that currently collaborate on an informal basis but do not have one system for tracking information or one process for responding to and monitoring grants.

A group of state agencies recently spent \$8.6 million to develop technology to support grants management. An additional \$8.6 million is planned for another system to be used by two different agencies.

An enterprise grant management structure, policies, processes, and tools will improve how quickly and efficiently the State receives, distributes, and manages grant money.

Recommendations

Grant Management Governance and Process

Improvement—create a new enterprise grant management governance and policy structure that will:

- Improve the State's granting services.
- Assist in identifying additional grant dollars available to the State.
- Improve accountability for the spending of state dollars by the State's grantees.

Grant Management Tools—develop a single grant management tool that can be used to meet the needs of 80% of state grant programs.

Results

- Greater efficiencies, increased accountability, faster grant processing and reduced costs.
- Clear and consistent communication with grantees.
- Improved performance management and accountability for grant dollars.
- Better trained grant personnel within the State and within grantees.
- Improved process for identifying and implementing leading practices in grant management.





Real Property

Reform

Create a shared structure to identify the best use of the State's properties, including potential sale of existing properties. Implement a property management system that optimizes rent, repair, maintenance, and ownership opportunities.

Rationale

Presently, the State has 14 "custodial" agencies that manage the State's more than 5,000 buildings and nearly six million acres of land.

The State's holdings have grown over time and are managed by various agencies with no single management system or inventory of all real property assets.

Coordinated planning will help state agencies manage property Facility sharing, economies of scale, and maintenance will be improved when assets are managed in one real property system.

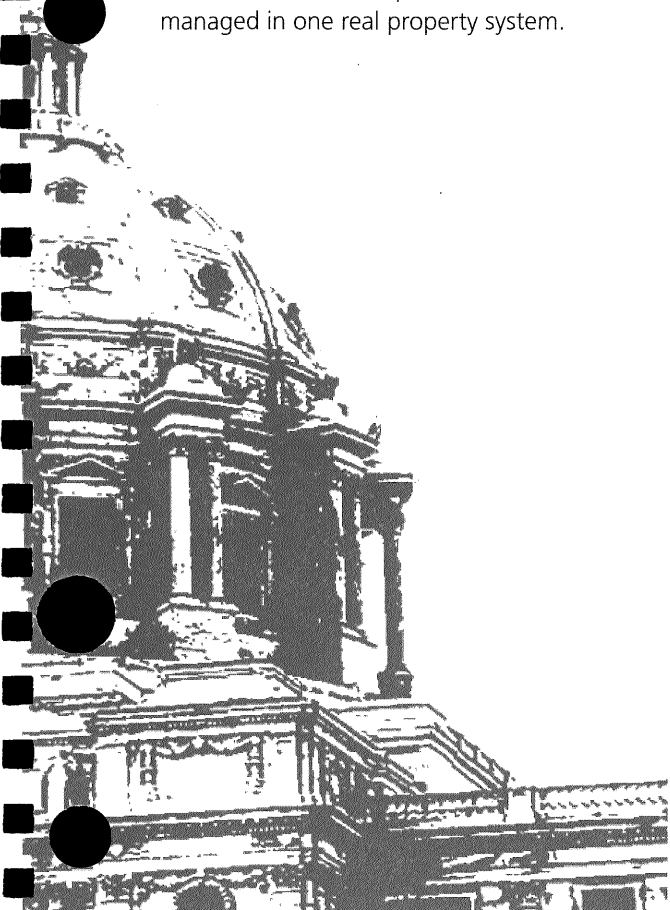
Recommendation

Real Property Planning and Development—create an enterprise governance structure for property management and take an initial inventory of the State's real property. This will enable the State to make better use of properties and to identify surplus properties that could be sold.

Real Property Portfolio Management—use shared technology tools for managing real estate.

Results

- A clear overall strategy for managing the State's real property
- Statewide policies, processes, and performance goals.
- Ability to manage the real property as a collection of valuable assets.
- Improved decisionmaking for real property assets.
- Better managed assets, increased accountability, reduced costs.



Human Capital Management

Reform

Create a shared service organization to deliver Human Resources and Payroll services. This will allow the State to reduce costs, increase self-service, and provide specialized HR skills to all agencies.

Rationale

A higher percentage of state employees than ever before will be retiring in the next 10-15 years. To continue to meet the needs of state agencies and employees, the State must increase self-service options for employees and streamline its HR services.

Recommendations

Service Center—create a single enterprise service center for payroll processing, benefits administration, personnel file/data maintenance, and increased employee self-service.

Centers of Excellence—establish centers of excellence to provide specialized HR services (such as training, recruiting, and safety reporting/workers' compensation) to all agencies.

Results

- Reduced costs and improved services.
- Standardized systems and processes, adoption of leading practices, and a focus on continuous improvement.
- Improved agency access to expert HR resources.
- Enhanced training and recruiting capabilities to improve the State's ability to address demographic workforce trends.





Enterprise Planning & Budgeting

Reform

Create a shared organization to handle finance-related transaction processing. Acquire a new accounting and procurement system with expanded capabilities to better meet existing needs.

Rationale

Currently, each agency does an effective job of agency-specific planning, but more cost savings, greater efficiencies, and better service could be achieved with enterprise-level planning and financial management systems in place.

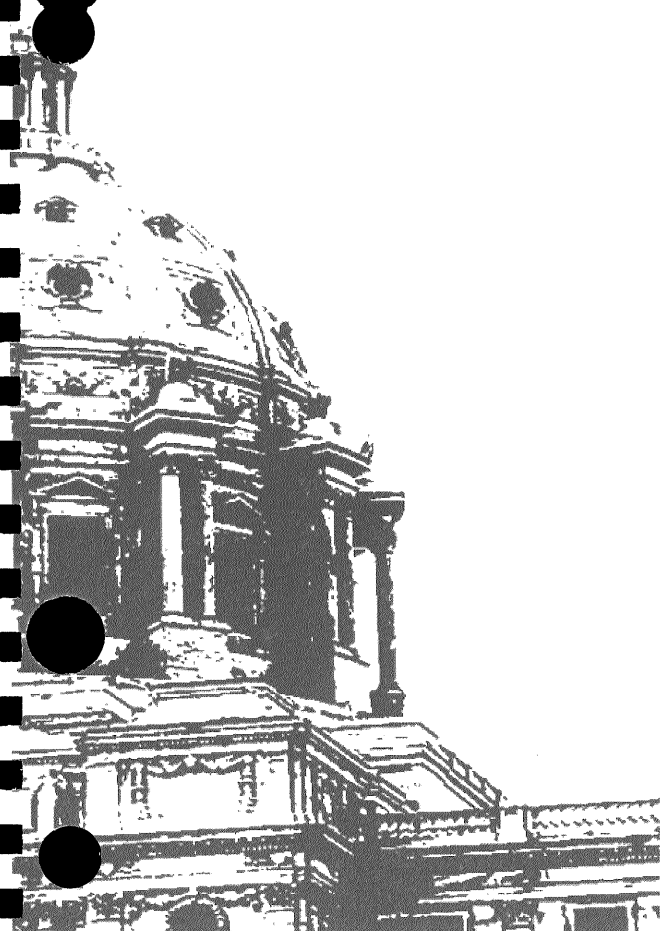
Recommendations

Finance Shared Services—create a shared services finance organization to process high-volume financial transactions (e.g., accounts receivable, purchasing, accounts payable).

Minnesota Accounting and Procurement System—acquire a new accounting and procurement system with expanded capabilities to better meet existing needs and to handle shared services improvements.

Results

- Improved planning and accountability, reduced costs, better funding decisions.
- Improved customer service and savings to Minnesota citizens and businesses.
- Improved management of business processes; improved data quality and data accessibility.
- Consolidated and streamlined business practices and administrative processes.
- Elimination of redundant systems.



Estimated Reform Cost Reductions

The potential financial benefit to the State of Minnesota created by implementing all of the projects in the Transformation Roadmap is expected to be significant and sustainable.

The initial estimate of net Roadmap cost reductions through the end of fiscal year 2011 is **\$354,000,000**. These cost reductions will be distributed across all state activities, whether funded by general revenues, federal funds, or dedicated revenues such as trunk highway dollars. The estimated net cost reductions from all funds for Wave 1 projects is **\$386,000,000** over six years.

The financial benefits shown in the chart below are estimates of the value of improvements expected to be made during implementation of the Roadmap projects.

These figures are preliminary but help to show the relative risk and reward of each strategy. In addition, it is important to note that each project requires a significant investment of current staff resources.

The types of improvements creating these benefits are:

Business Process Efficiencies—being able to perform the same work with fewer people and less overhead. The benefit here comes from reduced operating costs.

Revenue Enhancements—being able to collect more revenue from currently existing sources. The benefit here comes from increased revenue.

Costs of Goods and Services—being able to procure the same or equivalent goods and services, at current volumes, for reduced cost. The benefit here comes from better prices.

(Initial estimated dollars in millions)

WAVE 1

Sourcing/Procurement
Information Technology
Licensing
Customer Service Innovation
Grant Management
Real Property

Wave 1 Subtotal

WAVE 2

Human Capital Management
Customer Service Innovation
Planning and Budgeting

Wave 2 Subtotal

TOTAL

	2005	2006	2007	2008	2009	2010	2011	Total
Sourcing/Procurement	\$0	\$20	\$30	\$41	\$52	\$53	\$55	\$251
Information Technology	0	1	9	16	21	25	25	97
Licensing	0	11	15	15	15	14	14	84
Customer Service Innovation	0	0	0	1	2	2	2	7
Grant Management	0	1	1	4	6	7	7	26
Real Property		0	0	0	2	2	4	8
<i>Wave 1 Subtotal</i>								\$473
Human Capital Management				0	3	8	8	19
Customer Service Innovation				0	2	2	2	6
Planning and Budgeting				0	5	29	38	72
<i>Wave 2 Subtotal</i>								\$ 97
TOTAL	\$0	\$33	\$55	\$77	\$108	\$142	\$155	\$570

Note 1: These figures are estimates for the purpose of comparing business cases to help determine relative financial (ROI) merit for moving forward into the Transformation Roadmap and into the first stages of implementation. The financials calculated are based on a mixture of historical actual data of differing levels of quality, benchmarks, and assumptions.

Note 2: Financial benefits are expressed in current-year dollars throughout the seven-year time horizon.

Estimated Reform Investments

To produce the Roadmap's benefits, the State will need to make investments of time and money.

The initial estimate of enterprise investments needed to gain and sustain full benefits over time, is **\$216,000,000**. This investment would be made over a seven year period. The estimated investment needed for Wave 1 projects is **\$87,000,000**. In addition, a significant amount of the project savings will need to be reinvested to achieve project goals.

The initial estimates of investments for individual projects are shown in the chart below.

Of the initial investment, more than half is for Enterprise Resource Planning systems in areas such as accounting, budgeting, purchasing, payroll, fixed assets, and grants

management. This represents a key backbone investment, to be initiated during the 2008/2009 biennium, which enables estimated benefits to be fully realized and sustained over time.

Even in the absence of the Transformation Roadmap, a significant portion of the \$216,000,000 investment would need to be made. This is necessary to maintain and upgrade critical state and agency systems that must be kept operational. The Transformation Roadmap redirects some of the investments (and provides future cost avoidance) that would be made at individual agencies and with various central systems, to fund enterprise-level systems. These redirected investments create significant additional value for the State as demonstrated by the estimated annual savings.

(Initial estimated dollars in millions)

	2005	2006	2007	2008	2009	2010	2011	Total
DTE Management Office	\$2	\$4	\$4	\$4	\$4	\$2	\$1	\$21
WAVE 1								
Sourcing/Procurement	0	6	6	12	6	0	0	30
Information Technology	0	9	4	4	0	0	0	17
Licensing	0	6	8	6	0	0	0	20
Customer Service Innovation	0	6	2	0	0	0	0	8
Grant Management	0	1	1	1	1	0	0	4
Real Property		1	5	2	0	0	0	8
<i>Wave 1 Subtotal</i>								\$ 87
WAVE 2								
Human Capital Management				8	6	0	0	14
Customer Service Innovation				1	0	0	0	1
Planning and Budgeting				29	34	25	5	93
<i>Wave 2 Subtotal</i>								\$108
TOTAL	\$2	\$33	\$30	\$67	\$51	\$27	\$6	\$216

Note 1: These figures are estimates for the purpose of comparing business cases to help determine relative financial (ROI) merit for moving forward into the Transformation Roadmap and into the first stages of implementation. The financials calculated are based on a mixture of historical actual data of differing levels of quality, benchmarks, and assumptions.

Note 2: Financial benefits are expressed in current-year dollars throughout the seven-year time horizon.

Funding Options

The Drive to Excellence will consider a variety of funding alternatives for implementation.

The funding for each Transformation Roadmap project will be determined prior to implementation.

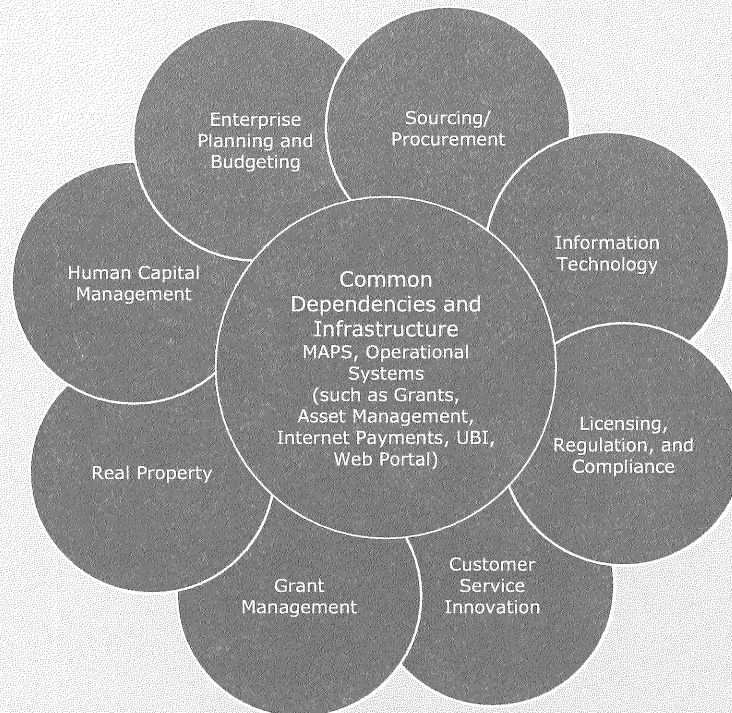
A summary of funding options developed from leading practices in other public sector jurisdictions is shown in the following table. The options are not exhaustive but rather provide direction and guidelines for possible financing models.

Funding Options

Funding Options	Portal Cost Recovery	The vendor develops and operates the portal at no cost to the State and is reimbursed on a per transaction basis for online services provided to constituents.
	Alternative Service Delivery	The vendor is not paid on a time-and-materials or fixed-fee basis, but rather on an annual basis out of operating budgets, increased revenues, or project savings. Vendor typically develops and maintains project on behalf of the State.
	Vendor Savings/ Revenue Share	The vendor is not paid on a time-and-materials or fixed-fee basis, but rather through savings generated or enhanced revenues.
	DTE Project Fund	As the projects begin to realize savings, a portion of these savings is placed in a project fund designed to provide the finances to launch new initiatives.
	Payback in Biennium	There may be new appropriations, provided they are offset by savings that occur within the biennium.
	Master Leases and Third-Party Leases	Typically used for equipment purchases with some opportunity to include limited services and software costs, these agreements last 3 to 3.5 years with costs spread over that time frame.
	Agency Share Model	Impacted agencies share in the cost of the enterprise effort.
	Direct Appropriations	Appropriations from the legislature for projects that are on a critical path and must occur as a part of doing business.

Project Dependencies

Experience at the State and other organizations clearly demonstrates that these projects are dependent on each other to be successful. It is critical to establish a solid foundation of common technology systems and business processes to enable the success of the projects.



The Drive to Excellence is dependent on several fundamental elements, including:

- Strong executive leadership and program management
- Effective and powerful communications and change management
- Enterprisewide IT governance model
- Customer-centered services and initiatives
- Projects managed from an integrated Enterprise view to gain maximum benefits

Reform Leadership

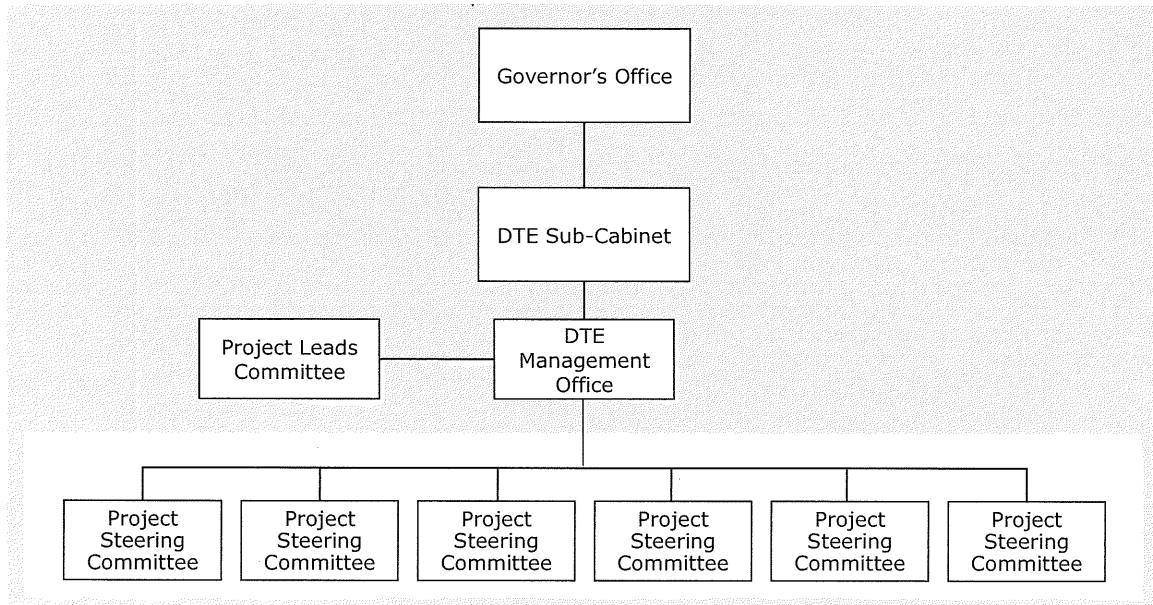
During the implementation of the Drive to Excellence, the following temporary organizational structure is recommended:

- **The Drive to Excellence Sub-Cabinet**—senior decisionmaking body that provides an enterprisewide view, monitors results, and provides direction to each of the Drive to Excellence projects.
- **The Drive to Excellence Program Management Office (“DTE MO”)**—a structure to manage the day-to-day rollout and implementation of the recommendations in the Roadmap. In addition, groups of subject matter

experts will be formed as needed for specific time-limited assistance.

- **Project Leads Committee**—focused on more tactical decisions in collaboration with the DTE MO, as well as decisions that have an impact across projects or agencies.
- **Project Steering Committees**—each individual project will have its own steering committee providing primary decisionmaking for that project.

Implementation Structure for the Drive to Excellence



Restructure Recommendations

The State currently has people, processes, and technology in each of the Business Transformation Areas that are spread (and sometimes duplicated) across the executive branch.

The new model combines similar functions from existing agencies and the Departments of Administration, Finance, and Employee Relations.

The new model includes a shared service agency potentially called Service Minnesota, an IT agency, and an Office of Management and Budget agency ("OMB").

Service Minnesota will be a cabinet-level agency focused on administrative transaction processing and will evolve from the current Department of Administration.

IT will be an independent agency managing technology infrastructure, key investments and operations.

OMB will be a cabinet-level agency that will strategically align the state's resources. The agency will consolidate the current activities of the Departments of Administration, Finance, and Employee Relations that are not transferred to Service Minnesota. This agency will be created in fiscal year 2008.

Other models under consideration will include a single cabinet-level agency combining the existing services in the Department of Administration, Finance and Employee Relations. This model would put all the state's support, financial and human resources into one service agency.

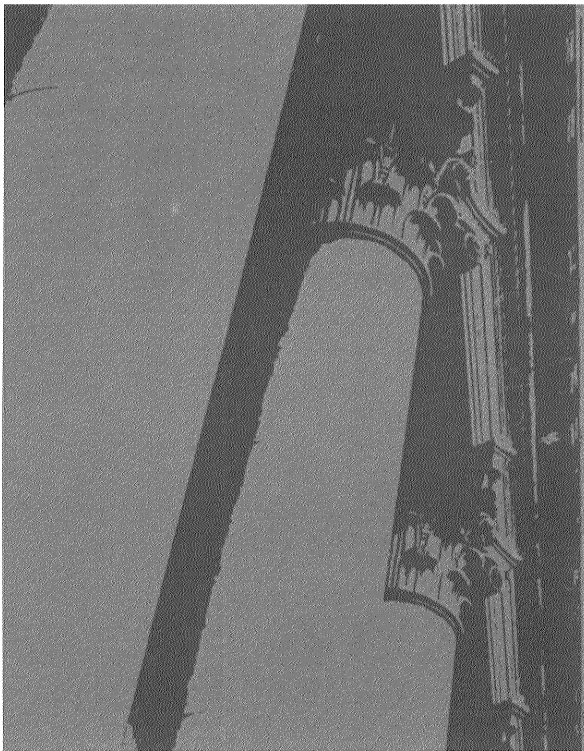
Reshaping State Government

Service Minnesota	IT Agency	Office of Management and Budget
Shared Services <ul style="list-style-type: none"> • Licensing • Sourcing • Grants • Real property • HR • Finance 	<ul style="list-style-type: none"> • Shared functions • Utility functions • Enterprise applications • Strategy, planning, compliance 	Strategy and Operations <ul style="list-style-type: none"> • Real estate • Finance • Results management • Human capital strategy • Strategy, planning, and policy

Conclusion

“ The State of Minnesota must move from the current practice of each department being relatively autonomous, to a more enterprise or ‘whole state’ approach. ”

— Governor Tim Pawlenty
September 9, 2004



“ This strategic roadmap provides a critical first step in reforming state government. It’s time to get going. ”

— Governor Tim Pawlenty
March 15, 2005

Successful organizations, public and private, in Minnesota and around the world, adapt to changing times. Minnesota government is poised to shift from an old, siloed structure to a new model based on integrated service delivery. The purpose of this change is to meet the needs of citizens, the demands of the 21st century and the opportunities afforded by technology. The results of this change will be improved quality of service, increased innovation in service delivery and back-office functions, and the capture of cost savings to deliver critical services to citizens.

A shrinking workforce, changing citizen demands, and reduced budgets require a new way of thinking. Technology allows us to operate in ways never before imagined. The Transformation Roadmap report outlines a catalog of change opportunities for Minnesota government to succeed in today’s environment using today’s tools. Roadmap initiatives were formulated through the research, analysis, validation, prioritization, and planning efforts of state employees and Deloitte Consulting over a time period of five months.

The Transformation Roadmap is the first big step in the Drive to Excellence. It defines key projects, timelines, and expected results. The Roadmap will be refined as more facts and details emerge during implementation. One thing, however, is clear today—the ambitions of the Drive to Excellence to improve government service will succeed only with continued involvement and collaborative partnership between state leadership, state employees, the legislature, business partners, and, eventually, other branches and units of government.

The Drive to Excellence represents a true collaboration by and for the State of Minnesota. It holds the promise of reinventing government to match the changing needs and expectations of our citizens.

The complete Transformation Roadmap report can be viewed on the State’s website at www.excellence.state.mn.us.



For more information, please contact

Steve Dahl
Director of the Minnesota Public Sector Practice
Deloitte Consulting LLP
400 One Financial Plaza
120 South Sixth Street
Minneapolis, Minnesota 55402
stdahl@deloitte.com
(612) 397 4267

For more information, please contact

Dana Badgerow
Commissioner of the Department of Administration
200 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Dana.Badgerow@state.mn.us
(651) 296 8261

Scott Brener
Commissioner of the Department of Labor and Industry
443 Lafayette Road North
Saint Paul, Minnesota 55155
Scott.Brener@state.mn.us
(651) 284 5010

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1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 2032: A bill for an act relating to state
4 government; creating an Office of Enterprise Technology;
5 appropriating money; amending Minnesota Statutes 2004, sections
6 16B.04, subdivision 2; 16B.48, subdivisions 4, 5; 16E.01,
7 subdivisions 1, 3; 16E.02; 16E.03, subdivisions 1, 2, 3, 7;
8 16E.04; 16E.0465, subdivision 2; 16E.055; 16E.07, subdivision 8;
9 299C.65, subdivisions 1, 2; 403.36, subdivision 1; proposing
10 coding for new law in Minnesota Statutes, chapter 16E; repealing
11 Minnesota Statutes 2004, sections 16B.48, subdivision 3;
12 16E.0465, subdivision 3.

13 Reports the same back with the recommendation that the bill
14 be amended as follows:

15 Delete everything after the enacting clause and insert:

16 "ARTICLE 1

17 OFFICE OF ENTERPRISE TECHNOLOGY

18 Section 1. Minnesota Statutes 2004, section 16E.01,
19 subdivision 1, is amended to read:

20 Subdivision 1. [~~PURPOSE CREATION; CHIEF INFORMATION~~
21 ~~OFFICER.~~] The Office of Enterprise Technology, referred to in
22 this chapter as the "office," is ~~under-the-supervision-of-the~~
23 ~~commissioner-of-administration~~ an agency in the executive branch
24 headed by the state chief information officer.

25 Subd. 1a. [~~RESPONSIBILITIES.~~] The office shall
26 provide oversight, leadership, and direction for information and
27 ~~communications~~ telecommunications technology policy and the
28 management and delivery of information and telecommunications
29 technology systems and services in Minnesota. The office
30 shall ~~coordinate~~ manage strategic investments in information and
31 ~~communications~~ telecommunications technology systems and
32 services to encourage the development of a technically literate
33 society ~~and,~~ to ensure sufficient access to and efficient
34 delivery of government services, and to maximize benefits for
35 the state government as an enterprise.

36 Sec. 2. Minnesota Statutes 2004, section 16E.01,
37 subdivision 3, is amended to read:

38 Subd. 3. [~~DUTIES.~~] (a) The office shall:

39 (1) ~~coordinate~~ manage the efficient and effective use of
40 available federal, state, local, and ~~private~~ public-private
41 resources to develop statewide information and ~~communications~~

1 telecommunications technology systems and services and its
2 infrastructure;

3 (2) review approve state agency and intergovernmental
4 information and ~~communications~~ telecommunications technology
5 systems and services development efforts involving state or
6 intergovernmental funding, including federal funding, provide
7 information to the legislature regarding projects reviewed, and
8 recommend projects for inclusion in the governor's budget under
9 section 16A.11;

10 (3) encourage ensure cooperation and collaboration among
11 state and local governments in developing intergovernmental
12 ~~communication-and~~ information and telecommunications technology
13 systems and services, and define the structure and
14 responsibilities of ~~the-Information-Policy-Council~~ a
15 representative governance structure;

16 (4) cooperate and collaborate with the legislative and
17 judicial branches in the development of information and
18 communications systems in those branches;

19 (5) continue the development of North Star, the state's
20 official comprehensive on-line service and information
21 initiative;

22 (6) promote and collaborate with the state's agencies in
23 the state's transition to an effectively competitive
24 telecommunications market;

25 (7) collaborate with entities carrying out education and
26 lifelong learning initiatives to assist Minnesotans in
27 developing technical literacy and obtaining access to ongoing
28 learning resources;

29 (8) promote and coordinate public information access and
30 network initiatives, consistent with chapter 13, to connect
31 Minnesota's citizens and communities to each other, to their
32 governments, and to the world;

33 (9) promote and coordinate electronic commerce initiatives
34 to ensure that Minnesota businesses and citizens can
35 successfully compete in the global economy;

36 (10) manage and promote ~~and-coordinate~~ the regular and

1 periodic reinvestment in the ~~core~~ information ~~communications~~ and
 2 telecommunications technology systems and services
 3 infrastructure so that state and local government agencies can
 4 effectively and efficiently serve their customers;

5 (11) facilitate the cooperative development of and ensure
 6 compliance with standards and policies for information and
 7 telecommunications technology systems and services, electronic
 8 data practices and privacy, and electronic commerce among
 9 international, national, state, and local public and private
 10 organizations; and

11 (12) ~~work-with-others-to-avoid~~ eliminate unnecessary
 12 duplication of existing information and telecommunications
 13 technology systems and services provided by other public and
 14 private organizations while building on the existing
 15 governmental, educational, business, health care, and economic
 16 development infrastructures; and

17 (13) identify, sponsor, develop, and execute shared
 18 information and telecommunications technology projects and
 19 ongoing operations.

20 (b) The ~~commissioner-of-administration~~ chief information
 21 officer in consultation with the commissioner of finance may
 22 must determine ~~that~~ when it is cost-effective for agencies to
 23 develop and use shared information and ~~communications~~
 24 telecommunications technology systems and services for the
 25 delivery of electronic government services. ~~This-determination~~
 26 ~~may-be-made-if-an-agency-proposes-a-new-system-that-duplicates~~
 27 ~~an-existing-system,-a-system-in-development,-or-a-system-being~~
 28 ~~proposed-by-another-agency.~~ The ~~commissioner-of~~
 29 ~~administration~~ chief information officer may require agencies to
 30 use shared information and telecommunications technology systems
 31 and services. The chief information officer shall establish
 32 reimbursement rates in cooperation with the commissioner of
 33 finance to be billed to agencies and other governmental entities
 34 sufficient to cover the actual development, operating,
 35 maintenance, and administrative costs of the shared systems.
 36 The methodology for billing may include the use of interagency

1 agreements, or other means as allowed by law.

2 (c) At the request of the chief information officer, the
 3 commissioner of administration shall, under section 16B.37,
 4 transfer from state agencies to the Office of Enterprise
 5 Technology employees, powers, and functions the commissioner
 6 deems necessary to the Office of Enterprise Technology.

