

A bill for an act

1.1 relating to state government finance; modifying provisions for general
1.2 legislative and administrative expenses of state government; regulating state
1.3 and local government operations; enhancing state financial management and
1.4 internal controls; implementing procedures for dealing with false claims made
1.5 involving state funds or property; requiring Web site with searchable database
1.6 on state expenditures; establishing technology development lease-purchase
1.7 financing; creating the Minnesota Geospatial Information Office; establishing
1.8 a preference for veteran-owned small businesses on state procurement contract
1.9 bid solicitations; establishing a statewide electronic licensing system; creating
1.10 the management analysis revolving fund; modifying provisions on use of
1.11 property in certain areas; requiring state institutions in the colleges and
1.12 university system to prepare a residential housing list for use in election day
1.13 registration; modifying voter registration provisions; allowing municipalities
1.14 to participate in the state's cooperative purchasing; setting standards on use
1.15 of state employees' electronic personal health records; prohibiting transfer of
1.16 Environmental Quality Board duties or staff; transferring duties and staff from
1.17 Land Management Information Center to Minnesota Geospatial Information
1.18 Office; modifying provisions for secretary of state duties; requiring reports;
1.19 establishing penalties; appropriating money; amending Minnesota Statutes 2008,
1.20 sections 3.97, by adding a subdivision; 3.971, subdivision 6; 3.975; 4A.02;
1.21 5.12, subdivision 1; 5.29; 5.32; 5A.03; 5A.06; 10.43; 10.60, subdivision 2, by
1.22 adding a subdivision; 11A.07, subdivision 4; 13.64; 16A.055, subdivision 1, by
1.23 adding a subdivision; 16A.11, by adding a subdivision; 16A.126, subdivision 1;
1.24 16A.133, subdivision 1; 16A.139; 16A.151, subdivision 2; 16A.152, by adding
1.25 a subdivision; 16B.24, by adding subdivisions; 16B.54, subdivision 2; 16C.16,
1.26 by adding a subdivision; 16C.19; 16C.20; 43A.02, by adding a subdivision;
1.27 43A.1815; 43A.24, subdivision 1; 43A.49; 116G.15; 135A.17, subdivision 2;
1.28 161.321; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding
1.29 a subdivision; 270C.63, subdivision 13; 302A.821; 303.14; 303.16, subdivision
1.30 4; 308A.995; 308B.121, subdivisions 1, 2; 317A.823; 321.0206; 321.0210;
1.31 321.0810; 322B.960; 323A.1003; 333.055; 336A.04, subdivision 3; 336A.09,
1.32 subdivision 2; 359.01, subdivision 3; 383B.72; 471.345, subdivision 15, by
1.33 adding a subdivision; 473.142; Laws 2005, chapter 156, article 2, section 45,
1.34 as amended; Laws 2005, chapter 162, section 34, subdivision 2; Laws 2007,
1.35 chapter 131, article 2, section 22; Laws 2007, chapter 148, article 2, section
1.36 79; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5; 10;
1.37 15B; 16A; 16B; 16C; 16E; 43A; 116G; 270C; proposing coding for new law as
1.38

2.1 Minnesota Statutes, chapter 15C; repealing Minnesota Statutes 2008, sections
 2.2 4A.05; 16C.046; 116G.151; 240A.08; 645.44, subdivision 19.

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

2.4 **ARTICLE 1**

2.5 **STATE GOVERNMENT APPROPRIATIONS**

2.6 Section 1. **STATE GOVERNMENT APPROPRIATIONS.**

2.7 The sums shown in the columns marked "appropriations" are appropriated to the
 2.8 agencies and for the purposes specified in this article. The appropriations are from the
 2.9 general fund, or another named fund, and are available for the fiscal years indicated
 2.10 for each purpose. The figures "2010" and "2011" used in this article mean that the
 2.11 appropriations listed under them are available for the fiscal year ending June 30, 2010, or
 2.12 June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal
 2.13 year 2011. "The biennium" is fiscal years 2010 and 2011.