7 Sec. 3. Minnesota Statutes 2004, section 16E.02, is
 8 amended to read:

9 16E.02 [OFFICE OF ENTERPRISE TECHNOLOGY; STRUCTURE AND
 10 PERSONNEL.]

11 Subdivision 1. [OFFICE MANAGEMENT AND STRUCTURE.] (a) The
 12 ~~commissioner-of-administration~~ chief information officer is
 13 appointed by the governor. The chief information officer serves
 14 in the unclassified service at the pleasure of the governor.
 15 The chief information officer must have experience leading
 16 enterprise-level information technology organizations. The
 17 chief information officer is the state's chief information
 18 officer and information and telecommunications technology
 19 advisor to the governor.

20 (b) The chief information officer may appoint other
 21 employees of the office. The staff of the office must include
 22 individuals knowledgeable in information and communications
 23 telecommunications technology systems and services.

24 Subd. 1a. [ACCOUNTABILITY.] The governor may designate an
 25 official or subgroup within the governor's cabinet to whom the
 26 chief information officer reports. The chief information
 27 officer is accountable to this person or subgroup for meeting
 28 individual and organizational performance measures.

29 Subd. 2. [INTERGOVERNMENTAL PARTICIPATION.] The
 30 ~~commissioner-of-administration~~ chief information officer or the
 31 ~~commissioner's~~ chief information officer's designee shall serve
 32 as a member of the ~~Minnesota-Education-Telecommunications~~
 33 ~~Council~~, the Geographic Information Systems Council, and the
 34 Library Planning Task Force, or their respective successor
 35 organizations, and as a nonvoting member of Minnesota
 36 ~~Technology~~, ~~Inc.~~ and the Minnesota Health Data Institute as-a

1 nonvoting-member.

2 Subd. 3. [ADMINISTRATIVE SUPPORT.] The commissioner of
3 administration must provide office space and administrative
4 support services to the office. The office must reimburse the
5 commissioner for these services.

6 Sec. 4. Minnesota Statutes 2004, section 16E.03,
7 subdivision 1, is amended to read:

8 Subdivision 1. [DEFINITIONS.] For the purposes of sections
9 ~~16E-03-to-16E-05~~ chapter 16E, the following terms have the
10 meanings given them.

11 (a) "Information and telecommunications technology systems
12 and services" means all computing and telecommunications
13 hardware and software and the activities undertaken to acquire,
14 transport, process, analyze, store, and disseminate information
15 electronically. "Information and telecommunications technology
16 systems and services" includes all proposed expenditures for
17 computing and telecommunications hardware and software, and
18 related consulting or other professional services.

19 ~~{a} (b) "Information and communications telecommunications~~
20 ~~technology project" means the-development-or-acquisition-of~~
21 ~~information-and-communications-technology-devices-and-systems,~~
22 ~~but-does-not-include-the-state-information-infrastructure-or~~
23 ~~its-contractors.~~

24 ~~{b}-"Data-processing-device-or-system"-means-equipment-or~~
25 ~~computer-programs,-including-computer-hardware,-firmware,~~
26 ~~software,-and-communication-protocols,-used-in-connection-with~~
27 ~~the-processing-of-information-through-electronic-data-processing~~
28 ~~means,-and-includes-data-communication-devices-used-in~~
29 ~~connection-with-computer-facilities-for-the-transmission-of-data-~~
30 an effort to acquire or produce information and
31 telecommunications technology systems and services.

32 (c) "Telecommunications" means voice, video and data
33 electronic transmissions transported by wire, wireless,
34 fiber-optic, radio or other available transport technology.

35 (d) "Cyber security" means the protection of data and
36 systems in networks connected to the Internet.

1 ~~(e)~~ (e) "State agency" means an agency in the executive
2 branch of state government and includes the Minnesota Higher
3 Education Services Office.

4 Sec. 5. Minnesota Statutes 2004, section 16E.03,
5 subdivision 2, is amended to read:

6 Subd. 2. [~~COMMISSIONER'S~~ CHIEF INFORMATION OFFICER
7 RESPONSIBILITY.] The ~~commissioner~~ chief information officer
8 shall coordinate the state's information and ~~communications~~
9 telecommunications technology systems and services to serve the
10 needs of the state government. The ~~commissioner~~ chief
11 information officer shall:

12 (1) ~~coordinate~~ the design of a master plan for information
13 and ~~communications~~ telecommunications technology systems and
14 services in the state and its political subdivisions and shall
15 report on the plan to the governor and legislature at the
16 beginning of each regular session;

17 (2) coordinate, review, and approve all information and
18 ~~communications~~ telecommunications technology ~~plans and contracts~~
19 projects and oversee the state's information and ~~communications~~
20 telecommunications technology systems and services;

21 (3) establish and enforce compliance with standards for
22 information and ~~communications~~ telecommunications technology
23 systems and services that ~~encourage competition~~ are cost
24 effective and support open systems environments and that are
25 compatible with state, national, and international
26 standards; and

27 (4) maintain a library of systems and programs developed by
28 the state and its political subdivisions for use by agencies of
29 government; and

30 (5) direct and manage the shared operations of the state's
31 information and telecommunications technology systems and
32 services.

33 Sec. 6. Minnesota Statutes 2004, section 16E.03,
34 subdivision 3, is amended to read:

35 Subd. 3. [EVALUATION AND APPROVAL.] A state agency may not
36 undertake an information and ~~communications~~ telecommunications

1 technology project until it has been evaluated according to the
2 procedures developed under subdivision 4. The ~~governor-or~~
3 ~~governor's-designee~~ chief information officer shall give written
4 approval of the proposed project. If the proposed project is
5 not approved, the commissioner of finance shall cancel the
6 unencumbered balance of any appropriation allotted for the
7 project. ~~This-subdivision-does-not-apply-to-acquisitions-or~~
8 ~~development-of-information-and-communications-systems-that-have~~
9 ~~anticipated-total-cost-of-less-than-\$100,000.~~ The Minnesota
10 State Colleges and Universities shall submit for approval any
11 project related to acquisitions or development of information
12 and ~~communications~~ telecommunications technology systems and
13 services that has a total anticipated cost of more than \$250,000.

14 Sec. 7. Minnesota Statutes 2004, section 16E.03,
15 subdivision 7, is amended to read:

16 Subd. 7. [~~DATA~~ CYBER SECURITY SYSTEMS.] In consultation
17 with the attorney general and appropriate agency heads, the
18 ~~commissioner~~ chief information officer shall develop data cyber
19 security policies, guidelines, and standards, and ~~the~~
20 ~~commissioner-of-administration~~ shall install and administer
21 state data security systems on the state's ~~centralized~~ computer
22 ~~facility~~ facilities consistent with these policies, guidelines,
23 standards, and state law to ensure the integrity of
24 computer-based and other data and to ensure applicable
25 limitations on access to data, consistent with the public's
26 right to know as defined in chapter 13. Each department or
27 agency head is responsible for the security of the department's
28 or agency's data within the guidelines of established enterprise
29 policy.

30 Sec. 8. Minnesota Statutes 2004, section 16E.04, is
31 amended to read:

32 16E.04 [~~INFORMATION AND COMMUNICATIONS~~ TELECOMMUNICATIONS
33 TECHNOLOGY POLICY.]

34 Subdivision 1. [~~DEVELOPMENT.~~] The office shall ~~coordinate~~
35 ~~with-state-agencies-in-developing-and-establishing~~ develop,
36 establish, and enforce policies and standards for state agencies

1 to follow in developing and purchasing information and
2 ~~communications~~ telecommunications technology systems and
3 services and training appropriate persons in their use. The
4 office shall develop, promote, and ~~coordinate~~ manage state
5 technology, architecture, standards and guidelines, information
6 needs analysis techniques, contracts for the purchase of
7 equipment and services, and training of state agency personnel
8 on these issues.

9 Subd. 2. [RESPONSIBILITIES.] (a) In addition to other
10 activities prescribed by law, the office shall carry out the
11 duties set out in this subdivision.

12 (b) The office shall develop and establish a state
13 information architecture to ensure that ~~further~~ state agency
14 development and purchase of information and communications
15 systems, equipment, and services is designed to ensure that
16 individual agency information systems complement and do not
17 needlessly duplicate or conflict with the systems of other
18 agencies. When state agencies have need for the same or similar
19 public data, the ~~commissioner~~ chief information officer, in
20 coordination with the affected agencies, shall ~~promote~~ manage
21 the most efficient and cost-effective method of producing and
22 storing data for or sharing data between those agencies. The
23 development of this information architecture must include the
24 establishment of standards and guidelines to be followed by
25 state agencies. The office shall ensure compliance with the
26 architecture.

27 (c) The office shall assist state agencies in the planning
28 and management of information systems so that an individual
29 information system reflects and supports the state agency's
30 mission and the state's requirements and functions. The office
31 shall review and approve agency strategic plans to ensure
32 consistency with enterprise information and telecommunications
33 technology strategy.

34 (d) The office shall review and approve agency requests for
35 legislative appropriations for the development or purchase of
36 information systems equipment or software.

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

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

5 (2) ensure ~~that the equipment is consistent with the~~
6 ~~information management principles adopted by the Information~~
7 ~~Policy Council;~~

8 ~~(3) evaluate whether~~ the agency's proposed purchase
9 reflects a cost-effective policy regarding volume purchasing;
10 and

11 ~~(4)~~ (3) ensure that the equipment is consistent with other
12 systems in other state agencies so that data can be shared among
13 agencies, unless the office determines that the agency
14 purchasing the equipment has special needs justifying the
15 inconsistency.

16 (f) The office shall review the operation of information
17 systems by state agencies and ~~provide advice and assistance to~~
18 ensure that these systems are operated efficiently and
19 continually meet the standards and guidelines established by the
20 office. The standards and guidelines must emphasize
21 uniformity that is cost-effective for the enterprise, that
22 encourages information interchange, open systems environments,
23 and portability of information whenever practicable and
24 consistent with an agency's authority and chapter 13.

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

33 Subd. 3. [RISK ASSESSMENT AND MITIGATION.] (a) A risk
34 assessment and risk mitigation plan are required for an all
35 information systems development ~~project estimated to cost more~~
36 ~~than \$1,000,000 that is~~ projects undertaken by a state agency in

1 the executive or judicial branch or by a constitutional officer.
 2 The ~~commissioner-of-administration~~ chief information officer
 3 must contract with an entity outside of state government to
 4 conduct the initial assessment and prepare the mitigation plan
 5 for a project estimated to cost more than \$5,000,000. The
 6 outside entity conducting the risk assessment and preparing the
 7 mitigation plan must not have any other direct or indirect
 8 financial interest in the project. The risk assessment and risk
 9 mitigation plan must provide for periodic monitoring by the
 10 commissioner until the project is completed.

11 (b) The risk assessment and risk mitigation plan must be
 12 paid for with money appropriated for the information systems
 13 development and telecommunications technology project. The
 14 commissioner of finance shall ensure that no more than ten
 15 percent of the amount anticipated to be spent on the project,
 16 other than the money spent on the risk assessment and risk
 17 mitigation plan, ~~may-be~~ is spent until the risk assessment and
 18 mitigation plan are reported to the ~~commissioner-of~~
 19 ~~administration~~ chief information officer and the ~~commissioner~~
 20 chief information officer has approved the risk mitigation plan.

21 Sec. 9. Minnesota Statutes 2004, section 16E.0465,
 22 subdivision 1 is amended to read:

23 Subdivision 1. [APPLICATION.] This section applies to an
 24 appropriation of more than \$1,000,000 of state or federal funds
 25 to a state agency for any information and ~~communications~~
 26 telecommunications technology project ~~or-data-processing-device~~
 27 ~~or-system~~ or for any phase of such a project, device, or
 28 system. For purposes of this section, an appropriation of state
 29 or federal funds to a state agency includes an appropriation:

- 30 (1) to the Minnesota State Colleges and Universities;
 31 (2) to a constitutional officer;
 32 (3) for a project that includes both a state agency and
 33 units of local government; and
 34 (4) to a state agency for grants to be made to other
 35 entities.

36 Sec. 10. Minnesota Statutes 2004, section 16E.0465,

1 subdivision 2, is amended to read:

2 Subd. 2. [REQUIRED REVIEW AND APPROVAL.] (a) A state
3 agency receiving an appropriation for an information and
4 ~~communications~~ telecommunications technology project ~~or data~~
5 ~~processing-device-or-system~~ subject to this section must divide
6 the project into phases.

7 (b) The commissioner of finance may not authorize the
8 encumbrance or expenditure of an appropriation of state funds to
9 a state agency for any phase of a project, device, or system
10 subject to this section unless the Office of Enterprise
11 Technology has reviewed each phase of the project, device, or
12 system, and based on this review, the ~~commissioner-of~~
13 ~~administration~~ chief information officer has determined for each
14 phase that:

15 (1) the project is compatible with the state information
16 architecture and other policies and standards established by the
17 ~~commissioner-of-administration~~ chief information officer; and

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

20 (3) the project supports the enterprise information
21 technology strategy.

22 Sec. 11. Minnesota Statutes 2004, section 16E.055, is
23 amended to read:

24 16E.055 [~~COMMON-WEB-FORMAT~~ ELECTRONIC GOVERNMENT SERVICES.]

25 A state agency that implements electronic government
26 services for fees, licenses, sales, or other purposes must use a
27 ~~common-Web-page-format-approved-by-the-commissioner-of~~
28 ~~administration-for-these-electronic-government-services---~~The
29 ~~commissioner-may-create-a~~ the single entry site created by the
30 chief information officer for all agencies to use for electronic
31 government services.

32 Sec. 12. Minnesota Statutes 2004, section 16E.07,
33 subdivision 8, is amended to read:

34 Subd. 8. [SECURE TRANSACTION SYSTEM.] The office shall
35 plan and develop a secure transaction system to support delivery
36 of government services electronically. A state agency that

1 implements electronic government services for fees, licenses,
2 sales, or other purposes must use the secure transaction system
3 developed in accordance with this section.

4 Sec. 13. [16E.14] [ENTERPRISE TECHNOLOGY REVOLVING FUND.]

5 Subdivision 1. [FUND.] Money in the enterprise technology
6 revolving fund is appropriated annually to the chief information
7 officer to operate information and telecommunications services,
8 including management, consultation, and design services.

9 Subd. 2. [REIMBURSEMENTS.] Except as specifically provided
10 otherwise by law, each agency shall reimburse the enterprise
11 technology revolving fund for the cost of all services,
12 supplies, materials, labor, and depreciation of equipment,
13 including reasonable overhead costs, which the chief information
14 officer is authorized and directed to furnish an agency. The
15 chief information officer shall report the rates to be charged
16 for the revolving fund no later than July 1 each year to the
17 chair of the committee or division in the senate and house of
18 representatives with primary jurisdiction over the budget of the
19 Office of Enterprise Technology. The commissioner of finance
20 shall make appropriate transfers to the revolving fund when
21 requested by the chief information officer. The chief
22 information officer may make allotments, encumbrances, and, with
23 the approval of the commissioner of finance, disbursements in
24 anticipation of such transfers. In addition, the chief
25 information officer, with the approval of the commissioner of
26 finance, may require an agency to make advance payments to the
27 revolving fund sufficient to cover the office's estimated
28 obligation for a period of at least 60 days. All reimbursements
29 and other money received by the chief information officer under
30 this section must be deposited in the enterprise technology
31 revolving fund. If the enterprise technology revolving fund is
32 abolished or liquidated, the total net profit from the operation
33 of the fund must be distributed to the various funds from which
34 purchases were made. The amount to be distributed to each fund
35 must bear to the net profit the same ratio as the total
36 purchases from each fund bears to the total purchases from all

1 the funds during the same period of time.

2 ARTICLE 2

3 TRANSFER OF DUTIES AND CONFORMING CHANGES

4 Section 1. Minnesota Statutes 2004, section 16B.04,
5 subdivision 2, is amended to read:

6 Subd. 2. [POWERS AND DUTIES, GENERAL.] Subject to other
7 provisions of this chapter, the commissioner is authorized to:

8 (1) supervise, control, review, and approve all state
9 contracts and purchasing;

10 (2) provide agencies with supplies and equipment and
11 operate all central store or supply rooms serving more than one
12 agency;

13 ~~(3) approve all computer plans and contracts, and oversee~~
14 ~~the state's data processing system;~~

15 ~~(4)~~ investigate and study the management and organization
16 of agencies, and reorganize them when necessary to ensure their
17 effective and efficient operation;

18 ~~(5)~~ (4) manage and control state property, real and
19 personal;

20 ~~(6)~~ (5) maintain and operate all state buildings, as
21 described in section 16B.24, subdivision 1;

22 ~~(7)~~ (6) supervise, control, review, and approve all capital
23 improvements to state buildings and the capitol building and
24 grounds;

25 ~~(8)~~ (7) provide central duplicating, printing, and mail
26 facilities;

27 ~~(9)~~ (8) oversee publication of official documents and
28 provide for their sale;

29 ~~(10)~~ (9) manage and operate parking facilities for state
30 employees and a central motor pool for travel on state business;

31 ~~(11)~~ (10) establish and administer a State Building Code;
32 and

33 ~~(12)~~ (11) provide rental space within the capitol complex
34 for a private day care center for children of state employees.
35 The commissioner shall contract for services as provided in this
36 chapter. The commissioner shall report back to the legislature

1 by October 1, 1984, with the recommendation to implement the
2 private day care operation.

3 Sec. 2. Minnesota Statutes 2004, section 16B.48,
4 subdivision 4, is amended to read:

5 Subd. 4. [REIMBURSEMENTS.] Except as specifically provided
6 otherwise by law, each agency shall reimburse ~~intertechologies~~
7 and the general services revolving funds for the cost of all
8 services, supplies, materials, labor, and depreciation of
9 equipment, including reasonable overhead costs, which the
10 commissioner is authorized and directed to furnish an agency.
11 The cost of all publications or other materials produced by the
12 commissioner and financed from the general services revolving
13 fund must include reasonable overhead costs. The commissioner
14 of administration shall report the rates to be charged for each
15 the general services revolving fund funds no later than July 1
16 each year to the chair of the committee or division in the
17 senate and house of representatives with primary jurisdiction
18 over the budget of the Department of Administration. The
19 commissioner of finance shall make appropriate transfers to the
20 revolving funds described in this section when requested by the
21 commissioner of administration. The commissioner of
22 administration may make allotments, encumbrances, and, with the
23 approval of the commissioner of finance, disbursements in
24 anticipation of such transfers. In addition, the commissioner
25 of administration, with the approval of the commissioner of
26 finance, may require an agency to make advance payments to the
27 revolving funds in this section sufficient to cover the agency's
28 estimated obligation for a period of at least 60 days. All
29 reimbursements and other money received by the commissioner of
30 administration under this section must be deposited in the
31 appropriate revolving fund. Any earnings remaining in the fund
32 established to account for the documents service prescribed by
33 section 16B.51 at the end of each fiscal year not otherwise
34 needed for present or future operations, as determined by the
35 commissioners of administration and finance, must be transferred
36 to the general fund.

1 Sec. 3. Minnesota Statutes 2004, section 16B.48,
2 subdivision 5, is amended to read:

3 Subd. 5. [LIQUIDATION.] If the ~~intertechnologies-or~~
4 general services revolving ~~fund-is~~ funds are abolished or
5 liquidated, the total net profit from the operation of each fund
6 must be distributed to the various funds from which purchases
7 were made. The amount to be distributed to each fund must bear
8 to the net profit the same ratio as the total purchases from
9 each fund bears to the total purchases from all the funds during
10 the same period of time.

11 Sec. 4. Minnesota Statutes 2004, section 299C.65,
12 subdivision 1, is amended to read:

13 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and
14 Juvenile Justice Information Policy Group consists of the
15 commissioner of corrections, the commissioner of public safety,
16 the ~~commissioner-of-administration~~ state chief information
17 officer, the commissioner of finance, and four members of the
18 judicial branch appointed by the chief justice of the Supreme
19 Court. The policy group may appoint additional, nonvoting
20 members as necessary from time to time.

21 (b) The commissioner of public safety is designated as the
22 chair of the policy group. The commissioner and the policy
23 group have overall responsibility for the successful completion
24 of statewide criminal justice information system integration
25 (CrimNet). The policy group may hire a program manager to
26 manage the CrimNet projects and to be responsible for the
27 day-to-day operations of CrimNet. The policy group must ensure
28 that generally accepted project management techniques are
29 utilized for each CrimNet project, including:

- 30 (1) clear sponsorship;
- 31 (2) scope management;
- 32 (3) project planning, control, and execution;
- 33 (4) continuous risk assessment and mitigation;
- 34 (5) cost management;
- 35 (6) quality management reviews;
- 36 (7) communications management; and

1 (8) proven methodology.

2 (c) Products and services for CrimNet project management,
3 system design, implementation, and application hosting must be
4 acquired using an appropriate procurement process, which
5 includes:

6 (1) a determination of required products and services;

7 (2) a request for proposal development and identification
8 of potential sources;

9 (3) competitive bid solicitation, evaluation, and
10 selection; and

11 (4) contract administration and close-out.

12 (d) The policy group shall study and make recommendations
13 to the governor, the Supreme Court, and the legislature on:

14 (1) a framework for integrated criminal justice information
15 systems, including the development and maintenance of a
16 community data model for state, county, and local criminal
17 justice information;

18 (2) the responsibilities of each entity within the criminal
19 and juvenile justice systems concerning the collection,
20 maintenance, dissemination, and sharing of criminal justice
21 information with one another;

22 (3) actions necessary to ensure that information maintained
23 in the criminal justice information systems is accurate and
24 up-to-date;

25 (4) the development of an information system containing
26 criminal justice information on gross misdemeanor-level and
27 felony-level juvenile offenders that is part of the integrated
28 criminal justice information system framework;

29 (5) the development of an information system containing
30 criminal justice information on misdemeanor arrests,
31 prosecutions, and convictions that is part of the integrated
32 criminal justice information system framework;

33 (6) comprehensive training programs and requirements for
34 all individuals in criminal justice agencies to ensure the
35 quality and accuracy of information in those systems;

36 (7) continuing education requirements for individuals in

1 criminal justice agencies who are responsible for the
2 collection, maintenance, dissemination, and sharing of criminal
3 justice data;

4 (8) a periodic audit process to ensure the quality and
5 accuracy of information contained in the criminal justice
6 information systems;

7 (9) the equipment, training, and funding needs of the state
8 and local agencies that participate in the criminal justice
9 information systems;

10 (10) the impact of integrated criminal justice information
11 systems on individual privacy rights;

12 (11) the impact of proposed legislation on the criminal
13 justice system, including any fiscal impact, need for training,
14 changes in information systems, and changes in processes;

15 (12) the collection of data on race and ethnicity in
16 criminal justice information systems;

17 (13) the development of a tracking system for domestic
18 abuse orders for protection;

19 (14) processes for expungement, correction of inaccurate
20 records, destruction of records, and other matters relating to
21 the privacy interests of individuals; and

22 (15) the development of a database for extended
23 jurisdiction juvenile records and whether the records should be
24 public or private and how long they should be retained.

25 Sec. 5. Minnesota Statutes 2004, section 299C.65,
26 subdivision 2, is amended to read:

27 Subd. 2. [REPORT, TASK FORCE.] (a) The policy group shall
28 file an annual report with the governor, Supreme Court, and
29 chairs and ranking minority members of the senate and house
30 committees and divisions with jurisdiction over criminal justice
31 funding and policy by December 1 of each year.

32 (b) The report must make recommendations concerning any
33 legislative changes or appropriations that are needed to ensure
34 that the criminal justice information systems operate accurately
35 and efficiently. To assist them in developing their
36 recommendations, the policy group shall appoint a task force

1 consisting of its members or their designees and the following
2 additional members:

3 (1) the director of the Office of Strategic and Long-Range
4 Planning;

5 (2) two sheriffs recommended by the Minnesota Sheriffs
6 Association;

7 (3) two police chiefs recommended by the Minnesota Chiefs
8 of Police Association;

9 (4) two county attorneys recommended by the Minnesota
10 County Attorneys Association;

11 (5) two city attorneys recommended by the Minnesota League
12 of Cities;

13 (6) two public defenders appointed by the Board of Public
14 Defense;

15 (7) two district judges appointed by the Conference of
16 Chief Judges, one of whom is currently assigned to the juvenile
17 court;

18 (8) two community corrections administrators recommended by
19 the Minnesota Association of Counties, one of whom represents a
20 community corrections act county;

21 (9) two probation officers;

22 (10) four public members, one of whom has been a victim of
23 crime, and two who are representatives of the private business
24 community who have expertise in integrated information systems;

25 (11) two court administrators;

26 (12) one member of the house of representatives appointed
27 by the speaker of the house;

28 (13) one member of the senate appointed by the majority
29 leader;

30 (14) the attorney general or a designee;

31 (15) the ~~commissioner-of-administration~~ state chief
32 information officer or a designee;

33 (16) an individual recommended by the Minnesota League of
34 Cities; and

35 (17) an individual recommended by the Minnesota Association
36 of Counties.

1 In making these appointments, the appointing authority shall
2 select members with expertise in integrated data systems or best
3 practices.

4 (c) The commissioner of public safety may appoint
5 additional, nonvoting members to the task force as necessary
6 from time to time.

7 Sec. 6. Minnesota Statutes 2004, section 403.36,
8 subdivision 1, is amended to read:

9 Subdivision 1. [MEMBERSHIP.] (a) The commissioner of
10 public safety shall convene and chair the Statewide Radio Board
11 to develop a project plan for a statewide, shared, trunked
12 public safety radio communication system. The system may be
13 referred to as "Allied Radio Matrix for Emergency Response," or
14 "ARMER."

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

17 (1) the commissioner of public safety;

18 (2) the commissioner of transportation;

19 (3) the ~~commissioner-of-administration~~ state chief
20 information officer;

21 (4) the commissioner of natural resources;

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

23 (6) the commissioner of health;

24 (7) the commissioner of finance;

25 (8) two elected city officials, one from the nine-county
26 metropolitan area and one from Greater Minnesota, appointed by
27 the governing body of the League of Minnesota Cities;

28 (9) two elected county officials, one from the nine-county
29 metropolitan area and one from Greater Minnesota, appointed by
30 the governing body of the Association of Minnesota Counties;

31 (10) two sheriffs, one from the nine-county metropolitan
32 area and one from Greater Minnesota, appointed by the governing
33 body of the Minnesota Sheriffs' Association;

34 (11) two chiefs of police, one from the nine-county
35 metropolitan area and one from Greater Minnesota, appointed by
36 the governor after considering recommendations made by the

1 Minnesota Chiefs' of Police Association;

2 (12) two fire chiefs, one from the nine-county metropolitan
3 area and one from Greater Minnesota, appointed by the governor
4 after considering recommendations made by the Minnesota Fire
5 Chiefs' Association;

6 (13) two representatives of emergency medical service
7 providers, one from the nine-county metropolitan area and one
8 from Greater Minnesota, appointed by the governor after
9 considering recommendations made by the Minnesota Ambulance
10 Association;

11 (14) the chair of the Metropolitan Radio Board; and

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

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

23 Sec. 7. [TRANSFER OF DUTIES.]

24 Responsibilities of the commissioner of administration for
25 state telecommunications systems, state information
26 infrastructure, and electronic conduct of state business under
27 Minnesota Statutes, sections 16B.405; 16B.44; 16B.46; 16B.465;
28 16B.466; and 16B.467, are transferred to the Office of
29 Enterprise Technology. All positions in the Office of
30 Technology and the Intertechnologies Group are transferred to
31 the Office of Enterprise Technology.

32 Sec. 8. [REVISOR INSTRUCTION.]

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

35 (1) substitute the term "chief information officer" for
36 "commissioner" and "commissioner of administration" in the

1 following sections of Minnesota Statutes: 16B.405; 16B.44;
2 16B.46; 16B.465; 16B.466; 16B.467; 16E.03, subdivisions 4, 5, 6,
3 and 8; 16E.035; and 16E.07, subdivision 4;

4 (2) substitute the term "Office of Enterprise Technology"
5 for the term "Office of Technology" in Minnesota Statutes; and

6 (3) recodify the following sections of Minnesota Statutes
7 into Minnesota Statutes, chapter 16E: 16B.405; 16B.44; 16B.46;
8 16B.465; 16B.466; and 16B.467.

9 Sec. 9. [REPEALER.]

10 Minnesota Statutes 2004, sections 16B.48, subdivision 3;
11 and 16E.0465, subdivision 3, are repealed.

12 Sec. 10. [EFFECTIVE DATE.]

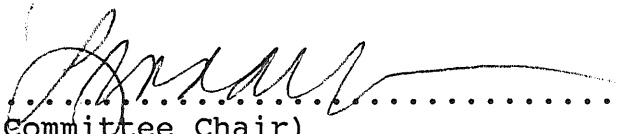
13 Sections 1 to 9 are effective July 1, 2005."

14 Amend the title as follows:

15 Page 1, line 7, delete the first "subdivision" and insert
16 "subdivisions 1,"

17 And when so amended the bill do pass and be re-referred to
18 the Committee on Finance. Amendments adopted. Report adopted.

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.....
(Committee Chair)

April 11, 2005.....
(Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 527 - Relating to Municipal Special Assessments

Author: Senator Mady Reiter

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)



Date: April 11, 2005

The proposed bill adds to the list of improvements a city or urban township may make and finance through the special assessment process. It allows the municipality to enter into an agreement with a private or cooperative electric or communications utility for improvement of an existing service distribution system within a public right-of-way that exceeds design and construction standards set in law, tariff, or franchise, but only if requested by abutting property owners who would be specially assessed.

DPM:vs

*The wrong bill jackets were signed. There
werent any amendments made to the bill.
Refer to the Committee Report.*

Senator Reiter introduced--

S.F. No. 527: Referred to the Committee on Jobs, Energy and Community Development.

1 A bill for an act

2 relating to local government; authorizing electric or
3 utility special assessments exceeding standards on
4 petition of all affected owners; amending Minnesota
5 Statutes 2004, section 429.021, subdivision 1.

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

7 Section 1. Minnesota Statutes 2004, section 429.021,
8 subdivision 1, is amended to read:

9 Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a
10 municipality shall have power to make the following improvements:

11 (1) To acquire, open, and widen any street, and to improve
12 the same by constructing, reconstructing, and maintaining
13 sidewalks, pavement, gutters, curbs, and vehicle parking strips
14 of any material, or by grading, graveling, oiling, or otherwise
15 improving the same, including the beautification thereof and
16 including storm sewers or other street drainage and connections
17 from sewer, water, or similar mains to curb lines.

18 (2) To acquire, develop, construct, reconstruct, extend,
19 and maintain storm and sanitary sewers and systems, including
20 outlets, holding areas and ponds, treatment plants, pumps, lift
21 stations, service connections, and other appurtenances of a
22 sewer system, within and without the corporate limits.

23 (3) To construct, reconstruct, extend, and maintain steam
24 heating mains.

25 (4) To install, replace, extend, and maintain street lights

1 and street lighting systems and special lighting systems.

2 (5) To acquire, improve, construct, reconstruct, extend,
3 and maintain water works systems, including mains, valves,
4 hydrants, service connections, wells, pumps, reservoirs, tanks,
5 treatment plants, and other appurtenances of a water works
6 system, within and without the corporate limits.

7 (6) To acquire, improve and equip parks, open space areas,
8 playgrounds, and recreational facilities within or without the
9 corporate limits.

10 (7) To plant trees on streets and provide for their
11 trimming, care, and removal.

12 (8) To abate nuisances and to drain swamps, marshes, and
13 ponds on public or private property and to fill the same.

14 (9) To construct, reconstruct, extend, and maintain dikes
15 and other flood control works.

16 (10) To construct, reconstruct, extend, and maintain
17 retaining walls and area walls.

18 (11) To acquire, construct, reconstruct, improve, alter,
19 extend, operate, maintain, and promote a pedestrian skyway
20 system. Such improvement may be made upon a petition pursuant
21 to section 429.031, subdivision 3.

22 (12) To acquire, construct, reconstruct, extend, operate,
23 maintain, and promote underground pedestrian concourses.

24 (13) To acquire, construct, improve, alter, extend,
25 operate, maintain, and promote public malls, plazas or
26 courtyards.

27 (14) To construct, reconstruct, extend, and maintain
28 district heating systems.

29 (15) To construct, reconstruct, alter, extend, operate,
30 maintain, and promote fire protection systems in existing
31 buildings, but only upon a petition pursuant to section 429.031,
32 subdivision 3.

33 (16) To acquire, construct, reconstruct, improve, alter,
34 extend, and maintain highway sound barriers.

35 (17) To improve, construct, reconstruct, extend, and
36 maintain gas and electric distribution facilities owned by a

1 municipal gas or electric utility.

2 (18) To purchase, install, and maintain signs, posts, and
3 other markers for addressing related to the operation of
4 enhanced 911 telephone service.

5 (19) To improve, construct, extend, and maintain facilities
6 for Internet access and other communications purposes, if the
7 council finds that:

8 (i) the facilities are necessary to make available Internet
9 access or other communications services that are not and will
10 not be available through other providers or the private market
11 in the reasonably foreseeable future; and

12 (ii) the service to be provided by the facilities will not
13 compete with service provided by private entities.

14 (20) Enter an agreement with a private or cooperative
15 electric or communication utility for improvement of an existing
16 service distribution system, within public right-of-way, which
17 exceeds the design and construction standards set by law, tariff
18 or franchise, but only upon petition pursuant to section
19 429.031, subdivision 3.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was re-referred

3 S.F. No. 527: A bill for an act relating to local
4 government; authorizing electric or utility special assessments
5 exceeding standards on petition of all affected owners; amending
6 Minnesota Statutes 2004, section 429.021, subdivision 1.

7 Reports the same back with the recommendation that the bill
8 do pass and be re-referred to the Committee on Taxes. Report
9 adopted.

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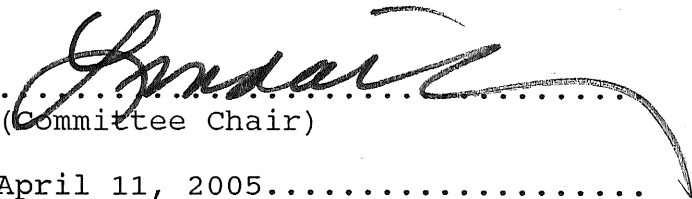
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.....
(Committee Chair)
April 11, 2005.....
(Date of Committee recommendation)

Senators Reiter, Bachmann and Anderson introduced--

S.F. No. 2076: Referred to the Committee on State and Local Government Operations.

1

A bill for an act

2

relating to state government; authorizing lease of
certain state property under specified conditions.

3

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

5

Section 1. [BUILDING LEASE.]

6

Notwithstanding any provision of Minnesota Statutes,

7

section 16B.24, or other law or rule to the contrary, the

8

commissioner of administration may, without approval of the

9

State Executive Council, enter into a lease of up to ten years

10

with a private tenant for use of the state-owned building at 168

11

Aurora Avenue in the city of St. Paul as a child care and

12

after-school activity facility.

13

Sec. 2. [EFFECTIVE DATE.]

14

Section 1 is effective the day following final enactment.

Senators Reiter, Bachmann and Anderson introduced--

S.F. No. 2076: Referred to the Committee on State and Local Government Operations.

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A bill for an act

relating to state government; authorizing lease of certain state property under specified conditions.

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

Section 1. [BUILDING LEASE.]

~~Notwithstanding any provision of Minnesota Statutes, section 16B.24, or other law or rule to the contrary, the commissioner of administration may, without approval of the State Executive Council, enter into a lease of up to ten years with a private tenant for use of the state-owned building at 168 Aurora Avenue in the city of St. Paul as a child care and after-school activity facility.~~

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 2076: A bill for an act relating to state
4 government; authorizing lease of certain state property under
5 specified conditions.

6 Reports the same back with the recommendation that the bill
7 be amended as follows:

8 Page 1, delete lines 6 to 9 and insert:

9 "The commissioner of administration may enter into a lease
10 of up to ten years"

11 And when so amended the bill do pass. Amendments adopted.
12 Report adopted.

13
14 (Committee Chair)

15
16 April 11, 2005.....
17 (Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 2112 - Relating to County Board Meetings

Author: Senator Steve Murphy

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)

DPM

Date: April 11, 2005

The proposed legislation would permit a county board to set county board meetings at other locations within the county. Current law requires that the county board meet at the county seat on the first Tuesday after the first Monday in January and on other days as it deems necessary. This change would allow the county board to meet whenever and wherever throughout the county that it deemed appropriate.

DPM:vs

Senator Murphy introduced--

S.F. No. 2112: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to local government; providing for meetings
3 of county boards at locations other than the county
4 seat; amending Minnesota Statutes 2004, section 375.07.

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

6 Section 1. Minnesota Statutes 2004, section 375.07, is
7 amended to read:

8 375.07 [MEETINGS; QUORUM.]

9 The board shall meet at the county seat for the transaction
10 of business on the first Tuesday after the first Monday in
11 January, and may meet on other days and at other locations
12 within the county it prescribes as necessary for the interests
13 of the county. A majority shall constitute a quorum, and no
14 business shall be done unless voted for by a majority of the
15 whole board, but less than a majority may adjourn. Sessions
16 shall be called by a majority of the board and the clerk shall
17 give at least ten days' notice of them to each of the
18 commissioners.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 2112: A bill for an act relating to local
4 government; providing for meetings of county boards at locations
5 other than the county seat; amending Minnesota Statutes 2004,
6 section 375.07.

7 Reports the same back with the recommendation that the bill
8 do pass and be placed on the Consent Calendar. Report adopted.

9

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11

.....

12

(Committee Chair)

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14

April 11, 2005.....

15

(Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1908 - Shooting Range Protection (First Engrossment)

Author: Senator Satveer Chaudhary

Prepared by: Greg Knopff, Legislative Analyst *GK*
phone: 651-296-9399 fax: 651-296-7747
e-mail: gregory.knopff@senate.leg.state.mn.us

Date: April 4, 2005

Section 1 [Definitions] defines "person," "shooting range" or "range," "shooting range performance standards," and "local unit of government" for the purposes of shooting range protection. The term "shooting range" includes shooting preserves that are licensed by the Department of Natural Resources.

Section 2 [Shooting Range Protection Standards]

Subdivision 1 [Adoption of Standards; Review] directs the Commissioner of Natural Resources to adopt shooting range standards under the expedited rulemaking process. Subsequent changes to the standards must be accomplished through the regular rulemaking process. This subdivision also requires that the standards provide for the operations of shooting preserves, including an exemption from any firearm distance limitations that are generally applicable to hunting on other land under certain conditions. The commissioner must review the shooting range standards at least once every five years and revise them when necessary.

Subdivision 2 [Interim Standards] until the commissioner adopts the shooting range standards under subdivision 1, the NRA's shooting range guide will be the interim shooting range standards.

Section 3 [Compliant Ranges; Authorized Activities]

Subdivision 1 [Authorized Activities] provides that a shooting range in compliance with the standards may:

- (1) operate the range, including the discharge of firearms;
- (2) expand membership or public opportunities related to the primary activity of the range;
- (3) make repairs or improvements to meet or exceed the standards;
- (4) increase events and activities related to the primary activity;
- (5) conduct shooting activities between 7:00 a.m. and 10:00 p.m., and at other times permitted by a local unit of government; and
- (6) acquire additional lands for a buffer, noise mitigation, or compliance with this act.

Subdivision 2 [Nonconforming Use] allows a shooting range that is a nonconforming use to continue operations within the boundaries as they existed on the date that they became a nonconforming use as long as the range is in compliance with the standards and noise limits.

Subdivision 3 [Compliance with Other Law] clarifies that this section does not exempt new or remodeled buildings on a shooting range from statewide safety and state building codes.

Section 4 [Mitigation Area] prohibits new uses and development on a shooting range that was not in existence or approved prior to October 1, 2005, within 750 feet of the boundary, when those new uses or development would cause the shooting range to not be in compliance with this act. New use or development may be approved when the person applying agrees to provide the mitigation necessary to keep the shooting range in compliance with this act.

Section 5 [Noise Standards] establishes a single energy level standard for impulse noise on a shooting range that is two decibels lower than the ten minute standard under Pollution Control Agency noise rules.

Section 6 [Nuisance Actions; Compliance with Standards] protects shooting ranges that are in compliance with the shooting range standards from nuisance actions related to noise or matters regulated by the standards.

Section 7 [Closure of Shooting Ranges]

Subdivision 1 [Closure] prohibits forcing the closure or cessation of an activity of a shooting range that is in compliance with the standards, unless the range or activity is found to be a clear and immediate safety hazard. A rebuttable presumption that the range is not a clear and immediate safety hazard exists for shooting ranges that are in compliance with the standards. If the clear and immediate safety hazard can be mitigated, the court shall not order the permanent closure or permanent cessation of the activity, unless the mitigation is not implemented by the date determined reasonable by the court.

Subdivision 2 [Preliminary Injunctions] provides that this section does not prohibit preliminary injunctions for any activity determined to be a probable clear and immediate safety hazard.

Subdivision 3 [Permanent Injunctions] directs the court to issue a permanent injunction only for the particular activity or person, unless the remaining operations also pose a safety hazard under this section.

Section 8 [Applicability of Other Laws]

Subdivision 1 [Public Safety Laws; Zoning] clarifies that this act does not prohibit the enforcement of federal law, or prohibit the enforcement of state laws and local zoning restrictions that are consistent with this act. If the shooting range can be brought into compliance with a state law, local ordinance, or permit, the court shall not order the permanent closure or permanent cessation of the activity, unless the mitigation is not implemented by the date determined reasonable by the court.

Subdivision 2 [Permanent Injunctions] directs the court to issue a permanent injunction only for the particular activity or person, unless the remaining operations also create a violation under this section.

Section 9 [Effective Date] make the act effective on the day following final enactment.

GK:dv

1 A bill for an act.

2 relating to natural resources; establishing the
3 Shooting Range Protection Act; requiring expedited
4 rulemaking; proposing coding for new law as Minnesota
5 Statutes, chapter 87A.

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

7 Section 1. [87A.01] [DEFINITIONS.]

8 Subdivision 1. [APPLICABILITY.] The definitions in this
9 section apply to sections 87A.01 to 87A.08.

10 Subd. 2. [PERSON.] "Person" means an individual,
11 association, proprietorship, partnership, corporation, club,
12 political subdivision, or other legal entity.

13 Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or
14 "range" means an area or facility designated or operated
15 primarily for the use of firearms, as defined in section
16 97A.015, subdivision 19, or archery, and includes shooting
17 preserves as described in section 97A.115 or any other Minnesota
18 law.

19 Subd. 4. [SHOOTING RANGE PERFORMANCE STANDARDS.] "Shooting
20 range performance standards" means those rules adopted by the
21 commissioner of natural resources under section 87A.02 for the
22 safe operation of shooting ranges.

23 Subd. 5. [LOCAL UNIT OF GOVERNMENT.] "Local unit of
24 government" means a home rule charter or statutory city, county,
25 town, or other political subdivision.

1 Sec. 2. [87A.02] [SHOOTING RANGE PERFORMANCE STANDARDS.]

2 Subdivision 1. [ADOPTION OF STANDARDS; REVIEW.] (a) The
3 commissioner of natural resources must develop and adopt
4 shooting range performance standards, according to the expedited
5 rulemaking process under section 14.389. The shooting range
6 performance standards must provide for compliance with
7 applicable noise standards under section 87A.05 and for the safe
8 use of shooting ranges within their boundaries, including the
9 containment of projectiles.

10 (b) The shooting range performance standards must provide
11 for the operation of shooting preserves within the boundaries of
12 the preserve, including an exemption from any discharge distance
13 limitations generally applicable to hunting on other land, when
14 the shooting preserve is in compliance with all other applicable
15 laws and is in operation on or before the effective date of the
16 performance standards adopted under this section or prior to the
17 development of any structure that would cause the preserve to be
18 out of compliance with the discharge distance.

19 (c) The commissioner must review the shooting range
20 performance standards at least once every five years and revise
21 them if necessary for the safe operation of shooting ranges.

22 (d) In the adoption of any amendments to the shooting range
23 performance standards adopted under paragraph (a), the
24 commissioner shall follow all notice and public hearing
25 requirements for the regular rule adoption process under
26 sections 14.001 to 14.28.

27 Subd. 2. [INTERIM STANDARDS.] Until the commissioner of
28 natural resources adopts the shooting range performance
29 standards under subdivision 1, paragraph (a), the November 1999
30 revised edition of the National Rifle Association's Range Source
31 Book: A Guide to Planning and Construction shall serve as the
32 interim shooting range performance standards, having the full
33 effect of the shooting range performance standards for purposes
34 of this chapter. The interim shooting range performance
35 standards sunset and have no further effect under this chapter
36 upon the effective date of the shooting range performance

1 standards adopted under subdivision 1, paragraph (a).

2 Sec. 3. [87A.03] [COMPLIANT RANGES; AUTHORIZED
3 ACTIVITIES.]

4 Subdivision 1. [AUTHORIZED ACTIVITIES.] A shooting range
5 that operates in compliance with the shooting range performance
6 standards must be permitted to do all of the following within
7 its geographic boundaries, under the same or different ownership
8 or occupancy, if done in accordance with shooting range
9 performance standards:

10 (1) operate the range and conduct activities involving the
11 discharge of firearms;

12 (2) expand or increase its membership or opportunities for
13 public participation related to the primary activity as a
14 shooting range;

15 (3) make those repairs or improvements desirable to meet or
16 exceed requirements of shooting range performance standards;

17 (4) increase events and activities related to the primary
18 activity as a shooting range;

19 (5) conduct shooting activities and discharge firearms
20 daily between 7:00 a.m. and 10:00 p.m. A local unit of
21 government with zoning jurisdiction over a shooting range may
22 extend the hours of operation by the issuance of a special or
23 conditional use permit; and

24 (6) acquire additional lands to be used for buffer zones or
25 noise mitigation efforts or to otherwise comply with this
26 chapter.

27 Subd. 2. [NONCONFORMING USE.] A shooting range that is a
28 nonconforming use shall be allowed to conduct additional
29 shooting activities within the range's lawful property
30 boundaries as of the date the range became a nonconforming use,
31 provided the shooting range remains in compliance with noise and
32 shooting range performance standards under this chapter.

33 Subd. 3. [COMPLIANCE WITH OTHER LAW.] Nothing in this
34 section exempts any newly constructed or remodeled building on a
35 shooting range from compliance with fire safety, handicapped
36 accessibility, elevator safety, bleacher safety, or other

1 provisions of the State Building Code that have mandatory
2 statewide application.

3 Sec. 4. [87A.04] [MITIGATION AREA.]

4 (a) Except for those uses, developments, and structures in
5 existence or for which approval has been granted by October 1,
6 2005, no change in use, new development, or construction of a
7 structure shall be approved for any portion of property within
8 750 feet of the perimeter property line of an outdoor shooting
9 range if the change in use, development, or construction would
10 cause a preexisting outdoor shooting range in compliance with
11 this chapter to become out of compliance.

12 (b) A change in use, new development, or construction of a
13 structure may be approved under this section if the person
14 seeking approval agrees to provide any mitigation required to
15 keep the range in compliance with this chapter. The approving
16 authority, instead of the person requesting the change in use,
17 new development, or construction of a structure may provide any
18 mitigation required under this section. The person requesting
19 approval under this section is responsible for providing
20 documentation if no mitigation is required under this section.
21 Failure to provide the documentation or any mitigation required
22 under this section exempts the range from being out of
23 compliance with the shooting range performance and noise
24 standards of this chapter with regard to the property
25 responsible for the mitigation. Any action brought by the owner
26 of the property against the range is subject to section 87A.06.
27 With the permission of the range operator, any mitigation
28 required under this section may be provided on the range
29 property.

30 Sec. 5. [87A.05] [NOISE STANDARDS.]

31 Allowable noise levels for the operation of a shooting
32 range are the levels determined by replacing the steady state
33 noise L10 and L50 state standards for each period of time within
34 each noise area's classification with a single Leq(h) standard
35 for impulsive noise that is two dBA lower than that of the L10
36 level for steady state noise. The noise level shall be measured

1 outside of the range property at the location of the receiver's
2 activity according to Minnesota Rules, parts 7030.0010 to
3 7030.0080. For purposes of this section, "Leq(h)" means the
4 energy level that is equivalent to a steady state level that
5 contains the same amount of sound energy as the time varying
6 sound level for a 60-minute time period.

7 Sec. 6. [87A.06] [NUISANCE ACTIONS; COMPLIANCE WITH
8 SHOOTING RANGE PERFORMANCE STANDARDS.]

9 A person who owns, operates, or uses a shooting range in
10 this state that is in compliance with shooting range performance
11 standards is not subject to any nuisance action based on noise
12 or other matters regulated by the shooting range performance
13 standards. This section does not prohibit an action that seeks
14 damages for personal physical injury or tangible damage to
15 property caused by acts or omissions involving the operation of
16 the range or by a person using the range.

17 Sec. 7. [87A.07] [CLOSURE OF SHOOTING RANGES.]

18 Subdivision 1. [CLOSURE.] Except as otherwise provided in
19 sections 87A.01 to 87A.08, a shooting range that is in
20 compliance with shooting range performance standards and the
21 requirements of sections 87A.01 to 87A.08 shall not be forced to
22 permanently close or permanently cease any activity related to
23 the primary use of the shooting range unless the range or
24 activity is found to be a clear and immediate safety hazard. In
25 any action brought to compel the permanent closure of any range
26 in compliance with shooting range performance standards and this
27 chapter, or to permanently cease any activity related to the
28 primary use of the shooting range, there is a rebuttable
29 presumption that the range or activity is not a clear and
30 immediate safety hazard. If the shooting range provides
31 evidence that the cause of a proven safety hazard can be
32 mitigated so as to eliminate the safety hazard, the court shall
33 not order the permanent closure of the range, or permanent
34 ceasing of the activity found to be a clear and immediate safety
35 hazard, unless the range operator fails to implement the
36 necessary mitigation to remove the safety hazard by the date

1 that is determined reasonable by the court.

2 Subd. 2. [PRELIMINARY INJUNCTIONS.] Nothing in this
3 section prohibits a court from granting a preliminary injunction
4 against any activity determined to be a probable clear and
5 immediate safety hazard, or against any individual determined to
6 be the probable cause of an alleged clear and immediate safety
7 hazard, pending the final determination of the existence of the
8 safety hazard.

9 Subd. 3. [PERMANENT INJUNCTIONS.] A court may grant a
10 permanent injunction only against a particular activity or
11 person instead of permanently closing the range unless the court
12 finds that the remaining operations also pose a safety hazard
13 under this section.

14 Sec. 8. [87A.08] [APPLICABILITY OF OTHER LAWS.]

15 Subdivision 1. [PUBLIC SAFETY LAWS; ZONING.] (a) Nothing
16 in this chapter prohibits enforcement of any federal law. To
17 the extent consistent with this chapter, other state laws
18 regarding the health, safety, and welfare of the public may be
19 enforced. To the extent consistent with this chapter, a local
20 unit of government with zoning authority jurisdiction over a
21 shooting range may enforce its applicable ordinances and permits.

22 (b) If the operator of the shooting range shows evidence
23 that the range can be brought into compliance with the
24 applicable state law, local ordinance, or permit, the range may
25 not be permanently closed unless the range operator fails to
26 bring the range into compliance with the applicable law,
27 ordinance, or permit under this section by the date that the
28 court determines reasonable. Nothing in this section prohibits
29 a court from granting a preliminary injunction against any
30 activity determined to be a violation of a law, ordinance, or
31 permit under this section or against any individual determined
32 to be causing an alleged violation, pending the final
33 determination of the existence of the violation.

34 Subd. 2. [PERMANENT INJUNCTIONS.] A court may grant a
35 permanent injunction only against a particular activity or
36 person instead of permanently closing the range unless the court

1 finds that the remaining operations also create a violation
2 under this section.

3 Sec. 9. [EFFECTIVE DATE.]

4 Sections 1 to 8 are effective the day following final
5 enactment.



OAKDALE GUN CLUB

10386 10TH St. N. Lake Elmo, MN 55042

[www. OakdaleGunClub.org](http://www.OakdaleGunClub.org)

1964 ~ 40th Anniversary ~ 2004

Richard Eue - President - reue@comcast.net - 651-260-2131

Oakdale Gun Club is a member owned non-profit organization dedicated to providing a safe and controlled place for firearm practice and training for members and the public at large. We have an ongoing program of facility development including noise abatement, safety, and lead recovery. Our training facility is used by youth groups such as the DNR firearms safety program and the Boy Scouts of America. In addition to youth we provide training facilities for police, county sheriffs and the state BCA.

- No member or general public firearms related accidents in 40 years of operation.
- Served over 8000 members of the public in 2004.
- Trained 750 youth in firearms safety in 2004.
- Provided a training facility for 10 local police departments in 2004. (13 planned in 2005)
- Provides a training facility for Minnesota biathlon team.
- Host for numerous Local, State, Regional, National and International competitions. International events included the World Airgun competition with participants from 18 countries and the Olympic Festival competition.
- Provides a controlled, safe place for the public to shoot.
- Caretaker on premises 24/7.

Prepared by: Michael B Gerster, 651-426-3416, Cell 612-804-7915, mbgerster@earthlink.net

For a range tour call Michael Gerster at 651-426-3416 or Richard Eue at 651-260-2131

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was re-referred

3 S.F. No. 1908: A bill for an act relating to natural
4 resources; establishing the Shooting Range Protection Act;
5 requiring expedited rulemaking; proposing coding for new law as
6 Minnesota Statutes, chapter 87A.

7 Reports the same back with the recommendation that the bill
8 do pass and be re-referred to the Committee on Judiciary.
9 Report adopted.

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J. A. Higgins
.....
(Committee Chair)

April 11, 2005.....
(Date of Committee recommendation)

1 consultation with the governing body, establish design criteria,
2 choose a design, and supervise construction.

3 Sec. 2. [APPROPRIATION.]

4 \$500,000 is appropriated from the general fund to the
5 commissioner of administration for the purpose of implementing
6 section 1.

Senate File 1755-Pappas
Coya Knutson Memorial

I. Biographical Information

Coya Knutson was the first of only two women ever elected to Congress from Minnesota. She grew up working on her family's farm until she left for Concordia College in Moorhead where she graduated with a double major in English and music. Coya and her sisters were the only girls from their hometown to attend college. She married Andy Knutson and became a farm wife and teacher at a local high school.

She broke into politics by working to bring electricity to their township. This work led to a job with the Agricultural Adjustment Administration, which entailed farm visits and community meetings. She enjoyed working with farmers and their needs because their struggles were familiar to her. In later years, Coya and Andy moved into town, opened a hotel, and adopted a son, Terry.

She was elected in 1950 to the Minnesota State Legislature with a platform of support for a Fair Employment Practices Commission, which banned discrimination on the basis of race, color, creed, religion, or national origin. She also worked for more state aid to education.

II. Congressional information

She ran for Congress in 1954 and beat the incumbent Harold Hagen. Her campaign was based on Agricultural issues, so she made an immediate pitch for the Agriculture Committee. The Chair of that committee protested against having a woman on his committee, but Speaker of the House Sam Rayburn said "Coya Knutson did the impossible by getting elected and she's going to get her pick of committees. This made Coya the first woman on the Agriculture Committee.

Coya quickly learned her way around Congress. Her primary legislative interest was agriculture where she pushed for surplus farm products to be used

in school lunch programs. Her bio includes many other congressional achievements, including authoring legislation which created the federal student loan program. She convinced lawmakers to start funding research into the deadly disease cystic fibrosis. She introduced the first bill to include an income tax checkbox for presidential campaign financing.

Coya outraged the DFL leadership with her support of Estes Kefauver over Adlai Stevenson for the Democratic nomination for President in 1956. She believed that Stevenson's urban orientation would be a liability in Minnesota. Coya was credited with assuring Kefauver's nomination as the Vice-Presidential candidate and eliminating Humphrey from consideration.

The anger of the DFL did not pass, and leaders of Coya's own party drafted a famous "Coya Come Home" letter which they easily duped Coya's alcoholic husband Andy into signing. It was a plea to Coya from Andy to come home and take care of him, their hotel and their son. The letter was leaked to press all over the country; it made headlines in New York, and even made it across the ocean to the London Daily Express. This was a time when it was unacceptable for a woman to not be with her family, and with the publicity, Coya was not elected in 1958.

There are no buildings named for women in the State Capitol Complex and only two memorial plaques (one for Dr. Martha Ripley, a physician and early activist for women's rights and one for Clara Ueland, the first President of the League of Women Voters of Minnesota).

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1755: A bill for an act relating to state
4 government; Department of Administration; requiring the design
5 and construction of memorials to Coya Knutson on the Capitol
6 grounds and in the city of Oklee; appropriating money.

7 Reports the same back with the recommendation that the bill
8 do pass and be re-referred to the Committee on Finance. Report
9 adopted.

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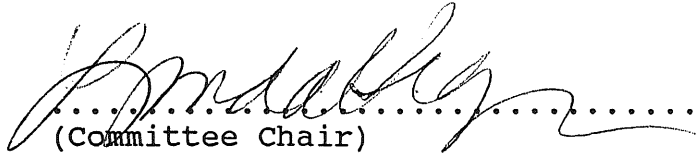
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.....
(Committee Chair)

April 11, 2005.....
(Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 1689 - Unlawful Trafficking in Persons
(First Engrossment)**

Author: Senator Sandra L. Pappas

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396) (KB)

Date: March 23, 2005

Section 1 defines “blackmail,” “debt bondage,” “forced labor or services,” “labor trafficking,” and “labor trafficking victim.”

Section 2 makes it a felony (statutory maximum sentence of 15 years imprisonment and/or a \$30,000 fine) for a person to knowingly engage in the labor trafficking of another.

Section 3 makes it a felony (statutory maximum sentence of five years imprisonment and/or a \$10,000 fine) for a person to knowingly destroy, conceal, remove, confiscate, or possess any passport, immigration document, or other government identification document of another person:

- in the course of violating **section 2** or Minnesota Statutes, section 609.322 (solicitation, inducement, and promotion of prostitution);
- with the intent to violate those sections; or
- to prevent or restrict a person’s liberty to move or travel, in order to maintain the person’s labor or services, if that person is or has been a victim of those sections.

Section 4 provides:

- that consent or the age of the victim is not a defense to prosecution under **section 2** or **3**;

- that a labor trafficking victim may bring a civil lawsuit against a person who violates **section 2 or 3**; and
- that if a corporation or business enterprise is convicted of violating **section 2 or 3** or 609.322, in addition to other applicable criminal penalties, the court may order specified remedies relating to the entity's business status (i.e., order its dissolution or reorganization, etc.).

Section 5 extends the applicability of the criminal code's prostitution definitions so that they apply to **section 9**.

Section 6 expands the definition of promoting prostitution under section 609.321, by adding sex trafficking (see **section 7**).

Section 7 amends the criminal code's prostitution definitions to define "sex trafficking" (see **section 6**) as "receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual." This makes sex trafficking either a 20-year or a 15-year felony under section 609.322 depending on the age of the victim.

Section 8 amends the criminal code's prostitution definitions to define "sex trafficking victim."

Section 9 amends the criminal code's prostitution provisions by providing an affirmative defense to a charge under section 609.324 (prostitution crime involving patrons, prostitutes, and individuals housing prostitutes). Applies if a defendant charged with violating that section proves by a preponderance of the evidence that the defendant is a labor trafficking victim (see **section 1**) or a sex trafficking victim (see **section 8**) and that the defendant committed the act only under compulsion by another who by explicit or implicit threats created a reasonable apprehension in the mind of the defendant that if the defendant did not commit act, the other person would inflict bodily harm upon the defendant.

Section 10 expands the definition of "designated offense" in the criminal code's forfeiture law to include violations of **sections 2 and 3**. Generally, all personal property that is used or intended for use to commit or facilitate the commission of a designated offense is subject to forfeiture. In addition, all money and other property, real and personal, that represent the proceeds of a designated offense and all contraband property are also subject to forfeiture. A person must be convicted of a designated offense to trigger the forfeiture.