	<u>APPROPRIATIONS</u>
	<u>Available for the Year</u>
	<u>Ending June 30</u>
	<u>2010</u> <u>2011</u>

2.18 Sec. 2. **LEGISLATURE**

2.19 Subdivision 1. **Total Appropriation** **\$** **67,352,000** **\$** **67,326,000**

	<u>Appropriations by Fund</u>	
	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>67,174,000</u>	<u>67,148,000</u>
<u>Health Care Access</u>	<u>178,000</u>	<u>178,000</u>

2.24 The amounts that may be spent for each
 2.25 purpose are specified in the following
 2.26 subdivisions.

2.27 Subd. 2. **Senate** 21,810,000 21,810,000

2.28 Subd. 3. **House of Representatives** 29,940,000 29,940,000

2.29 During the biennium ending June 30, 2011,
 2.30 any revenues received by the house of
 2.31 representatives from sponsorship notices in
 2.32 broadcast or print media are appropriated to
 2.33 the house of representatives.

3.1 The house must develop a system under
3.2 which members and employees have
3.3 electronic access to their payroll and payroll
3.4 deduction information.

3.5 Subd. 4. Legislative Coordinating Commission 15,602,000 15,576,000

3.6 Appropriations by Fund
3.7 General 15,424,000 15,398,000
3.8 Health Care Access 178,000 178,000

3.9 (a) \$5,657,000 the first year and \$5,657,000
3.10 the second year are for the Office of the
3.11 Revisor of Statutes.

3.12 (b) \$1,379,000 the first year and \$1,379,000
3.13 the second year are for the Legislative
3.14 Reference Library.

3.15 (c) \$5,833,000 the first year and \$5,833,000
3.16 the second year are for the Office of the
3.17 Legislative Auditor.

3.18 (d) \$10,000 the first year is for purposes
3.19 of the legislators' forum, through which
3.20 Minnesota legislators meet with counterparts
3.21 from South Dakota, North Dakota, and
3.22 Manitoba to discuss issues of mutual
3.23 concern. This appropriation is available until
3.24 June 30, 2011.

3.25 Sec. 3. GOVERNOR AND LIEUTENANT
3.26 GOVERNOR \$ 4,245,000 \$ 4,245,000

3.27 This appropriation is to fund the Office of the
3.28 Governor and Lieutenant Governor.
3.29 \$19,000 the first year and \$19,000 the
3.30 second year are for necessary expenses in
3.31 the normal performance of the governor's
3.32 and lieutenant governor's duties for which no
3.33 other reimbursement is provided.

4.1	Sec. 4. <u>STATE AUDITOR</u>	\$	<u>9,858,000</u>	\$	<u>9,178,000</u>
4.2	<u>\$680,000 the first year is for additional audit</u>				
4.3	<u>activities under the American Recovery</u>				
4.4	<u>and Reinvestment Act of 2009. This</u>				
4.5	<u>appropriation remains available through June</u>				
4.6	<u>30, 2011.</u>				
4.7	Sec. 5. <u>ATTORNEY GENERAL</u>	\$	<u>25,631,000</u>	\$	<u>25,631,000</u>
4.8	<u>Appropriations by Fund</u>				
4.9		<u>2010</u>		<u>2011</u>	
4.10	<u>General</u>	<u>23,409,000</u>		<u>23,409,000</u>	
4.11	<u>State Government</u>				
4.12	<u>Special Revenue</u>	<u>1,827,000</u>		<u>1,827,000</u>	
4.13	<u>Environmental</u>	<u>145,000</u>		<u>145,000</u>	
4.14	<u>Remediation</u>	<u>250,000</u>		<u>250,000</u>	
4.15	Sec. 6. <u>SECRETARY OF STATE</u>	\$	<u>5,910,000</u>	\$	<u>5,909,000</u>
4.16	<u>Any funds available in the account</u>				
4.17	<u>established in Minnesota Statutes, section</u>				
4.18	<u>5.30, pursuant to the Help America Vote Act,</u>				
4.19	<u>are appropriated for the purposes and uses</u>				
4.20	<u>authorized by federal law.</u>				
4.21	Sec. 7. <u>CAMPAIGN FINANCE AND PUBLIC</u>				
4.22	<u>DISCLOSURE BOARD</u>	\$	<u>698,000</u>	\$	<u>698,000</u>
4.23	Sec. 8. <u>INVESTMENT BOARD</u>	\$	<u>151,000</u>	\$	<u>151,000</u>
4.24	Sec. 9. <u>OFFICE OF ENTERPRISE</u>				
4.25	<u>TECHNOLOGY</u>	\$	<u>5,758,000</u>	\$	<u>5,758,000</u>
4.26	<u>The requirements imposed on the</u>				
4.27	<u>commissioner of finance and the chief</u>				
4.28	<u>information officer under Laws 2007, chapter</u>				
4.29	<u>148, article 1, section 10, paragraph (e),</u>				
4.30	<u>regarding the determination of the savings</u>				
4.31	<u>attributable to the electronic licensing</u>				
4.32	<u>system and information technology security</u>				
4.33	<u>improvements are inoperative.</u>				