Section 11 amends section 609.5315 (Disposition of Forfeited Property) by adding a cross-reference to **section 12**, regarding disposition of proceeds from prostitution and trafficking offenses.

Section 12 creates a new subdivision under section 609.5315 providing that proceeds from forfeitures resulting from prostitution and trafficking offenses be distributed as follows:

- 40 percent of the proceeds must be forwarded to the appropriate local agency for the use of law enforcement;
- 20 percent must be forwarded to the prosecuting agency that handled the forfeiture; and
- 40 percent must be forwarded to the Commissioner of Public Safety for distribution to crime victim organizations providing services to victims of trafficking offenses.

Also requires the Commissioner of Public Safety to report annually to the Legislature on the money forwarded to the commissioner under this section and distributed to crime victims' organizations providing services to trafficking victims.

Section 13 amends the criminal statute of limitations law to allow a criminal case to be commenced for a violation of **section 2** at any time if the victim was under the age of 18 at the time of the offense. If the offense did not involve a minor victim, the statute of limitations is six years.

KPB:ph

1755

1 A bill for an act

2 relating to public safety; criminalizing certain acts
3 related to the unlawful trafficking in persons;
4 providing for the forfeiture of certain property of
5 the offender in these cases; specifically including
6 conduct involving trafficking in the promoting of
7 prostitution crime; modifying the distribution formula
8 for prostitution and sex trafficking-related
9 forfeiture proceeds; amending Minnesota Statutes 2004,
10 sections 609.321, subdivisions 1, 7, by adding
11 subdivisions; 609.325, by adding a subdivision;
12 609.531, subdivision 1; 609.5315, subdivision 1, by
13 adding a subdivision; 628.26; proposing coding for new
14 law in Minnesota Statutes, chapter 609.

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

16 Section 1. [609.281] [DEFINITIONS.]

17 Subdivision 1. [GENERALLY.] As used in sections 609.281 to
18 609.284, the following terms have the meanings given.

19 Subd. 2. [BLACKMAIL.] "Blackmail" means a threat to expose
20 any fact or alleged fact tending to cause shame or to subject
21 any person to hatred, contempt, or ridicule.

22 Subd. 3. [DEBT BONDAGE.] "Debt bondage" means the status
23 or condition of a debtor arising from a pledge by the debtor of
24 the debtor's personal services or those of a person under the
25 debtor's control as a security for debt, if the value of those
26 services as reasonably assessed is not applied toward the
27 liquidation of the debt or the length and nature of those
28 services are not respectively limited and defined.

29 Subd. 4. [FORCED LABOR OR SERVICES.] "Forced labor or
30 services" means labor or services that are performed or provided

1 by another person and are obtained or maintained through an
2 actor's:

3 (1) threat, either implicit or explicit, scheme, plan, or
4 pattern, or other action intended to cause a person to believe
5 that, if the person did not perform or provide the labor or
6 services, that person or another person would suffer bodily harm
7 or physical restraint;

8 (2) physically restraining or threatening to physically
9 restrain a person;

10 (3) abuse or threatened abuse of the legal process;

11 (4) knowingly destroying, concealing, removing,
12 confiscating, or possessing any actual or purported passport or
13 other immigration document, or any other actual or purported
14 government identification document, of another person; or

15 (5) use of blackmail.

16 Subd. 5. [LABOR TRAFFICKING.] "Labor trafficking" means
17 the recruitment, transportation, transfer, harboring,
18 enticement, provision, obtaining, or receipt of a person by any
19 means, whether a United States citizen or foreign national, for
20 the purpose of:

21 (1) debt bondage or forced labor or services;

22 (2) slavery or practices similar to slavery; or

23 (3) the removal of organs through the use of coercion or
24 intimidation.

25 Subd. 6. [LABOR TRAFFICKING VICTIM.] "Labor trafficking
26 victim" means a person subjected to the practices in subdivision
27 5.

28 Sec. 2. [609.282] [LABOR TRAFFICKING.]

29 Whoever knowingly engages in the labor trafficking of
30 another is guilty of a crime and may be sentenced to
31 imprisonment for not more than 15 years or to payment of a fine
32 of not more than \$30,000, or both. In a prosecution under this
33 section the consent or age of the victim is not a defense.

34 Sec. 3. [609.283] [UNLAWFUL CONDUCT WITH RESPECT TO
35 DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.]

36 Unless the person's conduct constitutes a violation of

1 section 609.282, a person who knowingly destroys, conceals,
2 removes, confiscates, or possesses any actual or purported
3 passport or other immigration document, or any other actual or
4 purported government identification document, of another person:

5 (1) in the course of a violation of section 609.282 or
6 609.322;

7 (2) with intent to violate section 609.282 or 609.322; or

8 (3) to prevent or restrict or to attempt to prevent or
9 restrict, without lawful authority, a person's liberty to move
10 or travel, in order to maintain the labor or services of that
11 person, when the person is or has been a victim of a violation
12 of section 609.282 or 609.322;

13 is guilty of a crime and may be sentenced to imprisonment for
14 not more than five years or to payment of a fine of not more
15 than \$10,000, or both. In a prosecution under this section the
16 consent or age of the victim is not a defense.

17 Sec. 4. [609.284] [LABOR OR SEX TRAFFICKING CRIMES;
18 DEFENSES; CIVIL LIABILITY; CORPORATE LIABILITY.]

19 Subdivision 1. [CONSENT OR AGE OF VICTIM NOT A
20 DEFENSE.] In an action under this section the consent or age of
21 the victim is not a defense.

22 Subd. 2. [CIVIL LIABILITY.] A labor trafficking victim may
23 bring a cause of action against a person who violates section
24 609.282 or 609.283. The court may award damages, including
25 punitive damages, reasonable attorney fees, and other litigation
26 costs reasonably incurred by the victim.

27 Subd. 3. [CORPORATE LIABILITY.] If a corporation or other
28 business enterprise is convicted of violating section 609.282,
29 609.283, or 609.322, in addition to the criminal penalties
30 described in those sections and other remedies provided
31 elsewhere in law, the court may, when appropriate:

32 (1) order its dissolution or reorganization;

33 (2) order the suspension or revocation of any license,
34 permit, or prior approval granted to it by a state agency; or

35 (3) order the surrender of its charter if it is organized
36 under Minnesota law or the revocation of its certificate to

1 conduct business in Minnesota if it is not organized under
2 Minnesota law.

3 Sec. 5. Minnesota Statutes 2004, section 609.321,
4 subdivision 1, is amended to read:

5 Subdivision 1. [SCOPE.] For the purposes of sections
6 609.321 to ~~609.324~~ 609.325, the following terms have the
7 meanings given.

8 Sec. 6. Minnesota Statutes 2004, section 609.321,
9 subdivision 7, is amended to read:

10 Subd. 7. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.]
11 "Promotes the prostitution of an individual" means any of the
12 following wherein the person knowingly:

13 (1) solicits or procures patrons for a prostitute; or

14 (2) provides, leases or otherwise permits premises or
15 facilities owned or controlled by the person to aid the
16 prostitution of an individual; or

17 (3) owns, manages, supervises, controls, keeps or operates,
18 either alone or with others, a place of prostitution to aid the
19 prostitution of an individual; or

20 (4) owns, manages, supervises, controls, operates,
21 institutes, aids or facilitates, either alone or with others, a
22 business of prostitution to aid the prostitution of an
23 individual; or

24 (5) admits a patron to a place of prostitution to aid the
25 prostitution of an individual; or

26 (6) transports an individual from one point within this
27 state to another point either within or without this state, or
28 brings an individual into this state to aid the prostitution of
29 the individual; or

30 (7) engages in the sex trafficking of an individual.

31 Sec. 7. Minnesota Statutes 2004, section 609.321, is
32 amended by adding a subdivision to read:

33 Subd. 7a. [SEX TRAFFICKING.] "Sex trafficking" means
34 receiving, recruiting, enticing, harboring, providing, or
35 obtaining by any means an individual to aid in the prostitution
36 of the individual.

1 Sec. 8. Minnesota Statutes 2004, section 609.321, is
2 amended by adding a subdivision to read:

3 Subd. 7b. [SEX TRAFFICKING VICTIM.] "Sex trafficking
4 victim" means a person subjected to the practices in subdivision
5 7a.

6 Sec. 9. Minnesota Statutes 2004, section 609.325, is
7 amended by adding a subdivision to read:

8 Subd. 4. [AFFIRMATIVE DEFENSE.] It is an affirmative
9 defense to a charge under section 609.324 if the defendant
10 proves by a preponderance of the evidence that the defendant is
11 a labor trafficking victim, as defined in section 609.281, or a
12 sex trafficking victim, as defined in section 609.321, and that
13 the defendant committed the act only under compulsion by another
14 who by explicit or implicit threats created a reasonable
15 apprehension in the mind of the defendant that if the defendant
16 did not commit the act, the person would inflict bodily harm
17 upon the defendant.

18 Sec. 10. Minnesota Statutes 2004, section 609.531,
19 subdivision 1, is amended to read:

20 Subdivision 1. [DEFINITIONS.] For the purpose of sections
21 609.531 to 609.5318, the following terms have the meanings given
22 them.

23 (a) "Conveyance device" means a device used for
24 transportation and includes, but is not limited to, a motor
25 vehicle, trailer, snowmobile, airplane, and vessel and any
26 equipment attached to it. The term "conveyance device" does not
27 include property which is, in fact, itself stolen or taken in
28 violation of the law.

29 (b) "Weapon used" means a dangerous weapon as defined under
30 section 609.02, subdivision 6, that the actor used or had in
31 possession in furtherance of a crime.

32 (c) "Property" means property as defined in section 609.52,
33 subdivision 1, clause (1).

34 (d) "Contraband" means property which is illegal to possess
35 under Minnesota law.

36 (e) "Appropriate agency" means the Bureau of Criminal

1 Apprehension, the Minnesota Division of Driver and Vehicle
2 Services, the Minnesota State Patrol, a county sheriff's
3 department, the Suburban Hennepin Regional Park District park
4 rangers, the Department of Natural Resources Division of
5 Enforcement, the University of Minnesota Police Department, or a
6 city or airport police department.

7 (f) "Designated offense" includes:

8 (1) for weapons used: any violation of this chapter,
9 chapter 152, or chapter 624;

10 (2) for driver's license or identification card
11 transactions: any violation of section 171.22; and

12 (3) for all other purposes: a felony violation of, or a
13 felony-level attempt or conspiracy to violate, section 325E.17;
14 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;
15 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;
16 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f);
17 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision
18 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1,
19 clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466;
20 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53;
21 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59;
22 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions
23 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;
24 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or
25 felony violation of section 609.891 or 624.7181; or any
26 violation of section 609.324.

27 (g) "Controlled substance" has the meaning given in section
28 152.01, subdivision 4.

29 Sec. 11. Minnesota Statutes 2004, section 609.5315,
30 subdivision 1, is amended to read:

31 Subdivision 1. [DISPOSITION.] (a) Subject to paragraph
32 (b), if the court finds under section 609.5313, 609.5314, or
33 609.5318 that the property is subject to forfeiture, it shall
34 order the appropriate agency to do one of the following:

35 (1) unless a different disposition is provided under clause
36 (3) or (4), either destroy firearms, ammunition, and firearm

1 accessories that the agency decides not to use for law
2 enforcement purposes under clause (8), or sell them to federally
3 licensed firearms dealers, as defined in section 624.7161,
4 subdivision 1, and distribute the proceeds under subdivision
5 5 or 5b;

6 (2) sell property that is not required to be destroyed by
7 law and is not harmful to the public and distribute the proceeds
8 under subdivision 5 or 5b;

9 (3) sell antique firearms, as defined in section 624.712,
10 subdivision 3, to the public and distribute the proceeds under
11 subdivision 5 or 5b;

12 (4) destroy or use for law enforcement purposes
13 semiautomatic military-style assault weapons, as defined in
14 section 624.712, subdivision 7;

15 (5) take custody of the property and remove it for
16 disposition in accordance with law;

17 (6) forward the property to the federal drug enforcement
18 administration;

19 (7) disburse money as provided under subdivision 5 or 5b;
20 or

21 (8) keep property other than money for official use by the
22 agency and the prosecuting agency.

23 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey
24 county sheriff may not sell firearms, ammunition, or firearms
25 accessories if the policy is disapproved by the applicable
26 county board.

27 Sec. 12. Minnesota Statutes 2004, section 609.5315, is
28 amended by adding a subdivision to read:

29 Subd. 5b. [DISPOSITION OF CERTAIN FORFEITED PROCEEDS;
30 TRAFFICKING OF PERSONS; REPORT REQUIRED.] (a) For forfeitures
31 resulting from violations of section 609.282, 609.283, or
32 609.322, the money or proceeds from the sale of forfeited
33 property, after payment of seizure, storage, forfeiture, and
34 sale expenses, and satisfaction of valid liens against the
35 property, must be distributed as follows:

36 (1) 40 percent of the proceeds must be forwarded to the

1 appropriate agency for deposit as a supplement to the agency's
2 operating fund or similar fund for use in law enforcement;

3 (2) 20 percent of the proceeds must be forwarded to the
4 county attorney or other prosecuting agency that handled the
5 forfeiture for deposit as a supplement to its operating fund or
6 similar fund for prosecutorial purposes; and

7 (3) the remaining 40 percent of the proceeds must be
8 forwarded to the commissioner of public safety and are
9 appropriated to the commissioner for distribution to crime
10 victims services organizations that provide services to victims
11 of trafficking offenses.

12 (b) By February 15 of each year, the commissioner of public
13 safety shall report to the chairs and ranking minority members
14 of the senate and house committees or divisions having
15 jurisdiction over criminal justice funding on the money
16 collected under paragraph (a), clause (3). The report must
17 indicate the following relating to the preceding calendar year:

18 (1) the amount of money appropriated to the commissioner;

19 (2) how the money was distributed by the commissioner; and

20 (3) what the organizations that received the money did with
21 it.

22 Sec. 13. Minnesota Statutes 2004, section 628.26, is
23 amended to read:

24 628.26 [LIMITATIONS.]

25 (a) Indictments or complaints for any crime resulting in
26 the death of the victim may be found or made at any time after
27 the death of the person killed.

28 (b) Indictments or complaints for a violation of section
29 609.25 may be found or made at any time after the commission of
30 the offense.

31 (c) Indictments or complaints for violation of section
32 609.282 may be found or made at any time after the commission of
33 the offense if the victim was under the age of 18 at the time of
34 the offense.

35 (d) Indictments or complaints for violation of section
36 609.282 where the victim was 18 years of age or older at the

1 time of the offense, or 609.42, subdivision 1, clause (1) or
2 (2), shall be found or made and filed in the proper court within
3 six years after the commission of the offense.

4 ~~(d)~~ (e) Indictments or complaints for violation of sections
5 609.342 to 609.345 if the victim was under the age of 18 years
6 at the time the offense was committed, shall be found or made
7 and filed in the proper court within nine years after the
8 commission of the offense or, if the victim failed to report the
9 offense within this limitation period, within three years after
10 the offense was reported to law enforcement authorities.

11 ~~(e)~~ (f) Notwithstanding the limitations in paragraph (d),
12 indictments or complaints for violation of sections 609.342 to
13 609.344 may be found or made and filed in the proper court at
14 any time after commission of the offense, if physical evidence
15 is collected and preserved that is capable of being tested for
16 its DNA characteristics. If this evidence is not collected and
17 preserved and the victim was 18 years old or older at the time
18 of the offense, the prosecution must be commenced within nine
19 years after the commission of the offense.

20 ~~(f)~~ (g) Indictments or complaints for violation of sections
21 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall
22 be found or made and filed in the proper court within six years
23 after the commission of the offense.

24 ~~(g)~~ (h) Indictments or complaints for violation of section
25 609.52, subdivision 2, clause (3), items (i) and (ii), (4),
26 (15), or (16), 609.631, or 609.821, where the value of the
27 property or services stolen is more than \$35,000, shall be found
28 or made and filed in the proper court within five years after
29 the commission of the offense.

30 ~~(h)~~ (i) Except for violations relating to false material
31 statements, representations or omissions, indictments or
32 complaints for violations of section 609.671 shall be found or
33 made and filed in the proper court within five years after the
34 commission of the offense.

35 ~~(i)~~ (j) Indictments or complaints for violation of sections
36 609.561 to 609.563, shall be found or made and filed in the

1 proper court within five years after the commission of the
2 offense.

3 ~~(j)~~ (k) In all other cases, indictments or complaints shall
4 be found or made and filed in the proper court within three
5 years after the commission of the offense.

6 ~~(k)~~ (l) The limitations periods contained in this section
7 shall exclude any period of time during which the defendant was
8 not an inhabitant of or usually resident within this state.

9 ~~(l)~~ (m) The limitations periods contained in this section
10 for an offense shall not include any period during which the
11 alleged offender participated under a written agreement in a
12 pretrial diversion program relating to that offense.

13 ~~(m)~~ (n) The limitations periods contained in this section
14 shall not include any period of time during which physical
15 evidence relating to the offense was undergoing DNA analysis, as
16 defined in section 299C.155, unless the defendant demonstrates
17 that the prosecuting or law enforcement agency purposefully
18 delayed the DNA analysis process in order to gain an unfair
19 advantage.

20 Sec. 14. [EFFECTIVE DATE.]

21 Sections 1 to 13 are effective August 1, 2005, and apply to
22 crimes committed on or after that date.

1 Senator moves to amend S.F. No. 1689 as follows:

2 Page 1, after line 15, insert:

3 "ARTICLE 1

4 CRIMINAL AND CIVIL PROVISIONS"

5 Page 3, line 24, after the period, insert "This remedy is
6 in addition to potential criminal liability."

7 Page 10, after line 20, insert:

8 "ARTICLE 2

9 DEPARTMENT OF PUBLIC SAFETY:

10 ASSESSMENT OF TRAFFICKING IN MINNESOTA;

11 PLANS TO ADDRESS AND PREVENT TRAFFICKING;

12 ASSESSMENT OF SERVICES FOR TRAFFICKING VICTIMS

13 Section 1. [299A.78] [STATEWIDE TRAFFICKING ASSESSMENT.]

14 Subdivision 1. [DEFINITIONS.] For purposes of sections

15 299A.78 to 299A.7955, the following definitions apply:

16 (a) "Commissioner" means the commissioner of the Department
17 of Public Safety.

18 (b) "Nongovernmental organizations" means nonprofit,
19 nongovernmental organizations that provide legal, social, or
20 other community services.

21 (c) "Trafficking" includes "labor trafficking" as defined
22 in section 609.281, subdivision 5, and "sex trafficking" as
23 defined in section 609.321, subdivision 7a.

24 (d) "Trafficking victim" includes "labor trafficking
25 victim" as defined in section 609.281, subdivision 6, and "sex
26 trafficking victim" as defined in section 609.321, subdivision
27 7b.

28 (e) "Blackmail" has the meaning given it in section
29 609.281, subdivision 2.

30 (f) "Debt bondage" has the meaning given it in section
31 609.281, subdivision 3.

32 (g) "Forced labor or services" has the meaning given it in
33 section 609.281, subdivision 4.

34 Subd. 2. [GENERAL DUTIES.] The commissioner of public
35 safety shall:

36 (1) in cooperation with local authorities, collect, share,

1 and compile trafficking data among government agencies to assess
2 the nature and extent of trafficking in Minnesota;

3 (2) analyze collected data to develop a plan to address and
4 prevent trafficking; and

5 (3) use its analyses to establish policies to enable state
6 government to work with nongovernmental organizations to provide
7 assistance to trafficking victims.

8 Subd. 3. [OUTSIDE SERVICES.] As provided for in section
9 15.061, the commissioner of public safety may contract with
10 professional or technical services in connection with the duties
11 to be performed under sections 299A.785 to 299A.7955. The
12 commissioner may also contract with other outside organizations
13 to assist with the duties to be performed under sections
14 299A.785 to 299A.7955.

15 Sec. 2. [299A.785] [TRAFFICKING STUDY.]

16 Subdivision 1. [INFORMATION TO BE COLLECTED.] The
17 commissioner shall elicit the cooperation and assistance of
18 government agencies and nongovernmental organizations as
19 appropriate to assist in the collection of trafficking data.
20 The commissioner shall direct the appropriate authorities in
21 each agency and organization to make best efforts to collect
22 information relevant to tracking progress on trafficking. The
23 information to be collected may include, but is not limited to:

24 (1) the numbers of arrests, prosecutions, and successful
25 convictions of traffickers and those committing trafficking
26 related crimes, including, but not limited to, the following
27 offenses: sections 609.282, labor trafficking; 609.283,
28 document fraud; 609.322, solicitation of prostitution; 609.324,
29 other prostitution crimes; 609.33, disorderly house; 609.352,
30 solicitation of a child; and 617.245 and 617.246, use of minors
31 in sexual performance;

32 (2) statistics on the number of trafficking victims,
33 including demographics, method of recruitment, and method of
34 discovery;

35 (3) trafficking routes and patterns, states or country of
36 origin, transit states or countries;

1 (4) method of transportation, motor vehicles, aircraft,
2 watercraft, or by foot if any transportation took place; and
3 (5) social factors that contribute to and foster
4 trafficking, especially trafficking of women and children.

5 Subd. 2. [REPORT AND ANNUAL PUBLICATION.] (a) By September
6 1, 2006, the commissioner of public safety shall report to the
7 chairs of the senate and house of representatives committees and
8 divisions having jurisdiction over criminal justice policy and
9 funding a summary of its findings. This report shall include,
10 to the extent possible, the information to be collected in
11 subdivision 1 and any other information the commissioner finds
12 relevant to the issue of trafficking in Minnesota.

13 (b) The commissioner shall gather, compile, and publish
14 annually statistical data on the extent and nature of
15 trafficking in Minnesota. This annual publication shall be
16 available to the public and include, to the extent possible, the
17 information to be collected in subdivision 1 and any other
18 information the commissioner finds relevant to the issue of
19 trafficking in Minnesota.

20 Sec. 3. [299A.7855] [TRAFFICKING ANALYSIS AND
21 INITIATIVES.]

22 Subdivision 1. [DATA ANALYSIS.] The commissioner shall
23 analyze the data collected in section 299A.785 to develop and
24 carry out a plan to address current trafficking and prevent
25 future trafficking in Minnesota. The commissioner may evaluate
26 various approaches used by other state and local governments to
27 address trafficking. The plan shall include, but not be limited
28 to, the following initiatives:

29 (1) training agencies, organizations, and officials
30 involved in law enforcement, prosecution, and social services;
31 (2) increasing public awareness of trafficking; and
32 (3) establishing procedures to enable the state government
33 to work with nongovernmental organizations to prevent
34 trafficking.

35 Subd. 2. [TRAINING INITIATIVES.] (a) The commissioner
36 shall provide and strengthen training for law enforcement,

1 prosecutors, social services, and other relevant officials in
2 addressing trafficking. The training shall include:

3 (1) methods used in identifying trafficking victims,
4 including preliminary interview techniques and appropriate
5 interrogation methods;

6 (2) methods for prosecuting traffickers;

7 (3) methods for protecting the rights of trafficking
8 victims, taking into account the need to consider human rights
9 and special needs of women and children trafficking victims; and

10 (4) methods for promoting the safety of trafficking victims.

11 (b) Once created and as updated, the commissioner shall
12 provide training plans and materials associated with paragraph

13 (a) to the Board of Peace Officer Standards and Training.

14 Subd. 3. [AWARENESS INITIATIVES.] (a) The commissioner
15 shall, in cooperation with appropriate nongovernmental
16 organizations, establish public awareness programs designed to
17 educate persons at risk of trafficking and their families of the
18 risks of victimization. The programs shall include, but not be
19 limited to, information on the following subjects:

20 (1) the risks of becoming a trafficking victim, including:

21 (i) common recruitment techniques, such as use of debt
22 bondage, blackmail, forced labor and services, prostitution, and
23 other coercive tactics; and

24 (ii) the risks of assault, criminal sexual conduct,
25 exposure to sexually transmitted diseases, and psychological
26 harm;

27 (2) crime victims' rights in Minnesota; and

28 (3) methods for reporting recruitment activities involved
29 in trafficking.

30 (b) The commissioner shall, in cooperation with appropriate
31 agencies and nongovernmental organizations, disseminate public
32 awareness materials to educate the public on the extent of
33 trafficking and to discourage the demand that fosters and leads
34 to trafficking, in particular trafficking of women and children.
35 These materials may include information on:

36 (1) the impact of trafficking on victims;

1 (2) the aggregate impact of trafficking worldwide and
2 domestically; and

3 (3) the criminal consequences of trafficking. The
4 materials may be disseminated by way of the following media:
5 pamphlets, brochures, posters, advertisements in mass media, or
6 any other appropriate methods.

7 (c) Once created and as updated, the commissioner shall
8 provide samples of the materials disseminated under paragraph
9 (b) to the Department of Public Safety's office of justice
10 program.

11 Subd. 4. [ANNUAL EVALUATION.] The commissioner shall
12 evaluate its training and awareness initiatives annually to
13 ensure their effectiveness.

14 Sec. 4. [299A.79] [TRAFFICKING VICTIM ASSISTANCE.]

15 (a) The commissioner shall establish policies to enable
16 state government to work with nongovernmental organizations to
17 provide assistance to trafficking victims.

18 (b) The commissioner may review the existing services and
19 facilities to meet trafficking victims' needs and recommend a
20 plan that would coordinate such services, including, but not
21 limited to:

- 22 (1) medical and mental health services;
- 23 (2) housing;
- 24 (3) education and job training;
- 25 (4) English as a second language;
- 26 (5) interpreting services;
- 27 (6) legal and immigration services; and
- 28 (7) victim compensation.

29 Sec. 5. [299A.795] [TRAFFICKING INTERAGENCY ADVISORY
30 COMMITTEE.]

31 Subdivision 1. [CREATION AND DUTIES.] By August 1, 2005,
32 the commissioner shall appoint an advisory committee on
33 trafficking to advise the commissioner on carrying out the
34 commissioner's duties and responsibilities set forth in sections
35 299A.78 to 299A.79. The trafficking advisory committee shall
36 also serve as a liaison between the commissioner and agencies

1 and nongovernmental organizations that provide services to
2 trafficking victims. The members shall be compensated at a per
3 diem rate to be set by the commissioner, plus receive expense
4 reimbursement as specified in section 15.059.

5 Subd. 2. [MEMBERSHIP.] The trafficking advisory committee
6 consists of some or all of the following individuals or their
7 designees, who are knowledgeable in trafficking, crime victims'
8 rights, or violence prevention:

9 (1) a representative of the Minnesota Police Chiefs
10 Association;

11 (2) a representative of the Bureau of Criminal
12 Apprehension;

13 (3) a representative of the Minnesota Sheriffs Association;

14 (4) a peace officer who works and resides in the
15 metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota,
16 Scott, Washington, and Carver Counties;

17 (5) a peace officer who works and resides in the
18 nonmetropolitan area;

19 (6) a county attorney who works in Hennepin County;

20 (7) a county attorney who works in Ramsey County;

21 (8) a representative from the Attorney General's Office;

22 (9) a representative of the Department of Public Safety's
23 office of justice program;

24 (10) a representative of the federal Homeland Security
25 Office;

26 (11) a representative of the Department of Health;

27 (12) a representative of the Department of Human Services;

28 (13) a representative from a nongovernmental organization
29 that specializes in trafficking;

30 (14) representatives from nongovernmental organizations
31 that represent immigrant communities likely to be affected by
32 trafficking;

33 (15) a representative from a nongovernmental organization
34 that provides child services and runaway services;

35 (16) a representative of the medical and mental health
36 community;

1 (17) a representative of the academic community; and

2 (18) a representative from a nongovernmental organization
3 that provides statewide leadership in ending domestic violence
4 and sexual assault.

5 The commissioner may appoint more than one individual to
6 provide the representation specified in clauses (1) to (18) to
7 serve on the committee.

8 Subd. 3. [OFFICERS; MEETINGS.] (a) The committee shall
9 elect a chair and vice-chair from among its members, and may
10 elect other officers as necessary. The committee shall meet at
11 least quarterly, or upon the call of the chair. The committee
12 shall meet as frequently as necessary to accomplish the tasks
13 identified in this section.

14 (b) The committee shall seek out and enlist the cooperation
15 and assistance of nongovernmental organizations and academic
16 researchers, especially those specializing in trafficking,
17 representing diverse communities disproportionately affected by
18 trafficking, or focusing on child services and runaway services.

19 Subd. 4. [DISSOLUTION.] Notwithstanding section 15.059,
20 the committee may dissolve once the extent of trafficking in
21 Minnesota has been assessed, and the initiatives, programs, and
22 policies in sections 299A.78 to 299A.795 have been developed and
23 implemented to the satisfaction of the commissioner. Upon
24 dissolution of the committee, all duties and responsibilities
25 set forth in sections 299A.78 to 299A.795 may continue at the
26 discretion of the commissioner.

27 Sec. 6. [299A.7955] [TRAFFICKING COORDINATOR.]

28 (a) By August 15, 2005, the commissioner of public safety
29 shall appoint a statewide trafficking coordinator. In choosing
30 a coordinator, the commissioner may consult the trafficking
31 advisory committee and consider any of the committee's
32 recommendations. The coordinator is a position in the
33 unclassified service and serves at the pleasure of the
34 commissioner.

35 (b) The coordinator shall assist the commissioner in
36 fulfilling the duties and responsibilities set forth in sections

1 299A.78 to 299A.795. In addition, the coordinator may be
2 responsible for the following duties:

- 3 (1) coordinating and monitoring the activities of the
4 agencies implementing the Minnesota Trafficking Victims
5 Protection Act;
6 (2) facilitating local efforts and ensure statewide
7 coordination of efforts to prevent trafficking;
8 (3) facilitating training for personnel;
9 (4) monitoring compliance with investigative protocols; and
10 (5) implementing an outcome evaluation and data quality
11 control process.

12 Sec. 7. [EFFECTIVE DATE.]

13 Sections 1 to 6 are effective July 1, 2005.

14 ARTICLE 3

15 APPROPRIATIONS

16 Section 1. [ASSESSMENT AND POLICY DEVELOPMENT AND
17 IMPLEMENTATION.]

18 \$125,000 for the fiscal year ending June 30, 2006, and
19 \$125,000 for the fiscal year ending June 30, 2007, are
20 appropriated from the general fund to the commissioner of public
21 safety to be used in the prevention of human trafficking and to
22 carry out the commissioner's duties under article 2."

23 Amend the title as follows:

24 Page 1, line 9, after the semicolon, insert "requiring a
25 trafficking study; requiring the commissioner of public safety
26 to collect and analyze trafficking data and undertake law
27 enforcement and other agency training initiatives; requiring the
28 commissioner to establish public awareness programs designed to
29 target persons at risk of trafficking; requiring the
30 commissioner to coordinate services for trafficking victims;
31 establishing a trafficking interagency advisory committee;
32 providing for appointment of a trafficking coordinator;
33 appropriating money;"

Understanding Child Victims of Human Trafficking

Understanding the mindset of child human trafficking victims is important to helping them restore their lives.

Their reasons for coming to the U.S. vary, but consistently, children succumb to exploitation under the guise of opportunity—children may believe they are coming to the United States to be united with family, to work in a legitimate job or to attend school. Additionally, children may be subject to psychological intimidation or threats of physical harm to self or family members.

Child victims of human trafficking face significant problems. Often physically and sexually abused, they have distinctive medical and psychological needs that should be addressed before advancing into adulthood. Taught by those who traffick them to distrust government officials—and in particular, law enforcement and immigration officers—they are often distrustful of the system.

Children have the most impressionable minds, and the road to recovery is long. Understanding their mindset and building trust through open dialogue is the first step to rescuing and restoring their faith in a new beginning.

**U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
Administration for Children and Families



Support for Child Victims of Human Trafficking

If you suspect a child is a victim of human trafficking, call the Trafficking Information and Referral Hotline at **1.888.3737.888**

to obtain information and to access supportive services through the Trafficking Victims Protection Act of 2000 (TVPA). This hotline will help victims safely and securely rebuild their lives by connecting them to basic services related to:

- Immediate shelter/specialized foster care
- Health care
- Immigration assistance
- Food
- Legal assistance

Child victims of trafficking may be eligible for the T visa, which allows them to remain in the U.S. and may adjust their status to lawful permanent resident after three years. Through the U.S. Department of Health and Human Services (HHS), unaccompanied trafficked children also are eligible for the Unaccompanied Refugee Minors (URM) program, which provides a comprehensive range of services for children and places them in culturally appropriate foster homes, group homes, or independent living arrangements, appropriate to their developmental needs.

For more information about human trafficking, visit www.acf.hhs.gov/trafficking.

Look Beneath the Surface



Can you recognize child victims of human trafficking among the people you help everyday?

As a law enforcement officer, a health care professional or a social service provider, you can help rescue and restore the future for victims of human trafficking.

Human Trafficking is Modern-Day Slavery

Human trafficking is a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor. Victims are young children, teenagers, men and women.

Approximately 600,000 to 800,000 victims are trafficked across international borders annually, and between 14,500 and 17,500 of those victims are trafficked into the United States each year, according to U.S. government estimates. **More than half of these victims worldwide are children**, according to the U.S. Department of State.

Child victims of trafficking are often exploited for sexual purposes, including prostitution, pornography and sex tourism. They are also exploited for forced labor, including domestic servitude, sweatshop factory work and migrant farming.

Child victims of trafficking can be found in:

- Commercial sex
- Domestic servitude (servants)
- Sweatshop factories
- Construction
- Farming or landscaping
- Fisheries
- Hotel or tourist industries
- Panhandling
- Janitorial services
- Restaurant services

Identifying Child Victims of Human Trafficking

Children who are victims of human trafficking may be mistaken for prostitutes, runaway youth, migrant farm workers or domestic servants. By looking beneath the surface, picking up on the right clues and asking the right questions, you may uncover children who are being exploited.

- Children exploited for labor are often hungry or malnourished to the extent they may never reach their full height or they may have poorly formed or rotting teeth.
- Children exploited for sexual purposes may show evidence of untreated sexually transmitted diseases, including HIV/AIDS, urinary tract infections, and kidney problems.
- Children who are victims of trafficking can also be identified by environmental factors, including whether a child is living at the workplace or with an employer, living with multiple people in a cramped space, or not in school, attends school sporadically or has a significant gap of schooling in the U.S.
- Forced labor may expose children to physical abuse or leave signs such as scars, headaches, hearing loss, cardiovascular/respiratory problems and limb amputation. They may also develop chronic back, visual and respiratory problems from working in agriculture, construction or manufacturing.
- The psychological effects of exploitation include helplessness, shame and humiliation, shock, denial and disbelief, disorientation and confusion, and anxiety disorders including post traumatic stress disorder, phobias, panic attacks and depression.

Communicating with Child Victims of Human Trafficking

When communicating with children who have been exploited, it is important to remember child victims have special needs and may assume what has happened to them is their own fault. Often, child victims of trafficking may not establish trust easily due to their experiences. They may have been coached to answer your questions in a certain way. With the guidance and involvement of a child welfare expert, asking some of the following questions may help you determine if you are dealing with child victims of trafficking:

- Why did you come to the U.S.? What did you expect when you came? Were you scared?
- Do you have any papers? Who has them?
- Are you in school? Are you working? Can you leave if you want?
- Where do you live? Who else lives there? Are you scared to leave?
- Has anybody ever threatened you to keep you from running away?
- Did anyone ever touch you or hurt you?

While these questions provide a beginning to a challenging dialogue, it is vital to remember that the child should be approached in a manner that reflects his or her age, development, culture, language and what is known about the nature of his or her experience.



04-06-05

SF1689

Sex trade lives on in Twin Cities

Estelle," a 42-year-old mother of two, is giving me a familiar but still disturbing telephone tour of the Twin Cities flesh market.

"You got whites, Asians, Latinos, women from Germany, east Europe;

you got younger and younger girls, boys, girl pimps ..." notes the woman, who was kidnapped, raped, beaten and coerced into a life of drugs and prostitution as a 15-year-old in south Minneapolis. Now a counselor and fearing retribution from former pimps and others, she requested I not use her real name.

"You got neighborhood brothel-called chicken shacks on the (s) — massage parlors, spas, strip clubs and escort services, which is the really big



RUBÉN ROSARIO

racket right now."

Six years ago, authorities dismantled the largest juvenile prostitution ring ever prosecuted by the federal government. Based in Minneapolis, it transported women and girls as young as 14

to 24 states and Canada. But whoever thought the so-called Evans family case was the end of such trafficking around here was mistaken. "Sad to say, nothing's really changed that much," Minneapolis police Sgt. Andrew Schmidt, who helped bust the ring, told me recently. "It's still out there."

That realization is one key reason federal officials are in town today to raise more awareness and pump more money into local efforts to identify and help victims of domestic and international trafficking.

"What this is, really, is a form of modern-day slavery," notes Steve Wagner, director of the Trafficking in Persons program at the U.S. Department of Health and Human Services in Washington, D.C. Wagner and others will discuss the agency's ongoing "Rescue and Restore" campaign, a multimillion-dollar federal effort to help local communities combat the problem.

The campaign recently awarded a \$150,000 grant jointly to Breaking Free and Civil Society, two St. Paul-based social service organizations that will use the money to expand legal services and outreach efforts.

"One of the things we have discovered is that these victims,

because of fear and threats, do not report their conditions to law enforcement or others," Wagner said. "We have to go out and reach out to them."

Social workers and cops report increasing numbers of Russian women in strip clubs, Korean-run massage parlors and saunas and West African, Hmong, Southeast Asian and Spanish-speaking underground sex industries, mostly in the metro area. In Greater Minnesota, authorities are documenting forced prostitution of Mexican women on migrant farms and of American Indian females in Duluth.

The scenario Wagner and others cite is a telltale sign that the heartland and the Upper Midwest are not immune to a growing worldwide problem.

U.S. authorities estimate that 600,000 to 800,000 victims are trafficked across international borders each year. Up to 17,500 of those victims are brought into the United States. After drug dealing, human trafficking is tied with the illegal arms industry as the second-largest criminal industry in the world, according to Health and Human Services Department officials.

Victims are forced by individuals or organized rings into the commercial sex trade, where they face extortion, indentured servitude and other abuses. Some victims come as "mail-order brides" or through fiance visas, explains Linda Miller, Civil Society's executive director.

"We've had a few cases," she said. As for victims, "they don't report because they fear depor-

FOR HELP

The federal government has established a referral and information hotline, 1-888-373-7888, for victims of trafficking. To learn more about the scope of human trafficking, go to www.acf.hhs.gov/trafficking.

tation, domestic abuse or worse. It's very hard to gain their trust for them to come forward."

Miller said the grant would help expand legal services to include filing T-Visas, which allow victims to report abuses and receive services without fear of being jailed or deported.

Vednita Carter, who runs the 9-year-old Breaking Free, says the grant money will beef up the numbers of staffers who frequently visit strip clubs, street corners, treatment programs and other locations in search of potential clients. Last year, Breaking Free provided counseling, referral and transitional housing services to more than 500 clients.

"There is a trafficking problem, but the bulk of it and the victims are still domestic," Carter said. "What is happening to our young people in this area is no different than what is happening to people from other countries who are being brought here. It's been in our back yard, and it's always been here."

Rubén Rosario can be reached at rrosario@pioneerpress.com or 651-228-5454.

Coalition is formed to fight trafficking of humans

Local group's role is to help stop practice of "modern-day slavery"

By Dan Browning
Star Tribune Staff Writer

The federal government considers Minnesota prime turf for the human traffickers who fuel the sex trade and other forms of forced labor because of its border with Canada and its tightly knit immigrant enclaves.

But so far, it has little proof to back up its suspicions, so it has asked a coalition of more than 40 Twin Cities agencies to help identify and free the victims.

Steve Wagner, director of the U.S. Department of Health and Human Services division on human trafficking, announced the creation of the coalition at a news conference Wednesday in Minneapolis.

The government estimates that nationally, 15,000 to 17,500 people a year are trafficked into the commercial sex trades or forced into other work through fraud and coercion. It has no idea how many remain trapped there at any given time. Only about 720 people have been certified as trafficking victims since Congress passed a law in 2000 making them eligible for a special grant and financial aid, Wagner said.

The hope was that they would spontaneously come forward in light of the help that was available, and that proved to be an unrealistic expectation," he said. "None of us involved in this program are satisfied with that pace of victim identification."

HOW TO GET HELP

If you suspect a person is a victim of human trafficking, call: 1-888-373-7888 to report it or to get help.

SEX TRADE from B1

Victims land in servitude, strip clubs, prostitution

Wagner said victims are paralyzed by fear and won't come forward on their own. So the agency is going from city to city banging the drum and organizing local agencies to help identify victims.

It is also working to educate those who might encounter trafficking victims about the law. Minneapolis was the 12th stop since the public information campaign began one year ago.

"Human trafficking is literally modern-day slavery," Wagner said. "Victims of human trafficking are trafficked into prostitution, pornography, escort services, strip clubs, migrant farm labor camps, household servitude, construction sites, sweatshop factories, restaurants and other service businesses. It is occurring here in the Twin Cities."

Wagner announced the award of a \$150,000 grant to Breaking Free, a St. Paul agency that helps prostitutes quit the sex trade. Breaking Free will use the money to identify and rescue trafficking victims. It is work the agency knows well.

A victim's story

One trafficking victim, a 42-year-old Minneapolis woman who asked not to be identified, said she was swept into the sex trade at 15 and taken to Canada, Las Vegas, Iowa and other locales. She said she spent 23 years working as a stripper and prostitute before Breaking Free finally helped her quit about five years ago.

The woman said she was afraid to quit; her pimp threatened to cut off her mother's head if she tried to escape. "At 15 years old, that's real intimidating," she said.

"I was hit with a champagne bottle. I had knives stuck in my side. I had cigarettes put out on me. I was beaten. I was raped every which way you could think of by him and two other gentlemen," she said.

The woman said she was controlled by several different pimps over the years. They control women by keeping the money, getting them high on drugs and isolating them from anyone who could help, she said. "You ate, slept, got high and performed sex," she said.

"And that's what you do every day, all day, and so it becomes normal."

The woman said she has seen victims from ages 12 to 50 forced to work the sex trade. She told of a 14-year-old from Brazil who recently began calling Breaking Free for help. She said a gang was prostituting her and a number of other girls around the Twin Cities. The girl never came in, the woman said, and has since stopped calling.

Ilean Her, executive director of the Council on Asian-Pacific Minnesotans, said she knows of a number of Cambodian families in a Minnesota town whose young daughters have been trafficked to South Dakota and Idaho.

Fighting back

The University of Minnesota is hosting a training session today for "first responders" who might encounter trafficking victims. More than 200 people are expected to attend the all-day workshop.

Federal law defines anyone under 18 who is involved in commercial sex as a victim of human trafficking. Victims don't

actually have to be smuggled or moved anywhere.

Adults forced into commercial sex or other labor through fraud or coercion also meet the definition. But to keep people from using the law as a back door to immigrate, adult victims must agree to help law enforcement to get certified for public aid and a visa, Wagner said.

Violations of federal anti-trafficking laws carry stiff criminal penalties. But federal agencies are swamped and lack the resources to enforce the law on a broad scale.

Only four states have anti-trafficking laws: Washington, Missouri, Texas and Florida. Several others—including Minnesota—have legislation pending.

That legislation would define human trafficking and make it a felony punishable by up to 15 years in prison and \$30,000 in fines. It also would allow law enforcement to seize the assets of traffickers. And it would appropriate \$125,000 in 2006 and 2007 for the Department of Public Safety to make a statewide assessment of the problem.

Wagner said civil forfeiture laws are important tools to give local law enforcement an incentive to investigate and prosecute these crimes.

Dan Browning is at dbrowning@startribune.com.



HUMAN TRAFFICKING FACT SHEET



Human trafficking is a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation¹ or forced labor. Victims are young children, teenagers, men and women.

After drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, and it is the fastest growing.

The Trafficking Victims Protection Act of 2000 (TVPA) defines "Severe forms of Trafficking in Persons" as:

- **Sex Trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a **commercial sex act**², in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or
- **Labor Trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to **involuntary servitude**, peonage, **debt bondage** or slavery.

In both forms, the victim is an unwilling participant due to force, fraud or coercion.

Trafficking Victims

Approximately 800,000 to 900,000 victims annually are trafficked across international borders worldwide, and between 18,000 and 20,000 of those victims are trafficked into the U.S., according to the U.S. Department of State. These estimates include women, men and children. Victims are generally trafficked into the U.S. from Asia, Central and South America, and Eastern Europe. Many victims trafficked into the United States do not speak and understand English and are therefore isolated and unable to communicate with service providers, law enforcement and others who might be able to help them.

How Victims Are Trafficked

Many victims of trafficking are forced to work in prostitution or sex entertainment. However, trafficking also takes place as labor exploitation, such as domestic servitude, sweatshop factories, or migrant agricultural work. Traffickers use force, fraud and coercion to compel women, men and children to engage in these activities.

Force involves the use of rape, beatings and confinement to control victims. Forceful violence is used especially during the early stages of victimization, known as the 'seasoning process', which is used to break victim's resistance to make them easier to control.

Fraud often involves false offers of employment. For example, women and children will reply to advertisements promising jobs as waitresses, maids and dancers in other countries and are then forced into prostitution once they arrive at their destinations.

Coercion involves threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause victims to believe that failure to perform an act would result in restraint against them; or the abuse or threatened abuse of the legal process.

¹ "Exploitation" – rather than trafficking - may be a more accurate description because the crime involves making people perform labor or commercial sex against their will.

² As defined by the Trafficking Victims Protection Act of 2000, the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.



Victims of trafficking are often subjected to debt-bondage, usually in the context of paying off transportation fees into the destination countries. Traffickers often threaten victims with injury or death, or the safety of the victim's family back home. Traffickers commonly take away the victims' travel documents and isolate them to make escape more difficult.

Victims often do not realize that it is illegal for traffickers to dictate how they have to pay off their debt. In many cases, the victims are trapped into a cycle of debt because they have to pay for all living expenses in addition to the initial transportation expenses. Fines for not meeting daily quotas of service or "bad" behavior are also used by some trafficking operations to increase debt. Most trafficked victims rarely see the money they are supposedly earning and may not even know the specific amount of their debt. Even if the victims sense that debt-bondage is unjust, it is difficult for them to find help because of language, social, and physical barriers that keep them from obtaining assistance.

Trafficking vs. Smuggling

Trafficking is not smuggling. There are several important differences between trafficking and smuggling:

Human Trafficking	• Vs. •	Migrant Smuggling
<ul style="list-style-type: none">• Victims are coerced into trafficking. If victims do consent, that consent is rendered meaningless by the actions of the traffickers.• Ongoing exploitation of victims to generate illicit profits for the traffickers.• Trafficking need not entail the physical movement of a person (but must entail the exploitation of the person for labor or commercial sex).		<ul style="list-style-type: none">• Migrants consent to being smuggled.• Smuggling is always transnational.

Help for Victims of Trafficking

Prior to the enactment of the TVPA in October 2000, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. The law is comprehensive in addressing the various ways of combating trafficking, including prevention, protection and prosecution. It is intended to prevent human trafficking overseas, to increase prosecution of human traffickers in the United States, and to protect victims and provide Federal and state assistance to certain victims. Victims of human trafficking who are not U.S. citizens are eligible for a special visa and can receive benefits and services through the TVPA to the same extent as refugees. Victims of trafficking who are U.S. citizens may already be eligible for many benefits due to their citizenship.

If you think you have come in contact with a victim of human trafficking, call the **Trafficking Information and Referral Hotline at 1.888.3737.888**. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. For more information on human trafficking visit www.acf.hhs.gov/trafficking.

Trafficking Information and Referral Hotline 1.888.3737.888



SEX TRAFFICKING FACT SHEET



Sex trafficking is a modern-day form of slavery and occurs when a commercial sex act is induced by force, fraud, or coercion, or when the person forced to perform such an act is under the age of 18 years. Passage of the Trafficking Victims Protection Act of 2000 (TVPA) made sex trafficking a serious violation of Federal law.

As defined by the TVPA, the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.

Sex trafficking is tied with arms as the most profitable industry of organized crime after drugs. One of the fastest growing enterprises in the world, sex trafficking produces an estimated \$7 billion annually.

Victims of Sex Trafficking and What they Face

Victims of sex trafficking can be women or men, girls or boys, but the majority are women and underage girls. There are a number of common patterns for luring victims into situations of sex trafficking, including:

- A promise of a good job in another country
- A false marriage proposal turned into a bondage situation
- Being sold into the sex trade by parents for money
- Being kidnapped by traffickers

Sex trafficking frequently results in debt-bondage, meaning victims are held by their "employer" (pimps or traffickers) until they earn enough money to repay the expenses relating to their "acquisition."

Victims endure physical and psychological trauma and face numerous health risks. Some victims have unprotected sex with anywhere between 10 and 20 men per day, putting them at risk for HIV and other sexually transmitted diseases. If a woman becomes pregnant, she may be forced to have an abortion.

Victims also face the threat of having their family members tortured or murdered by traffickers.

Types of Sex Trafficking

Victims of trafficking are forced into various forms of commercial sexual exploitation including prostitution and pornography, bride trafficking, military prostitution and sex tourism.

Victims trafficked into prostitution and pornography are usually involved in the most exploitive forms of commercial sex operations. Sex trafficking operations can be found in highly-visible venues such as street prostitution, as well as more underground systems such as closed-brothels that operate out of residential homes. Sex trafficking also takes place in a variety of public and private locations such as massage parlors, spas, strip clubs and other fronts for prostitution. Victims may start off dancing or stripping in clubs and are often coerced into more exploitative situations of prostitution and pornography.



Assistance for Victims of Sex Trafficking

When victims of trafficking are identified, the U.S. government can help them stabilize their immigration status, and obtain support and assistance in rebuilding their lives in the United States through various programs. By certifying victims of trafficking, the U.S. Department of Health and Human Services (HHS) enables trafficking victims who are non-U.S. citizens to receive Federally funded benefits and services to the same extent as a refugee. Victims of trafficking who are U.S. citizens do not need to be certified to receive benefits. As U.S. citizens, they may already be eligible for many benefits.

Through HHS, victims can access benefits and services including food, health care and employment assistance. Certified victims of trafficking can obtain access to services that provide English language instruction and skills training for job placement. Since many victims are reluctant to come forward for fear of being deported, one of HHS' most important roles is to connect victims with non-profit organizations prepared to assist them and address their specific needs. These organizations can provide counseling, case management and benefit coordination.

If you think you have come in contact with a victim of human trafficking, call the **Trafficking Information and Referral Hotline at 1.888.3737.888**. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. For more information on human trafficking visit www.acf.hhs.gov/trafficking.



LABOR TRAFFICKING FACT SHEET



The Trafficking Victims Protection Act of 2000 (TVPA) defines labor trafficking as: "The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery." A modern-day form of slavery, labor trafficking is a fundamental violation of human rights.

Forms of Labor Trafficking

There are several forms of exploitative practices linked to labor trafficking, including bonded labor, forced labor and child labor.

- **Bonded labor**, or debt bondage, is probably the least known form of labor trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan in which its terms and conditions have not been defined. The value of their work is greater than the original sum of money "borrowed."
- **Forced labor** is a situation in which victims are forced to work against their own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted. Forms of forced labor include domestic servitude, agricultural labor, fisheries work, sweatshop work, prostitution, janitorial work, food service industry work and begging.
- **Child labor** is a form of work that is likely to be hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million working children aged between 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography and other illicit activities around the world. Girls are particularly in demand for domestic work.

Identifying Victims of Labor Trafficking

Victims of labor trafficking are not a homogenous group of people. Victims are young children, teenagers, men and women. Some of them enter the country legally on worker visas for domestic, "entertainment," computer and agricultural work, while others enter illegally. Some work in legal occupations such as domestic, factory or construction work, while others toil in illegal industries such as prostitution or panhandling. Although there is no single way to identify victims of labor trafficking, some common patterns include:

- Victims are often kept isolated to prevent them from getting help. Their activities are restricted and are typically watched, escorted or guarded by associates of traffickers. Traffickers may "coach" them to answer questions with a cover story about being a student or tourist.
- Victims may be blackmailed by traffickers using the victims' status as an undocumented alien or their participation in an "illegal" industry. By threatening to report them to law enforcement or immigration officials, traffickers keep victims compliant.
- People who are trafficked often come from unstable and economically devastated places as traffickers frequently identify vulnerable populations characterized by oppression, high rates of illiteracy, little social mobility and few economic opportunities.
- Women and children are overwhelmingly trafficked in labor arenas because of their relative lack of power, social marginalization, and their overall status as compared to men.

Trafficking Information and Referral Hotline 1.888.3737.888



Health Impacts of Labor Trafficking

In addition to the human rights abuses that define their involuntary servitude, victims of labor trafficking suffer from a variety of physical and mental health problems:

- Various methods of forced labor expose victims of labor trafficking to physical abuse such as scars, headaches, hearing loss, cardiovascular/respiratory problems, and limb amputation. Victims of labor trafficking may also develop chronic back, visual and respiratory problems from working in agriculture, construction or manufacturing under dangerous conditions.
- The psychological effects of torture are helplessness, shame and humiliation, shock, denial and disbelief, disorientation and confusion, and anxiety disorders including posttraumatic stress disorder (PTSD), phobias, panic attacks, and depression.
- Many victims also develop Stockholm syndrome, which is characterized by cognitive distortions where reciprocal positive feelings develop between captors and their hostages. This bond is a type of human survival instinct and helps the victim cope with the captivity.
- Child victims of labor trafficking are often malnourished to the extent that they may never reach their full height, they may have poorly formed or rotting teeth, and later they may experience reproductive problems.

Assistance for Victims of Labor Trafficking

When victims of trafficking are identified, the U.S. government can help them stabilize their immigration status, and obtain support and assistance in rebuilding their lives in the United States through various programs. By certifying victims of trafficking, the U.S. Department of Health and Human Services (HHS) enables trafficking victims who are non-U.S. citizens to receive Federally funded benefits and services to the same extent as a refugee. Victims of trafficking who are U.S. citizens do not need to be certified to receive benefits. As U.S. citizens, they may already be eligible for many benefits.

Through HHS, victims can access benefits and services including food, health care and employment assistance. Certified victims of trafficking can obtain access to services that provide English language instruction and skills training for job placement. Since many victims are reluctant to come forward for fear of being deported, one of HHS' most important roles is to connect victims with non-profit organizations prepared to assist them and address their specific needs. These organizations can provide counseling, case management and benefit coordination.

If you think you have come in contact with a victim of human trafficking, call the **Trafficking Information and Referral Hotline at 1.888.3737.888**. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. For more information on human trafficking visit www.acf.hhs.gov/trafficking.

Trafficking Information and Referral Hotline 1.888.3737.888



CHILD VICTIMS OF HUMAN TRAFFICKING



Human Trafficking

Human trafficking is a modern-day form of slavery. Victims are young children, teenagers, men and women. Victims of human trafficking are subjected to force, fraud, or coercion to compel them to engage in commercial sex or involuntary labor. What's more, any child who has engaged in commercial sex is a victim of human trafficking.

Approximately 600,000 to 800,000 victims are trafficked across international borders annually, and between 14,500 and 17,500 of those victims are trafficked into the United States each year, according to the U.S. government. **More than half of these victims worldwide are children,** according to the U.S. Department of State.

Child victims of trafficking are often exploited for commercial sex, including prostitution, pornography and sex tourism. They are also exploited for labor, including domestic servitude, migrant farming, landscaping and hotel or restaurant work – to name just a few potential trafficking situations.

- Children are considered persons under the age of 18
- Frequent sources of child trafficking include the Pacific Islands, the former Soviet Union, Latin America, Southeast Asia and Africa as well as developing countries.
- Children can be trafficked by close family members

The reasons for coming to the U.S. vary, but often children succumb to exploitation under the guise of opportunity— children may believe they are coming to the United States to be united with family, to work in a legitimate job or to attend school. Additionally, children may be subject to psychological intimidation or threats of physical harm to self or family members.

A Lasting Effect: Physical and Mental Consequences of Trafficking

For child victims of exploitation, the destructive effects can create a number of long-term health problems:

Physical Symptoms	Mental Symptoms
<ul style="list-style-type: none"> • Sleeping and eating disorders • Sexually transmitted diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties from working in the sex industry • Chronic back, hearing, cardiovascular or respiratory problems from endless days toiling in dangerous agriculture, sweatshop or construction conditions 	<ul style="list-style-type: none"> • Fear and anxiety • Depression, mood changes • Guilt and shame • Cultural shock from finding themselves in a strange country • Posttraumatic Stress Disorder • Traumatic Bonding with the Trafficker

Child victims of human trafficking face significant problems. Often physically and sexually abused, they have distinctive medical and psychological needs that must be addressed before advancing in the formative years of adulthood.

How to Recognize a Child Victim of Human Trafficking



CHILD VICTIMS OF HUMAN TRAFFICKING



Traffickers frequently confiscate their victims' immigration and identification documents. Traffickers frequently instill in their victims a fear government officials— particularly law enforcement and immigration officers. These are two of the challenges in identifying victims of trafficking. But whether you are a law enforcement officer, health care professional or a social service provider, there are physical and mental clues that can alert you to a victim:

- Child victims of labor trafficking are often hungry or malnourished to the extent that they may never reach their full height, may have poorly formed or rotting teeth, and later may experience reproductive problems.
- The psychological effects of torture are helplessness, shame and humiliation, shock, denial and disbelief, disorientation and confusion, and anxiety disorders including post traumatic stress disorder, phobias, panic attacks and depression.
- Environmental factors can also aid in identifying child victims of trafficking, including whether the child is living at the workplace or with the employer, living with multiple people in a cramped space, and attending school sporadically, not at all or has a significant gap of schooling in the U.S.
- Victims may experience Traumatic Bonding (Stockholm Syndrome) – a form of coercive control in which the perpetrator instills in the victim fear as well as gratitude for being allowed to live or for any other perceived favors, however small.
- Traffickers of children are sometimes family members or sometimes condition their victims to refer to them by familial titles (e.g., uncle, aunt, cousin).

Help for Child Victims of Human Trafficking

Prior to the enactment of the Trafficking Victims Protection Act (TVPA) in October 2000, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. The TVPA is intended to prevent human trafficking overseas, to increase prosecution of human traffickers, and to protect victims and provide Federally funded or administered benefits and services so that qualified victims can safely rebuild their lives in the United States.

Children as well as adult victims may be eligible for the T visa, which allows victims of trafficking to remain in the United States and become eligible for work authorization. After three years, victims may apply to adjust their status to lawful permanent resident. Through the U.S. Department of Health and Human Services (HHS), unaccompanied trafficked children are also eligible for the Unaccompanied Refugee Minors (URM) program, which provides a comprehensive range of services for children and places them in culturally appropriate foster homes, group homes, or independent living arrangements, appropriate to their developmental needs.

URM serves as a legal authority designated to act in place of the child's unavailable parents. Through the program, children may receive intensive case management, education, health care, mental health counseling, independent living skills training, and many other services. URM also assists in family reunification and repatriation services, when appropriate for the victim. Children are eligible to remain in foster care until they turn 18 or such higher age, depending on the foster care rules of the state.

If you think you have come in contact with a victim of human trafficking, call the Trafficking Information and Referral Hotline at 1.888.3737.888. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. For more information on human trafficking, visit www.acf.hhs.gov/trafficking.

Trafficking Information and Referral Hotline 1.888.3737.888



TRAFFICKING VICTIMS PROTECTION ACT OF 2000 FACT SHEET



In October 2000, the Trafficking Victims Protection Act of 2000 (TVPA) (Public Law 106-386) was enacted. Prior to that, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers.

Human trafficking is increasingly committed by organized, sophisticated criminal groups, and is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the U.S. and worldwide.