5.1	Sec. 10. <u>ADMINISTRATIVE HEARINGS</u>	\$	<u>7,525,000</u>	\$	<u>7,525,000</u>
5.2	<u>Appropriations by Fund</u>				
5.3		<u>2010</u>		<u>2011</u>	
5.4	<u>General</u>	<u>275,000</u>		<u>275,000</u>	
5.5	<u>Workers'</u>				
5.6	<u>Compensation</u>	<u>7,250,000</u>		<u>7,250,000</u>	
5.7	Sec. 11. <u>ADMINISTRATION</u>				
5.8	<u>Subdivision 1. Total Appropriation</u>		\$	<u>19,260,000</u>	\$ <u>18,905,000</u>
5.9	<u>Appropriations by Fund</u>				
5.10		<u>2010</u>		<u>2011</u>	
5.11	<u>General</u>	<u>19,010,000</u>		<u>18,905,000</u>	
5.12	<u>Special Revenue</u>				
5.13	<u>Fund</u>	<u>250,000</u>		<u>0</u>	
5.14	<u>The amounts that may be spent for each</u>				
5.15	<u>purpose are specified in the following</u>				
5.16	<u>subdivisions.</u>				
5.17	<u>Subd. 2. Government and Citizen Services</u>			<u>17,384,000</u>	<u>17,054,000</u>
5.18	<u>Appropriations by Fund</u>				
5.19	<u>General</u>	<u>17,134,000</u>		<u>17,054,000</u>	
5.20	<u>Special Revenue</u>				
5.21	<u>Fund</u>	<u>250,000</u>		<u>0</u>	
5.22	<u>(a) \$802,000 the first year and \$802,000</u>				
5.23	<u>the second year are for the Minnesota</u>				
5.24	<u>Geospatial Information Office. Of the total</u>				
5.25	<u>appropriation, \$10,000 per year is intended</u>				
5.26	<u>for preparation of township acreage data in</u>				
5.27	<u>Laws 2008, chapter 366, article 17, section</u>				
5.28	<u>7, subdivision 3.</u>				
5.29	<u>(b) \$74,000 the first year and \$74,000</u>				
5.30	<u>the second year are for the Council on</u>				
5.31	<u>Developmental Disabilities.</u>				
5.32	<u>(c) \$134,000 the first year and \$134,000 the</u>				
5.33	<u>second year are for a grant to the Council on</u>				
5.34	<u>Developmental Disabilities for the purpose</u>				
5.35	<u>of establishing a statewide self-advocacy</u>				

6.1 network for persons with intellectual and
6.2 developmental disabilities (ID/DD). The
6.3 self-advocacy network shall: (1) ensure
6.4 that persons with ID/DD are informed
6.5 of their rights in employment, housing,
6.6 transportation, voting, government policy,
6.7 and other issues pertinent to the ID/DD
6.8 community; (2) provide public education
6.9 and awareness of the civil and human
6.10 rights issues persons with ID/DD face; (3)
6.11 provide funds, technical assistance, and
6.12 other resources for self-advocacy groups
6.13 across the state; and (4) organize systems of
6.14 communications to facilitate an exchange of
6.15 information between self-advocacy groups.