TVPA Goals

- Prevent human trafficking overseas
- Protect victims and help them rebuild their lives in the U.S. with Federal and state support
- Prosecute traffickers of persons under stiff Federal penalties

Prevention, Protection and Prosecution

The law is comprehensive in addressing the various ways of combating trafficking, including prevention, protection and prosecution. The **prevention** measures include the authorization of educational and public awareness programs.

Protection and assistance for victims of trafficking under the law include making housing, educational, health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives. The law also established the **T visa**, which allows victims of trafficking to become temporary residents of the U.S. The TVPA authorizes up to 5,000 victims of trafficking each year to receive permanent residence status after three years from issuance of their temporary residency visas. The T visa signifies a shift in the immigration law policy, which previously resulted in many victims being deported as illegal aliens. The law also makes victims of trafficking eligible for the Witness Protection Program.

The law makes victims of trafficking eligible for **benefits and services** under Federal or state programs once they become **certified** by the U.S. Department of Health and Human Services (HHS). Adult trafficking victims must be certified as a pre-condition for their eligibility for benefits and services. Once certified, they will be eligible to apply for benefits and services under any Federal or state funded programs, to the same extent as refugees including refugee cash, medical assistance and social services. Victims under the age of 18 do not need to be certified. HHS issues these victims letters of eligibility so that providers know they are eligible for services and benefits.

Victims of human trafficking who are non-U.S. citizens are eligible to receive benefits and services through the TVPA to the same extent as refugees. Victims who are U.S. citizens do not need to be certified by HHS to receive benefits; as U.S. citizens, they are already eligible for many benefits.



The TVPA also created **new law enforcement tools** to strengthen the prosecution and punishment of traffickers, making human trafficking a Federal crime with severe penalties.

For example, if a trafficking crime results in death or if the crime includes kidnapping, an attempted kidnapping, aggravated sexual abuse, attempted aggravated sexual abuse, or an attempt to kill, the trafficker could be sentenced to life in prison. Traffickers who exploit children (under the age of 14) using force, fraud or coercion, for the purpose of sex trafficking (a commercial sex act¹) can be imprisoned for life. If the victim was a child between the age of 14 and 18 and the sex trafficking did not involve force, fraud or coercion, the trafficker could receive up to 20 years in prison.

Moreover, the law addresses the subtle means of coercion used by traffickers to bind their victims in to servitude, including: psychological coercion, trickery, and the seizure of documents, activities which were difficult to prosecute under preexisting involuntary servitude statutes and case law.

Trafficking Victims Protection Reauthorization Act of 2003

In 2003, the Bush Administration authorized more than \$200 million to combat human trafficking through the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). TVPRA renews the U.S. government's commitment to identify and assist victims exploited through labor and sex trafficking in the United States.

The TVPRA provides resources and initiatives to assist the 18,000 - 20,000 victims of human trafficking who are trafficked into the United States every year. It augments the legal tools which can be used against traffickers by empowering victims to bring Federal civil suits against traffickers for actual and punitive damages, and by including sex trafficking and forced labor as offenses under the Racketeering Influenced and Corrupt Organization statute. It also encourages the nation's 21,000 state and local law enforcement agencies to participate in the detection and investigation of human trafficking cases. The U.S. Department of Health and Human Services has a significant role in implementing the law's victim-centered, compassionate approach to finding and aiding the victims of this modern-day slave trade.

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¹ As defined by the Trafficking Victims Protection Act of 2000, the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1940 - Relating to the Metropolitan Airports Commission

Author: Senator Ann Rest

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)



Date: April 11, 2005

Section 1 provides for staggered four-year terms for the members of the Metropolitan Airports Commission (MAC) appointed by the Governor to represent the eight commission districts. Changes the terms of the four non-metro members so that two new members are appointed every two years rather than one new member each year. Provides that appointments are subject to the advice and consent of the Senate and that appointees must have aviation experience and knowledge. The bill also provides for a nominating committee created by the Commissioner of Transportation to oversee the nominating process for gubernatorial appointments to the MAC and for publication of notices of vacancies on the Commission.

Section 2 clarifies the method of reporting to the Legislature regarding aviation operations by requiring that the report must cover all airports in the metropolitan airports system and include MAC's proposed operating and capital budgets, capital improvements program, and rates and other charges. Eliminates the requirement that the report must include information on Wayne County Metropolitan Airport in Detroit.

DPM:vs

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was re-referred

3 S.F. No. 1689: A bill for an act relating to public
4 safety; criminalizing certain acts related to the unlawful
5 trafficking in persons; providing for the forfeiture of certain
6 property of the offender in these cases; specifically including
7 conduct involving trafficking in the promoting of prostitution
8 crime; modifying the distribution formula for prostitution and
9 sex trafficking-related forfeiture proceeds; amending Minnesota
10 Statutes 2004, sections 609.321, subdivisions 1, 7, by adding
11 subdivisions; 609.325, by adding a subdivision; 609.531,
12 subdivision 1; 609.5315, subdivision 1, by adding a subdivision;
13 628.26; proposing coding for new law in Minnesota Statutes,
14 chapter 609.

15 Reports the same back with the recommendation that the bill
16 be amended as follows:

17 Page 1, after line 15, insert:

18 "ARTICLE 1

19 CRIMINAL AND CIVIL PROVISIONS"

20 Page 3, line 24, after the period, insert "This remedy is
21 in addition to potential criminal liability."

22 Page 10, after line 22, insert:

23 "ARTICLE 2

24 DEPARTMENT OF PUBLIC SAFETY:

25 ASSESSMENT OF TRAFFICKING IN MINNESOTA;

26 PLANS TO ADDRESS AND PREVENT TRAFFICKING;

27 ASSESSMENT OF SERVICES FOR TRAFFICKING VICTIMS

28 Section 1. [299A.78] [STATEWIDE TRAFFICKING ASSESSMENT.]

29 Subdivision 1. [DEFINITIONS.] For purposes of sections
30 299A.78 to 299A.7955, the following definitions apply:

31 (a) "Commissioner" means the commissioner of the Department
32 of Public Safety.

33 (b) "Nongovernmental organizations" means nonprofit,
34 nongovernmental organizations that provide legal, social, or
35 other community services.

36 (c) "Trafficking" includes "labor trafficking" as defined
37 in section 609.281, subdivision 5, and "sex trafficking" as
38 defined in section 609.321, subdivision 7a.

39 (d) "Trafficking victim" includes "labor trafficking
40 victim" as defined in section 609.281, subdivision 6, and "sex
41 trafficking victim" as defined in section 609.321, subdivision
42 7b.

1 (e) "Blackmail" has the meaning given it in section
2 609.281, subdivision 2.

3 (f) "Debt bondage" has the meaning given it in section
4 609.281, subdivision 3.

5 (g) "Forced labor or services" has the meaning given it in
6 section 609.281, subdivision 4.

7 Subd. 2. [GENERAL DUTIES.] The commissioner of public
8 safety shall:

9 (1) in cooperation with local authorities, collect, share,
10 and compile trafficking data among government agencies to assess
11 the nature and extent of trafficking in Minnesota;

12 (2) analyze collected data to develop a plan to address and
13 prevent trafficking; and

14 (3) use its analyses to establish policies to enable state
15 government to work with nongovernmental organizations to provide
16 assistance to trafficking victims.

17 Subd. 3. [OUTSIDE SERVICES.] As provided for in section
18 15.061, the commissioner of public safety may contract with
19 professional or technical services in connection with the duties
20 to be performed under sections 299A.785 to 299A.7955. The
21 commissioner may also contract with other outside organizations
22 to assist with the duties to be performed under sections
23 299A.785 to 299A.7955.

24 Sec. 2. [299A.785] [TRAFFICKING STUDY.]

25 Subdivision 1. [INFORMATION TO BE COLLECTED.] The
26 commissioner shall elicit the cooperation and assistance of
27 government agencies and nongovernmental organizations as
28 appropriate to assist in the collection of trafficking data.
29 The commissioner shall direct the appropriate authorities in
30 each agency and organization to make best efforts to collect
31 information relevant to tracking progress on trafficking. The
32 information to be collected may include, but is not limited to:

33 (1) the numbers of arrests, prosecutions, and successful
34 convictions of traffickers and those committing trafficking
35 related crimes, including, but not limited to, the following
36 offenses: sections 609.282, labor trafficking; 609.283,

1 document fraud; 609.322, solicitation of prostitution; 609.324,
2 other prostitution crimes; 609.33, disorderly house; 609.352,
3 solicitation of a child; and 617.245 and 617.246, use of minors
4 in sexual performance;

5 (2) statistics on the number of trafficking victims,
6 including demographics, method of recruitment, and method of
7 discovery;

8 (3) trafficking routes and patterns, states or country of
9 origin, transit states or countries;

10 (4) method of transportation, motor vehicles, aircraft,
11 watercraft, or by foot if any transportation took place; and

12 (5) social factors that contribute to and foster
13 trafficking, especially trafficking of women and children.

14 Subd. 2. [REPORT AND ANNUAL PUBLICATION.] (a) By September
15 1, 2006, the commissioner of public safety shall report to the
16 chairs of the senate and house of representatives committees and
17 divisions having jurisdiction over criminal justice policy and
18 funding a summary of its findings. This report shall include,
19 to the extent possible, the information to be collected in
20 subdivision 1 and any other information the commissioner finds
21 relevant to the issue of trafficking in Minnesota.

22 (b) The commissioner shall gather, compile, and publish
23 annually statistical data on the extent and nature of
24 trafficking in Minnesota. This annual publication shall be
25 available to the public and include, to the extent possible, the
26 information to be collected in subdivision 1 and any other
27 information the commissioner finds relevant to the issue of
28 trafficking in Minnesota.

29 Sec. 3. [299A.7855] [TRAFFICKING ANALYSIS AND
30 INITIATIVES.]

31 Subdivision 1. [DATA ANALYSIS.] The commissioner shall
32 analyze the data collected in section 299A.785 to develop and
33 carry out a plan to address current trafficking and prevent
34 future trafficking in Minnesota. The commissioner may evaluate
35 various approaches used by other state and local governments to
36 address trafficking. The plan shall include, but not be limited

1 to, the following initiatives:

2 (1) training agencies, organizations, and officials
3 involved in law enforcement, prosecution, and social services;

4 (2) increasing public awareness of trafficking; and

5 (3) establishing procedures to enable the state government
6 to work with nongovernmental organizations to prevent
7 trafficking.

8 Subd. 2. [TRAINING INITIATIVES.] (a) The commissioner
9 shall provide and strengthen training for law enforcement,
10 prosecutors, social services, and other relevant officials in
11 addressing trafficking. The training shall include:

12 (1) methods used in identifying trafficking victims,
13 including preliminary interview techniques and appropriate
14 interrogation methods;

15 (2) methods for prosecuting traffickers;

16 (3) methods for protecting the rights of trafficking
17 victims, taking into account the need to consider human rights
18 and special needs of women and children trafficking victims; and

19 (4) methods for promoting the safety of trafficking victims.

20 (b) Once created and as updated, the commissioner shall
21 provide training plans and materials associated with paragraph
22 (a) to the Board of Peace Officer Standards and Training.

23 Subd. 3. [AWARENESS INITIATIVES.] (a) The commissioner
24 shall, in cooperation with appropriate nongovernmental
25 organizations, establish public awareness programs designed to
26 educate persons at risk of trafficking and their families of the
27 risks of victimization. The programs shall include, but not be
28 limited to, information on the following subjects:

29 (1) the risks of becoming a trafficking victim, including:

30 (i) common recruitment techniques, such as use of debt
31 bondage, blackmail, forced labor and services, prostitution, and
32 other coercive tactics; and

33 (ii) the risks of assault, criminal sexual conduct,
34 exposure to sexually transmitted diseases, and psychological
35 harm;

36 (2) crime victims' rights in Minnesota; and

1 (3) methods for reporting recruitment activities involved
2 in trafficking.

3 (b) The commissioner shall, in cooperation with appropriate
4 agencies and nongovernmental organizations, disseminate public
5 awareness materials to educate the public on the extent of
6 trafficking and to discourage the demand that fosters and leads
7 to trafficking, in particular trafficking of women and children.
8 These materials may include information on:

9 (1) the impact of trafficking on victims;

10 (2) the aggregate impact of trafficking worldwide and
11 domestically; and

12 (3) the criminal consequences of trafficking. The
13 materials may be disseminated by way of the following media:
14 pamphlets, brochures, posters, advertisements in mass media, or
15 any other appropriate methods.

16 (c) Once created and as updated, the commissioner shall
17 provide samples of the materials disseminated under paragraph
18 (b) to the Department of Public Safety's office of justice
19 program.

20 Subd. 4. [ANNUAL EVALUATION.] The commissioner shall
21 evaluate its training and awareness initiatives annually to
22 ensure their effectiveness.

23 Sec. 4. [299A.79] [TRAFFICKING VICTIM ASSISTANCE.]

24 (a) The commissioner shall establish policies to enable
25 state government to work with nongovernmental organizations to
26 provide assistance to trafficking victims.

27 (b) The commissioner may review the existing services and
28 facilities to meet trafficking victims' needs and recommend a
29 plan that would coordinate such services, including, but not
30 limited to:

31 (1) medical and mental health services;

32 (2) housing;

33 (3) education and job training;

34 (4) English as a second language;

35 (5) interpreting services;

36 (6) legal and immigration services; and

1 (7) victim compensation.

2 Sec. 5. [299A.795] [TRAFFICKING INTERAGENCY ADVISORY
3 COMMITTEE.]

4 Subdivision 1. [CREATION AND DUTIES.] By August 1, 2005,
5 the commissioner shall appoint an advisory committee on
6 trafficking to advise the commissioner on carrying out the
7 commissioner's duties and responsibilities set forth in sections
8 299A.78 to 299A.79. The trafficking advisory committee shall
9 also serve as a liaison between the commissioner and agencies
10 and nongovernmental organizations that provide services to
11 trafficking victims. The members shall be compensated at a per
12 diem rate to be set by the commissioner, plus receive expense
13 reimbursement as specified in section 15.059.

14 Subd. 2. [MEMBERSHIP.] The trafficking advisory committee
15 consists of some or all of the following individuals or their
16 designees, who are knowledgeable in trafficking, crime victims'
17 rights, or violence prevention:

18 (1) a representative of the Minnesota Police Chiefs
19 Association;

20 (2) a representative of the Bureau of Criminal
21 Apprehension;

22 (3) a representative of the Minnesota Sheriffs Association;

23 (4) a peace officer who works and resides in the
24 metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota,
25 Scott, Washington, and Carver Counties;

26 (5) a peace officer who works and resides in the
27 nonmetropolitan area;

28 (6) a county attorney who works in Hennepin County;

29 (7) a county attorney who works in Ramsey County;

30 (8) a representative from the Attorney General's Office;

31 (9) a representative of the Department of Public Safety's
32 office of justice program;

33 (10) a representative of the federal Homeland Security
34 Office;

35 (11) a representative of the Department of Health;

36 (12) a representative of the Department of Human Services;

1 (13) a representative from a nongovernmental organization
2 that specializes in trafficking;

3 (14) representatives from nongovernmental organizations
4 that represent immigrant communities likely to be affected by
5 trafficking;

6 (15) a representative from a nongovernmental organization
7 that provides child services and runaway services;

8 (16) a representative of the medical and mental health
9 community;

10 (17) a representative of the academic community; and

11 (18) a representative from a nongovernmental organization
12 that provides statewide leadership in ending domestic violence
13 and sexual assault.

14 The commissioner may appoint more than one individual to
15 provide the representation specified in clauses (1) to (18) to
16 serve on the committee.

17 Subd. 3. [OFFICERS; MEETINGS.] (a) The committee shall
18 elect a chair and vice-chair from among its members, and may
19 elect other officers as necessary. The committee shall meet at
20 least quarterly, or upon the call of the chair. The committee
21 shall meet as frequently as necessary to accomplish the tasks
22 identified in this section.

23 (b) The committee shall seek out and enlist the cooperation
24 and assistance of nongovernmental organizations and academic
25 researchers, especially those specializing in trafficking,
26 representing diverse communities disproportionately affected by
27 trafficking, or focusing on child services and runaway services.

28 Subd. 4. [DISSOLUTION.] Notwithstanding section 15.059,
29 the committee may dissolve once the extent of trafficking in
30 Minnesota has been assessed, and the initiatives, programs, and
31 policies in sections 299A.78 to 299A.795 have been developed and
32 implemented to the satisfaction of the commissioner. Upon
33 dissolution of the committee, all duties and responsibilities
34 set forth in sections 299A.78 to 299A.795 may continue at the
35 discretion of the commissioner.

36 Sec. 6. [299A.7955] [TRAFFICKING COORDINATOR.]

1 (a) By August 15, 2005, the commissioner of public safety
2 shall appoint a statewide trafficking coordinator. In choosing
3 a coordinator, the commissioner may consult the trafficking
4 advisory committee and consider any of the committee's
5 recommendations. The coordinator is a position in the
6 unclassified service and serves at the pleasure of the
7 commissioner.

8 (b) The coordinator shall assist the commissioner in
9 fulfilling the duties and responsibilities set forth in sections
10 299A.78 to 299A.795. In addition, the coordinator may be
11 responsible for the following duties:

12 (1) coordinating and monitoring the activities of the
13 agencies implementing the Minnesota Trafficking Victims
14 Protection Act;

15 (2) facilitating local efforts and ensuring statewide
16 coordination of efforts to prevent trafficking;

17 (3) facilitating training for personnel;

18 (4) monitoring compliance with investigative protocols; and

19 (5) implementing an outcome evaluation and data quality
20 control process.

21 Sec. 7. [EFFECTIVE DATE.]

22 Sections 1 to 6 are effective July 1, 2005.

ARTICLE 3

APPROPRIATIONS

25 Section 1. [ASSESSMENT AND POLICY DEVELOPMENT AND
26 IMPLEMENTATION.]

27 \$125,000 for the fiscal year ending June 30, 2006, and
28 \$125,000 for the fiscal year ending June 30, 2007, are
29 appropriated from the general fund to the commissioner of public
30 safety to be used in the prevention of human trafficking and to
31 carry out the commissioner's duties under article 2."

32 Amend the title as follows:


33 Page 1, line 9, after the semicolon, insert "requiring a
34 trafficking study; requiring the commissioner of public safety
35 to collect and analyze trafficking data and undertake law
36 enforcement and other agency training initiatives; requiring the

1 commissioner to establish public awareness programs designed to
 2 target persons at risk of trafficking; requiring the
 3 commissioner to coordinate services for trafficking victims;
 4 establishing a trafficking interagency advisory committee;
 5 providing for appointment of a trafficking coordinator;
 6 appropriating money;"

7 Page 1, line 14, delete "chapter" and insert "chapters
 8 299A;"

9 And when so amended the bill do pass and be re-referred to
 10 the Committee on Finance. Amendments adopted. Report adopted.

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 (Committee Chair)

April 11, 2005.....
 (Date of Committee recommendation)

SF1940

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A bill for an act

relating to the Metropolitan Airports Commission;
requiring senate confirmation for certain
appointments; providing term limits for certain
members; requiring commissioners to have aviation
experience and knowledge; creating a nominating
committee; modifying a reporting requirement; amending
Minnesota Statutes 2004, sections 473.604, subdivision
1; 473.621, subdivision 1b.

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

Section 1. Minnesota Statutes 2004, section 473.604,
subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION.] (a) The commission consists
of:

(1) the mayor of each of the cities, or a qualified voter
appointed by the mayor, for the term of office as mayor;

(2) eight members, appointed by the governor from each of
the following agency districts:

- (i) district A, consisting of council districts 1 and 2;
- (ii) district B, consisting of council districts 3 and 4;
- (iii) district C, consisting of council districts 5 and 6;
- (iv) district D, consisting of council districts 7 and 8;
- (v) district E, consisting of council districts 9 and 10;
- (vi) district F, consisting of council districts 11 and 12;
- (vii) district G, consisting of council districts 13 and

14; and

(viii) district H, consisting of council districts 15 and

1 16.

2 Each member shall be a resident of the district
 3 represented. Each member's term expires on September 30, 2005.
 4 The members must be appointed by the governor as follows: the
 5 terms of the members from districts A, C, E, and G begin on
 6 October 1, 2005, and end on March 14, 2007; the terms of the
 7 members from districts B, D, F, and H begin on October 1, 2005,
 8 and end on March 14, 2009. The successors of each member must
 9 be appointed to four-year terms. Before making an appointment,
 10 the governor shall consult with each member of the legislature
 11 from the district for which the member is to be appointed, to
 12 solicit the legislator's recommendation on the appointment;

13 (3) four members appointed by the governor from outside of
 14 the metropolitan area to reflect fairly the various regions and
 15 interests throughout the state that are affected by the
 16 operation of the commission's major airport and airport system.
 17 Two of these members must be residents of statutory or home rule
 18 charter cities, towns, or counties containing an airport
 19 designated by the commissioner of transportation as a key
 20 airport. The other two must be residents of statutory or home
 21 rule charter cities, towns, or counties containing an airport
 22 designated by the commissioner of transportation as an
 23 intermediate airport. Each member's term expires on September
 24 30, 2005. The members must be appointed by the governor as
 25 follows: ~~one-for-a-term-of-one-year, one-for-a-term-of-two~~
 26 ~~years, one-for-a-term-of-three-years, and one-for-a-term-of-four~~
 27 ~~years. All of the terms start on July 1, 1989~~ two for terms
 28 beginning on October 1, 2005, and ending on March 14, 2007, and
 29 two for terms beginning on October 1, 2005, and ending on March
 30 14, 2009. The successors of each member must be appointed to
 31 four-year terms ~~commencing on the first Monday in January of~~
 32 ~~each fourth year after the expiration of the original term.~~
 33 Before making an appointment, the governor shall consult each
 34 member of the legislature representing the municipality or
 35 county from which the member is to be appointed, to solicit the
 36 legislator's recommendation on the appointment; and

1 (4) a chair appointed by the governor for a term of four
2 years. The chair may be removed at the pleasure of the governor.

3 (b) Appointments to the commission are subject to the
4 advice and consent of the senate as provided in section 15.066.

5 (c) Appointed members of the commission must have
6 demonstrated aviation experience and knowledge.

7 (d) The commissioner of transportation shall create a
8 nominating committee, composed of nine members appointed by the
9 commissioner. The nominating committee consists of: the
10 director of aeronautics, who is the chair; a representative of a
11 major airline at Minneapolis-St. Paul International Airport; a
12 representative of a major airline union at Minneapolis-St. Paul
13 International Airport; and a representative of each reliever
14 airport. The nominating committee shall oversee the nominating
15 process for the 12 members of the commission appointed by the
16 governor. Following the submission of applications as provided
17 under section 15.0597, subdivision 5, the nominating committee
18 shall conduct public meetings, after appropriate notice, to
19 accept statements from or on behalf of persons who have applied
20 or been nominated for appointment and to allow consultation with
21 and secure the advice of the public. Following the meetings,
22 the committee shall submit to the governor a list of nominees
23 for each appointment. The governor is not required to appoint
24 from the list.

25 (e) In addition to the notice required by section 15.0597,
26 subdivision 4, notice of vacancies and expiration of terms must
27 be published in newspapers of general circulation in the
28 metropolitan area and the appropriate districts and in aviation
29 oriented publications published in the state. The notices must
30 describe the appointments process and invite participation and
31 recommendations on the appointment.

32 Sec. 2. Minnesota Statutes 2004, section 473.621,
33 subdivision 1b, is amended to read:

34 Subd. 1b. [ANNUAL REPORT TO LEGISLATURE.] The corporation
35 shall report to the legislature under section 3.195 and
36 specifically to the house of representatives and senate

1 committees with jurisdiction over aviation issues by February 15
2 of each year concerning operations at ~~Minneapolis-St.-Paul~~
3 ~~International-Airport~~ each airport in the metropolitan airports
4 system. The report must include the number of aircraft
5 operations and passenger enplanements at the airport in the
6 preceding year, current airport capacity in terms of operations
7 and passenger enplanements, average length of delay statistics,
8 and technological developments affecting aviation and their
9 effect on operations and capacity at the airport. ~~The report~~
10 ~~must include information in all the foregoing categories as it~~
11 ~~relates to operations at Wayne County Metropolitan Airport in~~
12 ~~Detroit.~~ The report must compare the number of passenger
13 enplanements and the number of aircraft operations with the 1993
14 Metropolitan Airports Commission baseline forecasts of total
15 passengers and total aircraft operations. The report must
16 include the commission's proposed operating and capital budgets,
17 capital improvement program, and a review of rates and other
18 charges set by the commission.

1 Senator moves to amend S.F. No. 1940 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 473.123,
4 subdivision 2a, is amended to read:

5 Subd. 2a. [TERMS.] Following each apportionment of council
6 districts, as provided under subdivision 3a, council members
7 must be appointed from newly drawn districts as provided in
8 subdivision 3a. At the time of appointment, each council
9 member, other than the chair, must reside in the council
10 district represented and must have resided in the council
11 district for at least six months and in the state for at least
12 one year immediately preceding the appointment. Each council
13 district must be represented by one member of the council. The
14 terms of members end with the term of the governor, except that
15 all terms expire on the effective date of the next
16 apportionment. A member serves at the pleasure of the
17 governor. A member shall continue to serve the member's
18 district until a successor is appointed and qualified; except
19 that, following each apportionment, the member shall continue to
20 serve at large until the governor appoints 16 council members,
21 one from each of the newly drawn council districts as provided
22 under subdivision 3a, to serve terms as provided under this
23 section. The appointment to the council must be made by the
24 first Monday in March of the year in which the term ends.

25 [EFFECTIVE DATE.] This section is effective January 1, 2007.

26 Sec. 2. Minnesota Statutes 2004, section 473.123,
27 subdivision 3, is amended to read:

28 Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a)
29 Sixteen members must be appointed by the governor from districts
30 defined by this section. At the time of appointment, each
31 council member must reside in the council district
32 represented and must have resided in the council district for at
33 least six months and in the state for at least one year
34 immediately preceding the appointment. Each council district
35 must be represented by one member of the council.

36 (b) In addition to the notice required by section 15.0597,

1 subdivision 4, notice of vacancies and expiration of terms must
2 be published in newspapers of general circulation in the
3 metropolitan area and the appropriate districts. The governing
4 bodies of the statutory and home rule charter cities, counties,
5 and towns having territory in the district for which a member is
6 to be appointed must be notified in writing. The notices must
7 describe the appointments process and invite participation and
8 recommendations on the appointment.

9 (c) The governor shall create a nominating committee,
10 composed of seven metropolitan citizens appointed by the
11 governor, to nominate persons for appointment to the council
12 from districts. Three of the committee members must be local
13 elected officials. Following the submission of applications as
14 provided under section 15.0597, subdivision 5, the nominating
15 committee shall conduct public meetings, after appropriate
16 notice, to accept statements from or on behalf of persons who
17 have applied or been nominated for appointment and to allow
18 consultation with and secure the advice of the public and local
19 elected officials. The committee shall hold the meeting on each
20 appointment in the district or in a reasonably convenient and
21 accessible location in the part of the metropolitan area in
22 which the district is located. The committee may consolidate
23 meetings. Following the meetings, the committee shall submit to
24 the governor a list of nominees for each appointment. The
25 governor is not required to appoint from the list.

26 (d) Before making an appointment, the governor shall
27 consult with all members of the legislature from the council
28 district for which the member is to be appointed.

29 (e) Appointments to the council are subject to the advice
30 and consent of the senate as provided in section 15.066.

31 (f) Members of the council must be appointed to reflect
32 fairly the various demographic, political, and other interests
33 in the metropolitan area and the districts.

34 (g) Members of the council must be persons knowledgeable
35 about urban and metropolitan affairs.

36 (h) Any vacancy in the office of a council member shall

1 immediately be filled for the unexpired term. In filling a
2 vacancy, the governor may forgo the requirements of paragraph
3 (c) if the governor has made appointments in full compliance
4 with the requirements of this subdivision within the preceding
5 12 months.

6 [EFFECTIVE DATE.] This section is effective January 1, 2007.
7 Sec. 3. Minnesota Statutes 2004, section 473.604,
8 subdivision 1, is amended to read:

9 Subdivision 1. [COMPOSITION.] (a) The commission consists
10 of:

11 (1) the mayor of each of the cities, or a qualified voter
12 appointed by the mayor, for the term of office as mayor;

13 (2) eight members, appointed by the governor, one from each
14 of the following agency districts:

15 (i) district A, consisting of council districts 1 and 2;

16 (ii) district B, consisting of council districts 3 and 4;

17 (iii) district C, consisting of council districts 5 and 6;

18 (iv) district D, consisting of council districts 7 and 8;

19 (v) district E, consisting of council districts 9 and 10;

20 (vi) district F, consisting of council districts 11 and 12;

21 (vii) district G, consisting of council districts 13 and

22 14; and

23 (viii) district H, consisting of council districts 15 and

24 16.

25 At the time of appointment, each member shall be a resident of
26 the district represented and must have been a resident of the
27 district for at least six months and of the state for at least
28 one year immediately preceding the appointment. The terms of
29 the members from districts A, B, F, and H expire on January 1,
30 2007. The terms of the members from districts C, D, E, and G
31 expire on January 5, 2009. The successors of each member must
32 be appointed to four-year terms. The successors of each member
33 must be appointed to four-year terms. Before making an
34 appointment, the governor shall consult with each member of the
35 legislature from the district for which the member is to be
36 appointed, to solicit the legislator's recommendation on the

1 appointment;

2 (3) four members appointed by the governor from outside of
3 the metropolitan area to reflect fairly the various regions and
4 interests throughout the state that are affected by the
5 operation of the commission's major airport and airport system.
6 Two of these members must be residents of statutory or home rule
7 charter cities, towns, or counties containing an airport
8 designated by the commissioner of transportation as a key
9 airport. The other two must be residents of statutory or home
10 rule charter cities, towns, or counties containing an airport
11 designated by the commissioner of transportation as an
12 intermediate airport. The members must be appointed by the
13 governor as follows: ~~one-for-a-term-of-one-year, one-for-a-term~~
14 ~~of-two-years, one-for-a-term-of-three-years, and one-for-a-term~~
15 ~~of-four-years. All of the terms start on July 1, 1989~~ one
16 member representing a key airport and one member representing an
17 intermediate airport for terms that expire on January 1, 2007;
18 and one member representing a key airport and one member
19 representing an intermediate airport for terms that expire on
20 January 5, 2009. The successors of each member must be
21 appointed to four-year terms ~~commencing on the first Monday in~~
22 ~~January of each fourth year after the expiration of the original~~
23 ~~term.~~ Before making an appointment, the governor shall consult
24 each member of the legislature representing the municipality or
25 county from which the member is to be appointed, to solicit the
26 legislator's recommendation on the appointment; and

27 (4) a chair appointed by the governor for a term of four
28 years. The chair may be removed at the pleasure of the governor.
29 Effective January 2007, the appointment of the chair is subject
30 to the advice and consent of the senate as provided in section
31 15.066.

32 (b) The commissioner of transportation shall create a
33 nominating committee, composed of 15 members appointed by the
34 commissioner. The nominating committee consists of: the
35 director of aeronautics, who is the chair; a representative of a
36 major airline at Minneapolis-St. Paul International Airport; a

1 representative of a major airline union at Minneapolis-St. Paul
2 International Airport; a representative of each reliever
3 airport; and a representative of each of the cities of
4 Minneapolis, St. Paul, Richfield, Bloomington, Mendota Heights,
5 and Eagan. The nominating committee shall oversee the
6 nominating process for the 12 members of the commission
7 appointed by the governor. Following the submission of
8 applications as provided under section 15.0597, subdivision 5,
9 the nominating committee shall conduct public meetings, after
10 appropriate notice, to accept statements from or on behalf of
11 persons who have applied or been nominated for appointment and
12 to allow consultation with and secure the advice of the public.
13 Following the meetings, the committee shall submit to the
14 governor the list of applicants, with comments, for each
15 appointment.

16 (c) In addition to the notice required by section 15.0597,
17 subdivision 4, notice of vacancies and expiration of terms must
18 be published in newspapers of general circulation in the
19 metropolitan area and the appropriate districts and in aviation
20 oriented publications published in the state. The notices must
21 describe the appointments process and invite participation and
22 recommendations on the appointment.

23 Sec. 4. Minnesota Statutes 2004, section 473.621,
24 subdivision 1b, is amended to read:

25 Subd. 1b. [ANNUAL REPORT TO LEGISLATURE.] The corporation
26 shall report to the legislature under section 3.195 and
27 specifically to the house of representatives and senate
28 committees with jurisdiction over aviation issues by February 15
29 of each year concerning operations at ~~Minneapolis-St.-Paul~~
30 ~~International-Airport~~ each airport in the metropolitan airports
31 system. The report must include the number of aircraft
32 operations and passenger enplanements at the airport in the
33 preceding year, current airport capacity in terms of operations
34 and passenger enplanements, average length of delay statistics,
35 and technological developments affecting aviation and their
36 effect on operations and capacity at the airport. ~~The report~~

1 ~~must-include-information-in-all-the-foregoing-categories-as-it~~
2 ~~relates-to-operations-at-Wayne-County-Metropolitan-Airport-in~~
3 ~~Detroit.~~ The report must compare the number of passenger
4 enplanements and the number of aircraft operations with the 1993
5 Metropolitan Airports Commission baseline forecasts of total
6 passengers and total aircraft operations. The report must
7 include the commission's proposed operating and capital budgets,
8 capital improvement program, a review of rates and other charges
9 set by the commission, aircraft operations, based aircraft and
10 status of major development programs at each reliever airport."

11 Amend the title accordingly

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1940: A bill for an act relating to the
4 Metropolitan Airports Commission; requiring senate confirmation
5 for certain appointments; providing term limits for certain
6 members; requiring commissioners to have aviation experience and
7 knowledge; creating a nominating committee; modifying a
8 reporting requirement; amending Minnesota Statutes 2004,
9 sections 473.604, subdivision 1; 473.621, subdivision 1b.

10 Reports the same back with the recommendation that the bill
11 be amended as follows:

12 Delete everything after the enacting clause and insert:

13 "Section 1. Minnesota Statutes 2004, section 473.123,
14 subdivision 2a, is amended to read:

15 Subd. 2a. [TERMS.] Following each apportionment of council
16 districts, as provided under subdivision 3a, council members
17 must be appointed from newly drawn districts as provided in
18 subdivision 3a. At the time of appointment, each council
19 member, other than the chair, must reside in the council
20 district represented and must have resided in the council
21 district for at least six months and in the state for at least
22 one year immediately preceding the appointment. Each council
23 district must be represented by one member of the council. The
24 terms of members end with the term of the governor, except that
25 all terms expire on the effective date of the next
26 apportionment. A member serves at the pleasure of the
27 governor. A member shall continue to serve the member's
28 district until a successor is appointed and qualified; except
29 that, following each apportionment, the member shall continue to
30 serve at large until the governor appoints 16 council members,
31 one from each of the newly drawn council districts as provided
32 under subdivision 3a, to serve terms as provided under this
33 section. The appointment to the council must be made by the
34 first Monday in March of the year in which the term ends.

35 [EFFECTIVE DATE.] This section is effective January 1, 2007.

36 Sec. 2. Minnesota Statutes 2004, section 473.123,
37 subdivision 3, is amended to read:

38 Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a)
39 Sixteen members must be appointed by the governor from districts
40 defined by this section. At the time of appointment, each

1 council member must reside in the council district
2 represented and must have resided in the council district for at
3 least six months and in the state for at least one year
4 immediately preceding the appointment. Each council district
5 must be represented by one member of the council.

6 (b) In addition to the notice required by section 15.0597,
7 subdivision 4, notice of vacancies and expiration of terms must
8 be published in newspapers of general circulation in the
9 metropolitan area and the appropriate districts. The governing
10 bodies of the statutory and home rule charter cities, counties,
11 and towns having territory in the district for which a member is
12 to be appointed must be notified in writing. The notices must
13 describe the appointments process and invite participation and
14 recommendations on the appointment.

15 (c) The governor shall create a nominating committee,
16 composed of seven metropolitan citizens appointed by the
17 governor, to nominate persons for appointment to the council
18 from districts. Three of the committee members must be local
19 elected officials. Following the submission of applications as
20 provided under section 15.0597, subdivision 5, the nominating
21 committee shall conduct public meetings, after appropriate
22 notice, to accept statements from or on behalf of persons who
23 have applied or been nominated for appointment and to allow
24 consultation with and secure the advice of the public and local
25 elected officials. The committee shall hold the meeting on each
26 appointment in the district or in a reasonably convenient and
27 accessible location in the part of the metropolitan area in
28 which the district is located. The committee may consolidate
29 meetings. Following the meetings, the committee shall submit to
30 the governor a list of nominees for each appointment. The
31 governor is not required to appoint from the list.

32 (d) Before making an appointment, the governor shall
33 consult with all members of the legislature from the council
34 district for which the member is to be appointed.

35 (e) Appointments to the council are subject to the advice
36 and consent of the senate as provided in section 15.066.

1 (f) Members of the council must be appointed to reflect
2 fairly the various demographic, political, and other interests
3 in the metropolitan area and the districts.

4 (g) Members of the council must be persons knowledgeable
5 about urban and metropolitan affairs.

6 (h) Any vacancy in the office of a council member shall
7 immediately be filled for the unexpired term. In filling a
8 vacancy, the governor may forgo the requirements of paragraph

9 (c) if the governor has made appointments in full compliance
10 with the requirements of this subdivision within the preceding
11 12 months.

12 [EFFECTIVE DATE.] This section is effective January 1, 2007.

13 Sec. 3. Minnesota Statutes 2004, section 473.604,
14 subdivision 1, is amended to read:

15 Subdivision 1. [COMPOSITION.] (a) The commission consists
16 of:

17 (1) the mayor of each of the cities, or a qualified voter
18 appointed by the mayor, for the term of office as mayor;

19 (2) eight members, appointed by the governor, one from each
20 of the following agency districts:

21 (i) district A, consisting of council districts 1 and 2;

22 (ii) district B, consisting of council districts 3 and 4;

23 (iii) district C, consisting of council districts 5 and 6;

24 (iv) district D, consisting of council districts 7 and 8;

25 (v) district E, consisting of council districts 9 and 10;

26 (vi) district F, consisting of council districts 11 and 12;

27 (vii) district G, consisting of council districts 13 and
28 14; and

29 (viii) district H, consisting of council districts 15 and
30 16.

31 At the time of appointment, each member shall be a resident of
32 the district represented and must have been a resident of the
33 district for at least six months and of the state for at least
34 one year immediately preceding the appointment. The terms of
35 the members from districts A, B, F, and H expire on January 1,
36 2007. The terms of the members from districts C, D, E, and G

1 expire on January 5, 2009. The successors of each member must
2 be appointed to four-year terms. Before making an appointment,
3 the governor shall consult with each member of the legislature
4 from the district for which the member is to be appointed, to
5 solicit the legislator's recommendation on the appointment;

6 (3) four members appointed by the governor from outside of
7 the metropolitan area to reflect fairly the various regions and
8 interests throughout the state that are affected by the
9 operation of the commission's major airport and airport system.
10 Two of these members must be residents of statutory or home rule
11 charter cities, towns, or counties containing an airport
12 designated by the commissioner of transportation as a key
13 airport. The other two must be residents of statutory or home
14 rule charter cities, towns, or counties containing an airport
15 designated by the commissioner of transportation as an
16 intermediate airport. The members must be appointed by the
17 governor as follows: ~~one-for-a-term-of-one-year, one-for-a-term~~
18 ~~of-two-years, one-for-a-term-of-three-years, and one-for-a-term~~
19 ~~of-four-years.---All-of-the-terms-start-on-July-1, 1989~~ one
20 member representing a key airport and one member representing an
21 intermediate airport for terms that expire on January 1, 2007;
22 and one member representing a key airport and one member
23 representing an intermediate airport for terms that expire on
24 January 5, 2009. The successors of each member must be
25 appointed to four-year terms ~~commencing-on-the-first-Monday-in~~
26 ~~January-of-each-fourth-year-after-the-expiration-of-the-original~~
27 ~~term.~~ Before making an appointment, the governor shall consult
28 each member of the legislature representing the municipality or
29 county from which the member is to be appointed, to solicit the
30 legislator's recommendation on the appointment; and

31 (4) a chair appointed by the governor for a term of four
32 years. The chair may be removed at the pleasure of the governor.
33 Effective January 2007, the appointment of the chair is subject
34 to the advice and consent of the senate as provided in section
35 15.066.

36 (b) The commissioner of transportation shall create a

1 nominating committee, composed of 15 members appointed by the
2 commissioner. The nominating committee consists of: the
3 director of aeronautics, who is the chair; a representative of a
4 major airline at Minneapolis-St. Paul International Airport; a
5 representative of a major airline union at Minneapolis-St. Paul
6 International Airport; a representative of each reliever
7 airport; and a representative of each of the cities of
8 Minneapolis, St. Paul, Richfield, Bloomington, Mendota Heights,
9 and Eagan. The nominating committee shall oversee the
10 nominating process for the 12 members of the commission
11 appointed by the governor. Following the submission of
12 applications as provided under section 15.0597, subdivision 5,
13 the nominating committee shall conduct public meetings, after
14 appropriate notice, to accept statements from or on behalf of
15 persons who have applied or been nominated for appointment and
16 to allow consultation with and secure the advice of the public.
17 Following the meetings, the committee shall submit to the
18 governor the list of applicants, with comments, for each
19 appointment.

20 (c) In addition to the notice required by section 15.0597,
21 subdivision 4, notice of vacancies and expiration of terms must
22 be published in newspapers of general circulation in the
23 metropolitan area and the appropriate districts and in aviation
24 oriented publications published in the state. The notices must
25 describe the appointments process and invite participation and
26 recommendations on the appointment.

27 Sec. 4. Minnesota Statutes 2004, section 473.621,
28 subdivision 1b, is amended to read:

29 Subd. 1b. [ANNUAL REPORT TO LEGISLATURE.] The corporation
30 shall report to the legislature under section 3.195 and
31 specifically to the house of representatives and senate
32 committees with jurisdiction over aviation issues by February 15
33 of each year concerning operations at ~~Minneapolis-St.-Paul~~
34 ~~International-Airport~~ each airport in the metropolitan airports
35 system. The report must include the number of aircraft
36 operations and passenger enplanements at the airport in the

1 preceding year, current airport capacity in terms of operations
 2 and passenger enplanements, average length of delay statistics,
 3 and technological developments affecting aviation and their
 4 effect on operations and capacity at the airport. ~~The report~~
 5 ~~must include information in all the foregoing categories as it~~
 6 ~~relates to operations at Wayne County Metropolitan Airport in~~
 7 ~~Detroit.~~ The report must compare the number of passenger
 8 enplanements and the number of aircraft operations with the 1993
 9 Metropolitan Airports Commission baseline forecasts of total
 10 passengers and total aircraft operations. The report must
 11 include the commission's proposed operating and capital budgets,
 12 capital improvement program, a review of rates and other charges
 13 set by the commission, aircraft operations, based aircraft and
 14 status of major development programs at each reliever airport."

15 Amend the title as follows:

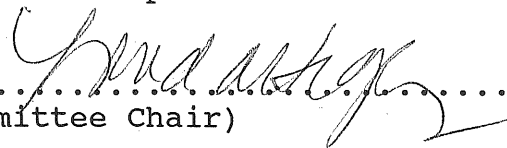
16 Page 1, line 3, delete "for certain"

17 Page 1, delete lines 4 and 5

18 Page 1, line 6, delete "experience and knowledge" and
 19 insert "of the chair; providing a residency requirement and for
 20 terms of office"

21 Page 1, line 8, after "sections" insert "473.123,
 22 subdivisions 2a, 3;"

23 And when so amended the bill do pass. Amendments adopted.
 24 Report adopted.

25 
 26
 27 (Committee Chair)

28 April 11, 2005.....
 29 (Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**


G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1845 - State Postretirement Employment and Voluntary Hours Reduction Options

Author: Senator Cal Larson

Prepared by: Thomas S. Bottern, Senate Counsel (651/296-3810) 

Date: April 11, 2005

This bill provides two flexible employment options for specified state employees: (1) a postretirement option allowing state employees to work part time in the state unclassified service; and (2) a voluntary hours reduction plan that allows full contributions to the Minnesota State Retirement System although the employee is working half-time or less. Each of these options may be made available at the appointing authority's discretion.

Section 1 [DEFINITION.] defines "state employee" to mean a person in a civil service position in the executive branch of State Government, the Minnesota State Retirement System, or the Office of the Legislative Auditor.

Section 2 [POSTRETIREMENT OPTION.] makes the postretirement option available to a state employee that has worked more than 1,044 hours a year for the five years immediately preceding their separation from state employment and who has terminated state employment. The employee must meet the requirements necessary to receive an unreduced retirement annuity and agree to accept postretirement employment with a reduction of at least 25 percent from the number of regular work hours, which must result in less than 1,044 hours per year in the postretirement employment. Exempts employees electing the postretirement employment option from the prohibition on receiving

a state retirement annuity, if reemployed by the state. Provides the appointing authority with sole discretion to determine which employees may use the postretirement option. The postretirement option may not be made available for more than one year at a time with a total limit of five years. Authorizes the appointing authority to make an employer insurance contribution for persons employed in the postretirement option positions who are not receiving any other state-paid insurance. The amount of the health insurance contribution must be equal to the percent time worked in the postretirement option position computed from a 2,088 hour annual base, multiplied by 1.5, multiplied by the amount of the full employer contribution for employee-only health and dental coverage. This amount will be contributed to a health reimbursement arrangement.

Section 3 [VOLUNTARY HOURS REDUCTION PLAN.] allows employees who are working more than 1,044 hours per year in a position covered by a pension plan under the Minnesota State Retirement System to elect to enter into an agreement to work a reduced schedule less than 1,044 hours per year. Authorizes the employer and the employee to continue making contributions to the applicable Minnesota State Retirement System plan for the employee as if the employee continued to work a full time schedule. Specifies that the appointing authority has sole discretion to determine which employees are eligible for the voluntary hours reduction plan. Requires that implementation of the voluntary hours reduction plan is subject to collective bargaining agreements and unrepresented employee compensation plans. Prohibits an individual from being employed in one or a combination of voluntary hours reduction plans for a total of more than three years.

TSB:rer

Senator Larson introduced--

S.F. No. 1845: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to state employment; creating a
3 postretirement employment option; authorizing a
4 voluntary hours reduction plan.

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

6 Section 1. [DEFINITION.]

7 For purposes of sections 2 and 3, "state employee" means a
8 person currently occupying a civil service position in the
9 executive branch of state government, the Minnesota State
10 Retirement System, or the Office of the Legislative Auditor.

11 Sec. 2. [POSTRETIREMENT OPTION.]

12 (a) This section applies to a state employee who:

13 (1) for at least the five years immediately preceding
14 separation under clause (2), has been regularly scheduled to
15 work 1,044 or more hours a year in a position covered by a
16 pension plan administered by the Minnesota State Retirement
17 System;

18 (2) terminates state employment;

19 (3) at the time of termination under clause (2), meets the
20 age and service requirements necessary to receive an unreduced
21 retirement annuity from the plan and satisfies requirements for
22 the commencement of the retirement annuity or, for an employee
23 under the state unclassified employees retirement plan, meets
24 the age and service requirements necessary to receive an
25 unreduced retirement annuity from the plan and satisfies

1 requirements for the commencement of the retirement annuity or
2 elects a lump-sum payment; and

3 (4) agrees to accept a postretirement option position with
4 the same or a different appointing authority, working a reduced
5 schedule that is both (i) a reduction of at least 25 percent
6 from the employee's number of regularly scheduled work hours;
7 and (ii) 1,044 hours or less in state service.

8 (b) Notwithstanding any law to the contrary, postretirement
9 option positions shall be in the unclassified service but shall
10 not be covered by the Minnesota State Retirement System
11 unclassified employees plan.

12 (c) Notwithstanding any law to the contrary, when an
13 eligible state employee in a postretirement option position
14 commences receipt of the annuity, the provisions of Minnesota
15 Statutes, section 352.115, subdivision 10, governing annuities
16 of reemployed annuitants, shall not apply for the duration of
17 employment in the position.

18 (d) The appointing authority has sole discretion to
19 determine if and the extent to which a postretirement option
20 position under this section is available to a state employee.
21 Any offer of such a position must be made in writing to the
22 employee by the appointing authority on a form prescribed by the
23 Department of Employee Relations and the Minnesota State
24 Retirement System. The appointing authority may not require a
25 person to waive any rights under a collective bargaining
26 agreement or unrepresented employee compensation plan as a
27 condition of participation.

28 (e) Postretirement option employment shall be for an
29 initial period not to exceed one year. During that period, the
30 appointing authority may not modify the conditions specified in
31 the written offer without the employee's agreement, except as
32 required by law or by the collective bargaining agreement or
33 compensation plan applicable to the employee. At the end of the
34 initial period, the appointing authority has sole discretion to
35 determine if the offer of a postretirement option position will
36 be renewed, renewed with modifications, or terminated.

1 Postretirement option employment may be renewed for periods of
2 up to one year, not to exceed a total duration of five years.
3 No person shall be employed in one or a combination of
4 postretirement option positions under this section for a total
5 of more than five years.

6 (f) The appointing authority shall provide the Minnesota
7 State Retirement System with a copy of the offer, the employee's
8 acceptance of the terms, and any subsequent renewal agreement.

9 (g) Notwithstanding any law to the contrary, a person may
10 not earn service credit in the Minnesota State Retirement System
11 for employment covered under this section, and employer
12 contributions and payroll deductions for the retirement fund
13 must not be made based on earnings of a person working under
14 this section. No change shall be made to a monthly annuity or
15 retirement allowance based on employment under this section.

16 (h) Notwithstanding any law to the contrary, the appointing
17 authority will make an employer insurance contribution for a
18 person who is employed in a postretirement option position under
19 this section and who is not receiving any other state-paid
20 employer insurance contribution. The amount of the contribution
21 will be equal to the percent time worked in the postretirement
22 option position (hours scheduled to be worked annually divided
23 by 2,088) times 1.5 times the full employer contribution for
24 employee only health and dental coverage. The appointing
25 authority will contribute that amount to a health reimbursement
26 arrangement.

27 (i) If a person has been in a postretirement option
28 position and accepts any other position in state service, in the
29 subsequent state employment the person may not earn service
30 credit in the Minnesota State Retirement System, no employer
31 contributions or payroll deductions for the retirement fund
32 shall be made, and the provisions of Minnesota Statutes, section
33 352.115, subdivision 10, shall apply.

34 Sec. 3. [VOLUNTARY HOURS REDUCTION PLAN.]

35 (a) This section applies to a state employee who:

36 (1) is regularly scheduled to work 1,044 or more hours a

1 year in a position covered by a pension plan administered by the
2 Minnesota State Retirement System; and

3 (2) enters into an agreement with the appointing authority
4 to work a reduced schedule of 1,044 hours or less in the covered
5 position.

6 (b) Notwithstanding any law to the contrary, for service
7 under an agreement entered into under paragraph (a),
8 contributions may be made to the applicable plan of the
9 Minnesota State Retirement System as if the employee had not
10 reduced hours. The employee must pay the additional employee
11 contributions and the employer must pay the additional employer
12 contributions necessary to bring the service credit and salary
13 up to the level prior to the voluntary reduction in hours.
14 Contributions must be made in a time and manner prescribed by
15 the executive director of the Minnesota State Retirement System.

16 (c) The appointing authority has sole discretion to
17 determine if and the extent to which voluntary hours reduction
18 under this section is available to an employee. The number of
19 hours to be worked per pay period and the end date of the
20 voluntary hours reduction arrangement must be agreed to, in
21 writing, by the employee and the appointing authority. Either
22 the appointing authority or the employee may terminate the hours
23 reduction arrangement prior to the end date with 30 days'
24 written notice to the other. The appointing authority shall
25 provide the Minnesota State Retirement System with a copy of the
26 agreement and any termination notice.

27 (d) Implementation of the voluntary hours reduction
28 arrangement or of any change required by the termination of an
29 arrangement is subject to provisions of the applicable
30 collective bargaining agreement or unrepresented employee
31 compensation plan. The appointing authority may not require a
32 person to waive any rights under a collective bargaining
33 agreement or unrepresented employee compensation plan as a
34 condition of participation under this section.

35 (e) No person shall be employed in one or a combination of
36 voluntary hours reduction arrangements under this section for a

1 total of more than three years.

1 Senator moves to amend S.F. No. 1845 as follows:
2 Page 1, line 6, after "1." insert "[43A.346]
3 Subdivision 1."
4 Page 1, line 7, delete "sections 2 and 3" and insert "this
5 section"
6 Page 1, line 12, delete "(a)" and insert "Subd. 2.
7 [ELIGIBILITY.]"
8 Page 2, line 8, delete "(b)" and insert "Subd. 3.
9 [UNCLASSIFIED SERVICE.]"
10 Page 2, line 12, delete "(c)" and insert "Subd. 4.
11 [ANNUITY REDUCTION NOT APPLICABLE.]"
12 Page 2, line 18, delete "(d)" and insert "Subd. 5.
13 [APPOINTING AUTHORITY DISCRETION.]"
14 Page 2, line 28, delete "(e)" and insert "Subd. 6.
15 [DURATION.]"
16 Page 3, line 6, delete "(f)" and insert "Subd. 7. [COPY TO
17 MSRS.]"
18 Page 3, line 9, delete "(g)" and insert "Subd. 8. [NO
19 SERVICE CREDIT.]"
20 Page 3, line 16, delete "(h)" and insert "Subd. 9.
21 [INSURANCE CONTRIBUTION.]"
22 Page 3, line 27, delete "(i)" and insert "Subd. 10.
23 [SUBSEQUENT EMPLOYMENT.]"
24 Page 3, line 35, after "(a)" insert "For the purposes of
25 this section, "state employee" has the meaning given it in
26 Minnesota Statutes, section 43A.346.
27 (b)"
28 Page 3, line 35, after "(a)" insert "For the purposes of
29 this section, "state employee" has the meaning given it in
30 Minnesota Statutes, section 43A.346.
31 (b)"
32 Page 4, line 6, delete "(b)" and insert "(c)"
33 Page 4, line 16, delete "(c)" and insert "(d)"
34 Page 4, line 27, delete "(d)" and insert "(e)"
35 Page 4, line 35, delete "(e)" and insert "(f)"
36 Amend the title as follows:

- 1 Page 1, line 4, before the period, insert "; proposing
- 2 coding for new law in Minnesota Statutes, chapter 43A"

1 Senator moves to amend S.F. No. 1845 as
2 follows:

3 Page 1, line 10, after "Auditor" insert ", or a person
4 employed by the Metropolitan Council"

5 Page 1, line 12, after "state" insert "or Metropolitan
6 Council"

7 Page 1, line 18, after "state" insert "or Metropolitan
8 Council"

9 Page 1, line 23, delete "state"

10 Page 2, line 7, after "state" insert "or Metropolitan
11 Council"

12 Page 3, line 19, after "state-paid" insert "or Metropolitan
13 Council-paid"

14 Page 3, line 28, after "state" insert "or Metropolitan
15 Council"

16 Page 3, line 29, after "state" insert "or Metropolitan
17 Council"

18 Amend the title as follows:

19 Page 1, line 2, delete "state" and insert "public"

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1845: A bill for an act relating to state
4 employment; creating a postretirement employment option;
5 authorizing a voluntary hours reduction plan.

6 Reports the same back with the recommendation that the bill
7 be amended as follows:

8 Page 1, line 6, delete "[DEFINITION.]" and insert

9 "[43A.346] [POSTRETIREMENT EMPLOYMENT.]"

10 Page 1, line 7, before "For" insert "Subdivision 1.

11 [DEFINITION.]" and delete "sections 2 and 3" and insert "this

12 section"

13 Page 1, line 10, after "Auditor" insert ", or a person

14 employed by the Metropolitan Council"

15 Page 1, delete line 11

16 Page 1, line 12, delete "(a)" and insert "Subd. 2.

17 [ELIGIBILITY.]" and after "state" insert "or Metropolitan

18 Council"

19 Page 1, line 18, after "state" insert "or Metropolitan

20 Council"

21 Page 1, line 23, delete "state"

22 Page 2, line 7, after "state" insert "or Metropolitan

23 Council"

24 Page 2, line 8, delete "(b)" and insert "Subd. 3.

25 [UNCLASSIFIED SERVICE.]"

26 Page 2, line 12, delete "(c)" and insert "Subd. 4.

27 [ANNUITY REDUCTION NOT APPLICABLE.]"

28 Page 2, line 18, delete "(d)" and insert "Subd. 5.

29 [APPOINTING AUTHORITY DISCRETION.]"

30 Page 2, line 28, delete "(e)" and insert "Subd. 6.

31 [DURATION.]"

32 Page 3, line 6, delete "(f)" and insert "Subd. 7. [COPY TO

33 MSRS.]"

34 Page 3, line 9, delete "(g)" and insert "Subd. 8. [NO

35 SERVICE CREDIT.]"

36 Page 3, line 16, delete "(h)" and insert "Subd. 9.

37 [INSURANCE CONTRIBUTION.]"

38 Page 3, line 19, after "state-paid" insert "or Metropolitan

1 Council-paid"

2 Page 3, line 27, delete "(i)" and insert "Subd. 10.

3 [SUBSEQUENT EMPLOYMENT.]"

4 Page 3, line 28, after "state" insert "or Metropolitan
5 Council"

6 Page 3, line 29, after "state" insert "or Metropolitan
7 Council"

8 Page 3, line 34, delete "3" and insert "2"

9 Page 3, line 35, after "(a)" insert "For the purposes of
10 this section, "state employee" has the meaning given it in
11 Minnesota Statutes, section 43A.346.

12 (b)"

13 Page 4, line 6, delete "(b)" and insert "(c)"

14 Page 4, line 7, delete "(a)" and insert "(b)"

15 Page 4, line 16, delete "(c)" and insert "(d)"

16 Page 4, line 27, delete "(d)" and insert "(e)"

17 Page 4, line 35, delete "(e)" and insert "(f)"

18 Amend the title as follows:

19 Page 1, line 2, delete "state" and insert "public"

20 Page 1, line 4, before the period, insert "; proposing
21 coding for new law in Minnesota Statutes, chapter 43A"

22 And when so amended the bill do pass and be re-referred to
23 the Committee on Finance. Amendments adopted. Report adopted.

24
25
26 (Committee Chair)

27
28 April 11, 2005.....
29 (Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 1861 - Relating to Biotechnology Piping Systems
(First Engrossment)**

Author: Senator Steve Kelley

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)

DPM

Date: April 11, 2005

Section 1 exempts the installation of piping systems by biotechnology manufacturing companies from plan review by any city in Hennepin or Ramsey County if the system meets certain requirements of the American Society of Mechanical Engineers.

Section 2 requires the Commissioner of Labor and Industry to convene a working group to study procedures for supervision of installation of biotechnology piping systems. Specifies the membership of the working group and requires a report to the Legislature.

DPM:vs

1 A bill for an act

2 relating to building plan review; providing an
3 exemption from plan review for certain biotechnology
4 manufacturing firms when plans meet designated
5 specifications; directing the commissioner of labor
6 and industry to study procedures for supervision of
7 installation of biotechnology piping systems;
8 requiring a report to the legislature.

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

10 Section 1. [EXEMPTION FROM PLAN REVIEW.]

11 Installation of high pressure steam, low pressure steam,
12 gas, oil, refrigeration and process piping systems by
13 biotechnology manufacturing firms shall be exempt from plan
14 review by any city in Ramsey or Hennepin County if such system
15 plans are drawn to the following American Society of Mechanical
16 Engineers (ASME) requirements: ASME BPE - 2002 (bioprocessing
17 equipment), ASME BPVC section II, part C, ASME BPVC section V,
18 ASME BPVC section VIII, ASME BPVC section IX, ASME B31.3, and
19 AWS D18.2. This section expires on January 1, 2008.