6.16 (d) \$250,000 the first year and \$170,000 the
6.17 second year are to fund activities to prepare
6.18 for and promote the 2010 census.

6.19 (e) \$206,000 the first year and \$206,000 the
6.20 second year are for the Office of the State
6.21 Archaeologist.

6.22 (f) The requirements imposed on
6.23 the commissioner of finance and the
6.24 commissioner of administration under
6.25 Laws 2007, chapter 148, article 1, section
6.26 12, subdivision 2, paragraph (b), relating
6.27 to the savings attributable to the real
6.28 property portfolio management system are
6.29 inoperative.

6.30 (g) \$250,000 is appropriated to the
6.31 commissioner of administration from the
6.32 information and telecommunications account
6.33 in the special revenue fund to continue
6.34 planning for data center consolidation,
6.35 including completing a predesign study

7.1 and lifecycle cost analysis, and exploring
7.2 technologies to reduce energy consumption
7.3 and operating costs.

7.4 (f) \$8,388,000 the first year and \$8,388,000
7.5 the second year are for office space costs of
7.6 the legislature and veterans organizations,
7.7 for ceremonial space, and for statutorily free
7.8 space.

7.9 **Subd. 3. Administrative Management Support** 1,876,000 1,851,000

7.10 \$125,000 each year is for the Office of
7.11 Grant Management. During the biennium
7.12 ending June 30, 2011, the commissioner
7.13 must recover this amount through deductions
7.14 in state grants subject to the jurisdiction
7.15 of the office. The amount deducted from
7.16 appropriations for these grants must be
7.17 deposited in the general fund.

7.18 \$25,000 the first year is for the Office
7.19 of Grants Management to study and
7.20 make recommendations on improving
7.21 collaborative activities between the state,
7.22 nonprofit entities, and the private sector,
7.23 including: (1) recommendations for
7.24 expanding successful initiatives involving
7.25 not-for-profit organizations that have
7.26 demonstrated measurable, positive results
7.27 in addressing high-priority community
7.28 issues; and (2) recommendations on grant
7.29 requirements and design to encourage
7.30 programs receiving grants to become
7.31 self-sufficient. The office may appoint an
7.32 advisory group to assist in the study and
7.33 recommendations. The office must report
7.34 its recommendations to the legislature by
7.35 January 15, 2010.

8.1 Sec. 12. CAPITOL AREA
 8.2 ARCHITECTURAL AND PLANNING
 8.3 BOARD \$ 354,000 \$ 354,000

8.4 Sec. 13. FINANCE \$ 20,530,000 \$ 20,030,000

8.5 \$500,000 the first year is for oversight and
 8.6 reporting of federal funds received under the
 8.7 American Recovery and Reinvestment Act
 8.8 of 2009. This appropriation is available until
 8.9 June 30, 2011.

8.10 Sec. 14. REVENUE

8.11 Subdivision 1. Total Appropriation \$ 127,802,000 \$ 130,275,000

<u>Appropriations by Fund</u>			
	<u>2010</u>	<u>2011</u>	
8.14 <u>General</u>	<u>123,555,000</u>	<u>126,040,000</u>	
8.15 <u>Health Care Access</u>	<u>1,761,000</u>	<u>1,749,000</u>	
8.16 <u>Highway User Tax</u>			
8.17 <u>Distribution</u>	<u>2,183,000</u>	<u>2,183,000</u>	
8.18 <u>Environmental</u>	<u>303,000</u>	<u>303,000</u>	

8.19 The amounts that may be spent for each
 8.20 purpose are specified in subdivisions 2 and 3.

8.21 Subd. 2. Tax System Management 103,528,000 105,379,000

<u>Appropriations by Fund</u>			
	<u>2010</u>	<u>2011</u>	
8.23 <u>General</u>	<u>99,281,000</u>	<u>101,144,000</u>	
8.24 <u>Health Care Access</u>	<u>1,761,000</u>	<u>1,749,000</u>	
8.25 <u>Highway User Tax</u>			
8.26 <u>Distribution</u>	<u>2,183,000</u>	<u>2,183,000</u>	
8.27 <u>Environmental</u>	<u>303,000</u>	<u>303,000</u>	

8.28 The requirements imposed on the
 8.29 commissioners of finance and revenue under
 8.30 Laws 2007, chapter 148, article 1, section
 8.31 16, subdivision 2, paragraph (d), relating to
 8.32 the determination of savings attributable to
 8.33 implementing the integrated tax software
 8.34 package are inoperative.

9.1 (a) \$1,925,000 the first year and \$3,788,000
9.2 the second year are for additional activities
9.3 to identify and collect tax liabilities from
9.4 individuals and businesses that currently
9.5 do not pay all taxes owed. This initiative
9.6 is expected to result in new general fund
9.7 revenues of \$12,825,000 for the biennium
9.8 ending June 30, 2011.

9.9 (b) The department must report to the chairs
9.10 of the house of representatives Ways and
9.11 Means and senate Finance Committees by
9.12 March 1, 2010, and January 15, 2011, on the
9.13 following performance indicators:

9.14 (1) the number of corporations noncompliant
9.15 with the corporate tax system each year and
9.16 the percentage and dollar amounts of valid
9.17 tax liabilities collected;

9.18 (2) the number of businesses noncompliant
9.19 with the sales and use tax system and the
9.20 percentage and dollar amount of the valid tax
9.21 liabilities collected; and

9.22 (3) the number of individual noncompliant
9.23 cases resolved and the percentage and dollar
9.24 amounts of valid tax liabilities collected.

9.25 Subd. 3. **Debt Collection Management** 24,274,000 24,896,000

9.26 \$588,000 the first year and \$1,210,000 the
9.27 second year are for additional activities
9.28 to identify and collect tax liabilities from
9.29 individuals and businesses that currently
9.30 do not pay all taxes owed. This initiative
9.31 is expected to result in new general fund
9.32 revenues of \$17,250,000 for the biennium
9.33 ending June 30, 2011.

9.34 Sec. 15. **GAMBLING CONTROL** \$ 2,940,000 \$ 2,940,000

10.1 These appropriations are from the lawful
10.2 gambling regulation account in the special
10.3 revenue fund.

10.4	Sec. 16. <u>RACING COMMISSION</u>	<u>\$</u>	<u>899,000</u>	<u>\$</u>	<u>899,000</u>
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10.5 These appropriations are from the racing
10.6 and card playing regulation accounts in the
10.7 special revenue fund.

10.8 Sec. 17. **STATE LOTTERY**

10.9 Notwithstanding Minnesota Statutes, section
10.10 349A.10, subdivision 3, the operating budget
10.11 must not exceed \$28,111,000 in fiscal year
10.12 2010 and \$28,740,000 in fiscal year 2011.

10.13	Sec. 18. <u>TORT CLAIMS</u>	<u>\$</u>	<u>161,000</u>	<u>\$</u>	<u>161,000</u>
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10.14 To be spent by the commissioner of finance
10.15 according to Minnesota Statutes, section
10.16 3.736, subdivision 7. If the appropriation for
10.17 either year is insufficient, the appropriation
10.18 for the other year is available for it.

10.19 Sec. 19. **MINNESOTA STATE RETIREMENT**
10.20 **SYSTEM**

10.21	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>2,346,000</u>	<u>\$</u>	<u>2,405,000</u>
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10.22 The amounts that may be spent for each
10.23 purpose are specified in the following
10.24 subdivisions.