20 Sec. 2. [WORKING GROUP TO BE CONVENED.]

21 The commissioner of labor and industry will convene a
22 working group to consist of one member from each of the
23 Departments of Labor and Industry, Employment and Economic
24 Development, and Administration; two members who are mechanical
25 contractors; two members who are installers of piping systems;
26 two members who are biotechnology manufacturers; and two
27 representatives of cities who have process piping expertise, one

1 of whom represents a city of the first class and one of whom
2 represents a city other than a city of the first class. The
3 working group will study procedures for supervision of
4 installation of biotechnology piping systems through plan review
5 and inspection. The commissioner of labor and industry will
6 report the results of the study to the chairs of the committees
7 in the house and senate with relevant jurisdiction no later than
8 February 1, 2006.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was re-referred

3 S.F. No. 1861: A bill for an act relating to building plan
4 review; providing an exemption from plan review for certain
5 biotechnology manufacturing firms when plans meet designated
6 specifications; directing the commissioner of labor and industry
7 to study procedures for supervision of installation of
8 biotechnology piping systems; requiring a report to the
9 legislature.

10 Reports the same back with the recommendation that the bill
11 be amended as follows:

12 Page 1, delete section 1

13 Renumber the sections in sequence

14 Amend the title as follows:

15 Page 1, line 2, delete "providing an"

16 Page 1, delete lines 3 and 4

17 Page 1, line 5, delete "specifications;"

18 And when so amended the bill do pass. Amendments adopted.
19 Report adopted.

20 
21
(Committee Chair)

22
23 April 11, 2005.....
24 (Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1113 - Relating to Special Service Districts

Author: Senator David Senjem

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)



Date: April 8, 2005

The proposed legislation would extend the date from June 30, 2005, until June 30, 2010, after which the establishment of a special service district would require the enactment of a special law authorizing the establishment of the district. Prior to 1996, the establishment of a special service district did require the enactment of special legislation, but that year the law was amended to allow a special service district to be established under the general law until June 30, 2001. In 2000, the deadline was extended to June 30, 2005, and this legislation would extend that time period an additional five years.

DPM:vs

Senators Senjem and Solon introduced--

S.F. No. 1113: Referred to the Committee on State and Local Government Operations.

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A bill for an act

relating to special service districts; delaying a special law requirement until 2010; amending Minnesota Statutes 2004, section 428A.101.

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

Section 1. Minnesota Statutes 2004, section 428A.101, is amended to read:

428A.101 [DEADLINE FOR SPECIAL SERVICE DISTRICT UNDER GENERAL LAW.]

The establishment of a new special service district after June 30, ~~2005~~ 2010, requires enactment of a special law authorizing the establishment.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1113: A bill for an act relating to special
4 service districts; delaying a special law requirement until
5 2010; amending Minnesota Statutes 2004, section 428A.101.

6 Reports the same back with the recommendation that the bill
7 do pass and be placed on the Consent Calendar. Report adopted.

8

9

[Handwritten Signature]
.....
(Committee Chair)

10

11

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April 11, 2005.....
(Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1885 - Relating to Emergency Meetings to be Conducted by Telephone or Other Electronic Means

Author: Senator Thomas Senjem

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)



Date: April 8, 2005

This bill provides that a meeting governed by the open meeting law and called for the purposes of declaring a local emergency may be conducted by telephone or other electronic means if:

- (1) all members of the body participating in the meeting can hear one another and can hear all discussion and testimony;
- (2) members of the public present at the regular meeting location of the body participating in the meeting can hear all discussion and testimony and all votes of all members of the body participating in the meeting;
- (3) at least one member of the body participating in the meeting is physically present at the regular meeting location; and
- (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded.

The bill further provides that each member of the body participating by electronic means is considered present for the purposes of determining a quorum and participating in the proceedings. The body participating in the meeting to the extent practical must allow a person to monitor the meeting from an electronic location and must provide notice of the meeting location, of the fact that some members may participate by telephone or other electronic means, and that they may monitor the proceedings electronically from a remote location.

This bill is similar to an earlier bill of Senator Senjem's that the committee considered and passed on March 3, giving virtually identical authority to state boards and councils.

DPM:vs

Senator Senjem introduced--

S.F. No. 1885: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to state government; authorizing certain
3 emergency meetings to be conducted by telephone or
4 other electronic means; proposing coding for new law
5 in Minnesota Statutes, chapter 13D.

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

7 Section 1. [13D.021] [EMERGENCY MEETINGS CONDUCTED BY
8 TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS.]

9 (a) A meeting governed by section 13D.01, subdivisions 1,
10 2, 4, and 5, and this section and called for the purposes of
11 declaring a local emergency under section 12.29 or responding to
12 a local emergency under section 12.37, may be conducted by
13 telephone or other electronic means so long as:

4 (1) all members of the body participating in the meeting,
15 wherever their physical location, can hear one another and can
16 hear all discussion and testimony;

17 (2) members of the public present at the regular meeting
18 location of the body participating in the meeting can hear all
19 discussion and testimony and all votes of members of the body
20 participating in the meeting;

21 (3) at least one member of the body participating in the
22 meeting is physically present at the regular meeting location;
23 and

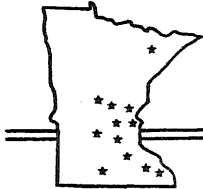
24 (4) all votes are conducted by roll call, so each member's
25 vote on each issue can be identified and recorded.

1 (b) Each member of the body participating in a meeting by
2 telephone or other electronic means is considered present at the
3 meeting for purposes of determining a quorum and participating
4 in all proceedings.

5 (c) If telephone or other electronic means is used to
6 conduct a meeting, the body participating in the meeting, to the
7 extent practical, must allow a person to monitor the meeting
8 electronically from a remote location. The body participating
9 in the meeting may require the person making a connection under
10 this paragraph to pay for documented marginal costs that the
11 body participating in the meeting incurs as a result of the
12 additional connection.

13 (d) If telephone or other electronic means is used to
14 conduct an emergency meeting, the body participating in the
15 meeting must provide notice of the meeting location, of the fact
16 that some members may participate by telephone or other
17 electronic means, and of the provisions of paragraph (c) to the
18 extent practical.

SF 1885



metropolitan inter-county association

161 st. anthony avenue • suite 850 • st. paul, minnesota 55103 • (651) 222-8737 • fax (651) 222-8747
internet: www.mica.org • email: mail@mica.org

anoka • blue earth • carver • dakota • olmsted • rice • st. louis • scott • sherburne • stearns • washington • winona

To: Members of the Senate State and Local government Operations Committee
From: Keith Carlson, Executive Director, Metropolitan Inter-County Association
Re: Rationale for SF 1885, authorizing certain emergency meetings to be conducted by telephone or other electronic mean

SF 1885 is part of local governments' continuing efforts to be better prepared for an emergency since the tragedy of 9/11. It builds on existing law's provision that allows public meetings to be held via interactive TV. It is limited to the very narrow instance where a local government is trying to exercise or continue to exercise the very narrow powers available to it in a local emergency. An "emergency" is defined by law to be "an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring." A "disaster" is defined as "a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation that has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss."

Under current law, a mayor or county board chair can declare a local emergency. That declaration needs to be renewed by a city council or county board after three days. With the declaration, the city or county may, notwithstanding any statutory or charter provision to the contrary, and through its governing body acting within or without the corporate limits of the political subdivision:

(1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster; and

(2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to:

- (i) the performance of public work;*
- (ii) entering into contracts;*
- (iii) incurring of obligations;*
- (iv) employment of temporary workers;*
- (v) rental of equipment;*

(vi) purchase of supplies and materials;

(vii) limitations upon tax levies; and

(viii) the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

All SF 1885 does is allow the expedited exercise of these powers via teleconferencing as long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- (2) members of the public present at the regular meeting location of the body participating in the meeting can hear all discussion and testimony and all votes of members of the body participating in the meeting;
- (3) at least one member of the body participating in the meeting is physically present at the regular meeting location; and
- (4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Reasons that it may be necessary to exercise the bill's teleconferencing provisions could be the absence of a member or members who are out of area on business or vacation at the time of the emergency or due to the disaster itself, such as a flood, where some members can not travel to the meeting place from their residence or business.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1885: A bill for an act relating to state
4 government; authorizing certain emergency meetings to be
5 conducted by telephone or other electronic means; proposing
6 coding for new law in Minnesota Statutes, chapter 13D.

7 Reports the same back with the recommendation that the bill
8 do pass. Report adopted.

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Ynda Higgins
.....
(Committee Chair)

April 11, 2005.....
(Date of Committee recommendation)

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1819 - Construction Code Inspectors And Municipal Building Officials-Competency and Certification

Author: Senator Mee Moua

Prepared by: Thomas S. Bottern, Senate Counsel (651/296-3810) *TSB*

Date: April 11, 2005

Section 1 [CONSTRUCTION CODE INSPECTORS.] directs the Commissioner of Administration to adopt rules establishing competency criteria for construction code inspectors. "Construction code inspectors" is defined to mean building inspectors, mechanical inspectors, plumbing inspectors, combination inspectors, and plan examiners who are under the direction of a designated certified building official. The competency criteria apply to all construction code inspectors employed on or after July 1, 2007, within one year of the date of their hire.

Section 2 [CERTIFICATION.] directs the Commissioner of Administration to adopt rules establishing certification criteria for municipal building officials that will provide proof of qualification. Provides that completion of the training program established by the commissioner may be part of the proof of qualifications required under current law. Eliminates the requirement for the Commissioner of Employee Relations to provide statewide testing services.

Section 3 [CONTINUING EDUCATION.] authorizes the Commissioner of Administration to adopt rules for continuing education programs for construction code inspectors.

TSB:rer

Senators Moua, Limmer, Marko, Jungbauer and Scheid introduced--

S.F. No. 1819: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to building officials; requiring adoption and
3 application of certain competency and certification
4 criteria; providing for continuing education; amending
5 Minnesota Statutes 2004, section 16B.65, subdivisions
6 3, 7; proposing coding for new law in Minnesota
7 Statutes, chapter 16B.

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

9 Section 1. [16B.655] [CONSTRUCTION CODE INSPECTORS.]

10 Subdivision 1. [COMPETENCY CRITERIA.] (a) The commissioner
11 must adopt rules establishing a schedule of required competency
12 criteria for individuals serving as construction code
13 inspectors. Competency criteria must include certifications
14 developed or administered by nationally recognized agencies.
15 Required competency criteria must be relevant to the building,
16 mechanical, and plumbing codes adopted in Minnesota.

17 (b) For purposes of this section, "construction code
18 inspectors" means building inspectors, mechanical inspectors,
19 plumbing inspectors, combination inspectors, and plan examiners
20 under the direction of a designated certified building official.

21 Subd. 2. [REQUIREMENT.] All construction code inspectors
22 who are newly employed on or after July 1, 2007, must, within
23 one year of hire, comply with the competency criteria
24 established under subdivision 1.

25 Sec. 2. Minnesota Statutes 2004, section 16B.65,
26 subdivision 3, is amended to read:

1 Subd. 3. [CERTIFICATION.] The commissioner shall adopt
 2 rules to establish certification criteria as proof of
 3 qualification under subdivision 2. The commissioner may:

4 (1) prepare and conduct written and practical examinations
 5 to determine if a person is qualified pursuant to subdivision 2
 6 to be a building official;

7 (2) accept documentation of successful completion of
 8 testing programs developed or administered by nationally
 9 recognized testing agencies, as proof of qualification pursuant
 10 to subdivision 2; or

11 (3) determine qualifications by ~~both-clauses-(1)-and~~
 12 clause (2) and satisfactory completion of a mandatory training
 13 program established by the commissioner.

14 Upon a determination of qualification under clause (1),
 15 (2), or ~~both-of-them (3)~~, the commissioner shall issue a
 16 certificate to the building official stating that the official
 17 is certified. Each person applying for examination ~~and~~ or
 18 certification pursuant to this section shall pay a nonrefundable
 19 fee of \$70. The commissioner or a designee may establish
 20 categories of certification that will recognize the varying
 21 complexities of code enforcement in the municipalities within
 22 the state. The commissioner shall provide educational programs
 23 designed to train and assist building officials in carrying out
 24 their responsibilities.

25 ~~The-Department-of-Employee-Relations-may,-at-the-request-of~~
 26 ~~the-commissioner,-provide-statewide-testing-services-~~

27 Sec. 3. Minnesota Statutes 2004, section 16B.65,
 28 subdivision 7, is amended to read:

29 Subd. 7. [CONTINUING EDUCATION.] Subject to sections
 30 16B.59 to 16B.75, the commissioner may by rule establish or
 31 approve continuing education programs for municipal building
 32 officials and construction code inspectors dealing with matters
 33 of building code administration, inspection, and enforcement.

34 Each person certified as a building official for the state
 35 must satisfactorily complete applicable educational programs
 36 established or approved by the commissioner every three calendar

1 years to retain certification.

2 Each person certified as a building official must submit in
3 writing to the commissioner an application for renewal of
4 certification within 60 days of the last day of the third
5 calendar year following the last certificate issued. Each
6 application for renewal must be accompanied by proof of
7 satisfactory completion of minimum continuing education
8 requirements and the certification renewal fee established by
9 the commissioner.

1 Senator moves to amend S.F. No. 1819 as follows:

2 Page 1, line 14, after "by" insert "any" and delete

3 "agencies" and insert "testing agency"

4 Page 1, line 17, after "(b)" insert "A person possessing a
5 valid state plumbing or mechanical license or a valid mechanical
6 certificate of competency, as issued by a city of the first
7 class, shall be deemed to have met all of the requirements
8 needed to perform inspections for the scope of work that is
9 regulated by that license or certificate of competency and is
10 exempt from the requirements of this subdivision.

11 (c)"

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1819: A bill for an act relating to building
4 officials; requiring adoption and application of certain
5 competency and certification criteria; providing for continuing
6 education; amending Minnesota Statutes 2004, section 16B.65,
7 subdivisions 3, 7; proposing coding for new law in Minnesota
8 Statutes, chapter 16B.

9 Reports the same back with the recommendation that the bill
10 be amended as follows:

11 Page 1, line 14, after "by" insert "any" and delete
12 "agencies" and insert "testing agency"

13 Page 1, line 17, after "(b)" insert "A person possessing a
14 valid state plumbing or mechanical license or a valid mechanical
15 certificate of competency, as issued by a city of the first
16 class, shall be deemed to have met all of the requirements
17 needed to perform inspections for the scope of work that is
18 regulated by that license or certificate of competency and is
19 exempt from the requirements of this subdivision.

20 (c)"

21 Page 2, line 33, after the period, insert "The programs
22 must include information and materials regarding changes in
23 relevant Minnesota Rules."

24 And when so amended the bill do pass. Amendments adopted.
25 Report adopted.

26
27 (Committee Chair)

28
29 April 11, 2005.....
30 (Date of Committee recommendation)

**Senate Council, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1684 - Relating to Street Improvements

Author: Senator David Senjem

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)

DPM

Date: April 8, 2005

This bill would add a street or road to the projects for which a municipality may subsequently reimburse itself for funds expended from other funds by levying additional assessments on property not included in the original assessment. Current law only allows this additional assessment for water, storm sewer, or sanitary sewer improvements.

DPM:vs

Senators Senjem, Vickerman and Rest introduced--

S.F. No. 1684: Referred to the Committee on State and Local Government Operations.

1 A bill for an act
2 relating to assessments; adding streets to those kinds
3 of improvements for which a municipality may
4 subsequently reimburse itself for earlier costs
5 incurred; amending Minnesota Statutes 2004, section
6 429.051.

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

8 Section 1. Minnesota Statutes 2004, section 429.051, is
9 amended to read:

10 429.051 [APPORTIONMENT OF COST.]

11 The cost of any improvement, or any part thereof, may be
12 assessed upon property benefited by the improvement, based upon
13 the benefits received, whether or not the property abuts on the
14 improvement and whether or not any part of the cost of the
15 improvement is paid from the county state-aid highway fund, the
16 municipal state-aid street fund, or the trunk highway fund. The
17 area assessed may be less than but may not exceed the area
18 proposed to be assessed as stated in the notice of hearing on
19 the improvement, except as provided below. The municipality may
20 pay such portion of the cost of the improvement as the council
21 may determine from general ad valorem tax levies or from other
22 revenues or funds of the municipality available for the
23 purpose. The municipality may subsequently reimburse itself for
24 all or any of the portion of the cost of a street, water, storm
25 sewer, or sanitary sewer improvement so paid by levying
26 additional assessments upon any properties abutting on but not

1 previously assessed for the improvement, on notice and hearing
2 as provided for the assessments initially made. To the extent
3 that such an improvement benefits nonabutting properties which
4 may be served by the improvement when one or more later
5 extensions or improvements are made but which are not initially
6 assessed therefor, the municipality may also reimburse itself by
7 adding all or any of the portion of the cost so paid to the
8 assessments levied for any of such later extensions or
9 improvements, provided that notice that such additional amount
10 will be assessed is included in the notice of hearing on the
11 making of such extensions or improvements. The additional
12 assessments herein authorized may be made whether or not the
13 properties assessed were included in the area described in the
14 notice of hearing on the making of the original improvement.

15 In any city of the fourth class electing to proceed under a
16 home rule charter as provided in this chapter, which charter
17 provides for a board of water commissioners and authorizes such
18 board to assess a water frontage tax to defray the cost of
19 construction of water mains, such board may assess the tax based
20 upon the benefits received and without regard to any charter
21 limitation on the amount that may be assessed for each lineal
22 foot of property abutting on the water main. The water frontage
23 tax shall be imposed according to the procedure and, except as
24 herein provided, subject to the limitations of the charter of
25 the city.

1 Senator moves to amend S.F. No. 1684 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [429.052] [STREET OR ROAD IMPROVEMENTS OUTSIDE
4 MUNICIPAL BOUNDARIES.]

5 A municipality may construct street or road improvements
6 outside its jurisdiction with the consent of the affected
7 township, or if the property is located in unorganized
8 territory, the county. When property is brought within the
9 corporate limits of the municipality, the municipality may
10 subsequently reimburse itself for all or any portion of the cost
11 of the improvement for which municipal funds have been expended,
12 by levying an assessment upon any property abutting on, but not
13 previously assessed for the improvement. No assessment may be
14 so levied unless the property to be assessed was given notice
15 and hearing of the improvements under section 429.031 at the
16 time the improvement was ordered and subsequently upon notice
17 and hearing as provided for the improvement initially made."

18 Sec. 2. [EFFECTIVE DATE.]

19 Section 1 is effective for street and road improvements
20 first ordered after August 1, 2005."

21 Delete the title and insert:

22 "A bill for an act relating to special assessments;
23 authorizing a municipality to assess for road and street
24 improvements outside the municipality in certain circumstances;
25 proposing coding for new law in Minnesota Statutes 2004, chapter
26 429."

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 1684: A bill for an act relating to assessments;
4 adding streets to those kinds of improvements for which a
5 municipality may subsequently reimburse itself for earlier costs
6 incurred; amending Minnesota Statutes 2004, section 429.051.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

9 Delete everything after the enacting clause and insert:

10 "Section 1. [429.052] [STREET OR ROAD IMPROVEMENTS OUTSIDE
11 MUNICIPAL BOUNDARIES.]

12 A municipality may construct street or road improvements
13 outside its jurisdiction with the consent of the affected
14 township, or if the property is located in unorganized
15 territory, the county. When property is brought within the
16 corporate limits of the municipality, the municipality may
17 subsequently reimburse itself for all or any portion of the cost
18 of the improvement for which municipal funds have been expended,
19 by levying an assessment upon any property abutting on, but not
20 previously assessed for the improvement. No assessment may be
21 so levied unless the property to be assessed was given notice
22 and hearing of the improvements under section 429.031 at the
23 time the improvement was ordered and subsequently upon notice
24 and hearing as provided for the improvement initially made."

25 Sec. 2. [EFFECTIVE DATE.]

26 Section 1 is effective for street and road improvements
27 first ordered after August 1, 2005."

28 Delete the title and insert:

29 "A bill for an act relating to special assessments;
30 authorizing a municipality to assess for road and street
31 improvements outside the municipality in certain circumstances;
32 proposing coding for new law in Minnesota Statutes 2004, chapter
33 429."

34 And when so amended the bill do pass. Amendments adopted.
35 Report adopted.

36
37 (Committee Chair)

38
39 April 11, 2005.....
40 (Date of Committee recommendation)

SF 2057

1 A bill for an act

2 relating to environment; modifying advisory boards;
3 eliminating a report; amending Minnesota Statutes
4 2004, sections 115A.072, subdivision 1; 115A.12;
5 115A.929.

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

7 Section 1. Minnesota Statutes 2004, section 115A.072,
8 subdivision 1, is amended to read:

9 Subdivision 1. [ENVIRONMENTAL EDUCATION ADVISORY BOARD.]

10 (a) The director shall provide for the development and
11 implementation of environmental education programs that are
12 designed to meet the goals listed in section 115A.073.

13 (b) The Environmental Education Advisory Board shall advise
14 the director in carrying out the director's responsibilities
15 under this section. The board consists of 20 members as follows:

16 (1) a representative of the Pollution Control Agency,
17 appointed by the commissioner of the agency;

18 (2) a representative of the Department of Education,
19 appointed by the commissioner of education;

20 (3) a representative of the Department of Agriculture,
21 appointed by the commissioner of agriculture;

22 (4) a representative of the Department of Health, appointed
23 by the commissioner of health;

24 (5) a representative of the Department of Natural
25 Resources, appointed by the commissioner of natural resources;

- 1 (6) a representative of the Board of Water and Soil
 2 Resources, appointed by that board;
- 3 (7) a representative of the Environmental Quality Board,
 4 appointed by that board;
- 5 (8) a representative of the Board of Teaching, appointed by
 6 that board;
- 7 (9) a representative of the University of Minnesota
 8 Extension Service, appointed by the director of the service;
- 9 (10) a citizen member from each congressional district, of
 10 which two must be licensed teachers currently teaching in the
 11 K-12 system, appointed by the director; and
- 12 (11) three at-large citizen members, appointed by the
 13 director.

14 The citizen members shall serve two-year terms. Compensation of
 15 board members is governed by section 15.059, subdivision 6. The
 16 board expires on June 30, ~~2003~~ 2008.

17 Sec. 2. Minnesota Statutes 2004, section 115A.12, is
 18 amended to read:

19 115A.12 [ADVISORY COUNCILS.]

20 (a) The director shall establish a ~~Solid-Waste-Management~~
 21 ~~Advisory-Council-and-a-Prevention,-Reduction,-and-Recycling~~ an
 22 Environmental Innovations Advisory Council that are is broadly
 23 representative of the geographic areas and interests of the
 24 state.

25 ~~(b)-The-solid-waste-council-shall-have-not-less-than-nine~~
 26 ~~nor-more-than-21-members.--The-membership-of-the-solid-waste~~
 27 ~~council-shall-consist-of-one-third-citizen-representatives,~~
 28 ~~one-third-representatives-from-local-government-units,-and~~
 29 ~~one-third-representatives-from-private-solid-waste-management~~
 30 ~~firms.--The-solid-waste-council-shall-contain-at-least-three~~
 31 ~~members-experienced-in-the-private-recycling-industry-and-at~~
 32 ~~least-one-member-experienced-in-each-of-the-following-areas:~~
 33 ~~state-and-municipal-finance,-solid-waste-collection,-processing,~~
 34 ~~and-disposal,-and-solid-waste-reduction-and-resource-recovery.~~

35 ~~(e)~~ (b) The Prevention,-Reduction,-and-Recycling
 36 Environmental Innovations Advisory Council shall have not less

1 than nine ~~nor~~ or more than 24 members. The membership shall
 2 consist of ~~one-third~~ citizen representatives, ~~one-third~~
 3 ~~representatives-of~~ government, institutional, and ~~one-third~~
 4 ~~representatives-of~~ business and industry representatives. The
 5 ~~director-may-appoint-nonvoting-members-from-other-environmental~~
 6 ~~and-business-assistance-providers-in-the-state-~~

7 ~~(d)~~ (c) The ~~chairs~~ chair of the advisory ~~councils~~
 8 council shall be appointed by the director. The director shall
 9 provide administrative and staff services for the advisory
 10 ~~councils~~ council. The advisory ~~councils~~ council shall have such
 11 duties as are assigned by law or the director. The ~~Solid-Waste~~
 12 ~~Advisory-Council-shall-make-recommendations-to-the-office-on-its~~
 13 ~~solid-waste-management-activities---The-Prevention,-Reduction,-~~
 14 ~~and-Recycling~~ Environmental Innovations Advisory Council shall
 15 make recommendations to the office on policy, programs, and
 16 legislation in pollution prevention, waste reduction, reuse ~~and,~~
 17 recycling, and resource conservation, ~~and-the-management-of~~
 18 ~~hazardous-waste.~~ The Environmental Innovations Advisory Council
 19 shall focus on developing and implementing innovative programs
 20 that improve Minnesota's environment by emphasizing front-end
 21 preventative, and resource conservation approaches to preventing
 22 waste and pollution. The council shall emphasize partnerships
 23 of government, citizens, institutions, and business to develop
 24 and implement these programs. Members of the advisory ~~councils~~
 25 council shall serve without compensation but shall be reimbursed
 26 for their reasonable expenses as determined by the director.
 27 Notwithstanding section 15.059, subdivision 5, the ~~Solid-Waste~~
 28 ~~Management-Advisory-Council-and-the-Prevention,-Reduction,-and~~
 29 ~~Recycling~~ Environmental Innovations Environmental Innovations
 30 Advisory Council ~~expire~~ expires June 30, ~~2003~~ 2009.

31 Sec. 3. Minnesota Statutes 2004, section 115A.929, is
 32 amended to read:

33 115A.929 [FEES; ACCOUNTING.]

34 Each political subdivision that provides for solid waste
 35 management shall account for all revenue collected from waste
 36 management fees, together with interest earned on revenue from

1 the fees, separately from other revenue collected by the
2 political subdivision and shall report revenue collected from
3 the fees and use of the revenue separately from other revenue
4 and use of revenue in any required financial report or audit.
5 ~~Each political subdivision must file with the director, on or~~
6 ~~before June 30 annually, the separate report of all revenue~~
7 ~~collected from waste management fees, together with interest on~~
8 ~~revenue from the fees, for the previous year.~~ For the purposes
9 of this section, "waste management fees" means:

- 10 (1) all fees, charges, and surcharges collected under
11 sections 115A.919, 115A.921, and 115A.923;
- 12 (2) all tipping fees collected at waste management
13 facilities owned or operated by the political subdivision;
- 14 (3) all charges imposed by the political subdivision for
15 waste collection and management services; and
- 16 (4) any other fees, charges, or surcharges imposed on waste
17 or for the purpose of waste management, whether collected
18 directly from generators or indirectly through property taxes or
19 as part of utility or other charges for services provided by the
20 political subdivision.

1 Senator moves to amend S.F. No. 2057 as follows:

2 Page 4, after line 20, insert:

3 "Sec. 4. Minnesota Statutes 2004, section 115D.04,
4 subdivision 3, is amended to read:

5 Subd. 3. [ADMINISTRATION.] (a) The pollution prevention
6 assistance program must be coordinated with other public and
7 private programs that provide management and technical
8 assistance to eligible recipients.

9 (b) The director may make grants to public or private
10 entities to operate elements of the program. Grantees shall
11 provide periodic reports on their efforts to assist eligible
12 recipients to reduce pollution.

13 (c) A person, when operating or participating in elements
14 of the technical assistance program pursuant to a grant or
15 contract with the office under this section or other law, is an
16 employee of the state, certified to be acting within the scope
17 of employment, for purposes of the indemnification provisions of
18 section 3.736, subdivision 9, for claims that arise out of the
19 information, assistance, and recommendations covered by the
20 grant or contract. The state is not obligated to defend or
21 indemnify a grantee or contractor under this subdivision to the
22 extent of the grantee's or contractor's liability insurance.
23 The grantee's or contractor's right to indemnity is not a waiver
24 of limitations, defenses, and immunities available to either the
25 grantee or contractor or the state by law."

26 Amend the title as follows:

27 Page 1, line 3, after the semicolon, insert "indemnifying
28 participants in pollution prevention assistance program;"

29 Page 1, line 5, before the period, insert "; 115D.04,
30 subdivision 3"

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 2057: A bill for an act relating to environment;
4 modifying advisory boards; eliminating a report; amending
5 Minnesota Statutes 2004, sections 115A.072, subdivision 1;
6 115A.12; 115A.929.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

9 Page 4, after line 20, insert:

10 "Sec. 4. Minnesota Statutes 2004, section 115D.04,
11 subdivision 3, is amended to read:

12 Subd. 3. [ADMINISTRATION.] (a) The pollution prevention
13 assistance program must be coordinated with other public and
14 private programs that provide management and technical
15 assistance to eligible recipients.

16 (b) The director may make grants to public or private
17 entities to operate elements of the program. Grantees shall
18 provide periodic reports on their efforts to assist eligible
19 recipients to reduce pollution.

20 (c) A person, when operating or participating in elements
21 of the technical assistance program pursuant to a grant or
22 contract with the office under this section or other law, is an
23 employee of the state, certified to be acting within the scope
24 of employment, for purposes of the indemnification provisions of
25 section 3.736, subdivision 9, for claims that arise out of the
26 information, assistance, and recommendations covered by the
27 grant or contract. The state is not obligated to defend or
28 indemnify a grantee or contractor under this subdivision to the
29 extent of the grantee's or contractor's liability insurance.
30 The grantee's or contractor's right to indemnity is not a waiver
31 of limitations, defenses, and immunities available to either the
32 grantee or contractor or the state by law."

33 Amend the title as follows:

34 Page 1, line 3, after the semicolon, insert "indemnifying
35 participants in pollution prevention assistance program;"

36 Page 1, line 5, before the period, insert "; 115D.04,
37 subdivision 3"

38 And when so amended the bill do pass. Amendments adopted.
39 Report adopted.

.....
(Committee Chair)

April 11, 2005.....
(Date of Committee recommendation)