10.25	Subd. 2. <u>Legislators</u>	<u>1,889,000</u>	<u>1,937,000</u>
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10.26 Under Minnesota Statutes, sections 3A.03,
10.27 subdivision 2; 3A.04, subdivisions 3 and 4;
10.28 and 3A.115.

10.29	Subd. 3. <u>Constitutional Officers</u>	<u>457,000</u>	<u>468,000</u>
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10.30 Under Minnesota Statutes, section 352C.001.

11.1 If an appropriation in this section for either
 11.2 year is insufficient, the appropriation for the
 11.3 other year is available for it.

11.4 **Sec. 20. MINNEAPOLIS EMPLOYEES**
 11.5 **RETIREMENT FUND** **\$** **9,000,000** **\$** **9,000,000**

11.6 These amounts are estimated to be needed
 11.7 under Minnesota Statutes, section 422A.101,
 11.8 subdivision 3.

11.9 **Sec. 21. TEACHERS RETIREMENT**
 11.10 **ASSOCIATION** **\$** **15,454,000** **\$** **15,454,000**

11.11 The amounts estimated to be needed are as
 11.12 specified in paragraphs (a) and (b):

11.13 (a) \$12,954,000 the first year and
 11.14 \$12,954,000 the second year are for special
 11.15 direct state aid authorized under Minnesota
 11.16 Statutes, section 354A.12, subdivisions 3a
 11.17 and 3c.

11.18 (b) \$2,500,000 the first year and \$2,500,000
 11.19 the second year are for special direct state
 11.20 matching aid authorized under Minnesota
 11.21 Statutes, section 354A.12, subdivision 3b.

11.22 **Sec. 22. ST. PAUL TEACHERS**
 11.23 **RETIREMENT FUND** **\$** **2,827,000** **\$** **2,827,000**

11.24 The amounts estimated to be needed for
 11.25 special direct state aid to first class city
 11.26 teachers retirement funds authorized under
 11.27 Minnesota Statutes, section 354A.12,
 11.28 subdivisions 3a and 3c.

11.29 **Sec. 23. DULUTH TEACHERS**
 11.30 **RETIREMENT FUND** **\$** **346,000** **\$** **346,000**

11.31 The amounts estimated to be needed for
 11.32 special direct state aid to first class city
 11.33 teachers retirement funds authorized under

12.1 Minnesota Statutes, section 354A.12,
 12.2 subdivisions 3a and 3c.

12.3 **Sec. 24. GENERAL CONTINGENT**
 12.4 **ACCOUNTS** **\$ 2,775,000 \$ 500,000**

12.5	<u>Appropriations by Fund</u>	
12.6	<u>2010</u>	<u>2011</u>
12.7 <u>General</u>	<u>2,275,000</u>	<u>0</u>
12.8 <u>State Government</u>		
12.9 <u>Special Revenue</u>	<u>400,000</u>	<u>400,000</u>
12.10 <u>Workers'</u>		
12.11 <u>Compensation</u>	<u>100,000</u>	<u>100,000</u>

12.12 (a) The appropriations in this section
 12.13 may only be spent with the approval of
 12.14 the governor after consultation with the
 12.15 Legislative Advisory Commission pursuant
 12.16 to Minnesota Statutes, section 3.30.

12.17 (b) Of the appropriation to the general fund
 12.18 contingent account, \$1,775,000 is a onetime
 12.19 appropriation for potential state matching
 12.20 requirements needed to maximize receipt of
 12.21 federal funds under the American Recovery
 12.22 and Reinvestment Act of 2009.

12.23 (c) If an appropriation in this section for
 12.24 either year is insufficient, the appropriation
 12.25 for the other year is available for it.

12.26 (d) If a contingent account appropriation
 12.27 is made in one fiscal year, it should be
 12.28 considered a biennial appropriation.

12.29 **Sec. 25. AMATEUR SPORTS COMMISSION** **\$ 270,000 \$ 270,000**

12.30 The amount available for appropriation to
 12.31 the commission under Laws 2005, chapter
 12.32 156, article 2, section 43, is reduced in the
 12.33 first year and the second year by the amounts
 12.34 appropriated in this section.

13.1 Sec. 26. **COUNCIL ON BLACK**
13.2 **MINNESOTANS** \$ 316,000 \$ 316,000

13.3 Sec. 27. **COUNCIL ON CHICANO/LATINO**
13.4 **AFFAIRS** \$ 298,000 \$ 298,000

13.5 Sec. 28. **COUNCIL ON ASIAN-PACIFIC**
13.6 **MINNESOTANS** \$ 275,000 \$ 275,000

13.7 Sec. 29. **INDIAN AFFAIRS COUNCIL** \$ 500,000 \$ 500,000

13.8 \$32,000 each year is for activities of the
13.9 council relating to Indian burial sites,
13.10 including activities relating to unfunded
13.11 federal mandates.

13.12 Sec. 30. **PROBLEM GAMBLING APPROPRIATION.**

13.13 \$225,000 in fiscal year 2010 and \$225,000 in fiscal year 2011 are appropriated from
13.14 the lottery prize fund to the Gambling Control Board for a grant to the state affiliate
13.15 recognized by the National Council on Problem Gambling. The affiliate must provide
13.16 services to increase public awareness of problem gambling, education and training for
13.17 individuals and organizations providing effective treatment services to problem gamblers
13.18 and their families, and research relating to problem gambling. These services must be
13.19 complimentary to and not duplicative of the services provided through the problem
13.20 gambling program administered by the commissioner of human services. Of this
13.21 appropriation, \$50,000 in fiscal year 2010 and \$50,000 in fiscal year 2011 are contingent
13.22 on the contribution of nonstate matching funds. Matching funds may be either cash or
13.23 qualifying in-kind contributions. The commissioner of finance may disburse the state
13.24 portion of the matching funds in increments of \$25,000 upon receipt of a commitment for
13.25 an equal amount of matching nonstate funds. These are onetime appropriations.

13.26 Sec. 31. **MANAGERIAL POSITION REDUCTIONS.**

13.27 The governor must reduce the number of deputy commissioners, assistant
13.28 commissioners, and positions designated as unclassified under authority of Minnesota
13.29 Statutes, section 43A.08, subdivision 1a, by an amount that will generate savings to the
13.30 general fund of \$16,488,000 in the biennium ending June 30, 2011, and \$16,488,000 in
13.31 the biennium ending June 30, 2013. The commissioner of finance shall determine the

14.1 costs of salaries and benefits attributable to the positions eliminated by this section, and
14.2 reduce the appropriation to each affected agency accordingly.

14.3 **ARTICLE 2**

14.4 **STATE GOVERNMENT OPERATIONS**

14.5 Section 1. **[3.057] ENTERPRISE SERVICES AND GOVERNMENT**
14.6 **EFFICIENCY.**

14.7 The finance committee divisions in the house of representatives and the senate
14.8 with jurisdiction over state government finance issues must be known as the "Enterprise
14.9 Services and Government Efficiency Finance Divisions," and must conduct periodic
14.10 Kaizen events to ensure that the divisions operate in a LEAN manner.

14.11 Sec. 2. **[3.091] REDUCED CARBON FOOTPRINT; TELECOMMUTING.**

14.12 To reduce the carbon footprint associated with travel to work by legislative
14.13 employees, each legislative appointing authority must offer each legislative employee:

14.14 (1) the option to telecommute from home for up to 20 percent of the work days during
14.15 the portion of the year that the legislature is not meeting in a regular or special session; or

14.16 (2) the option to work four ten-hour days each week, or a similar schedule that will
14.17 reduce commuting to work by 20 percent, during the portion of the year that the legislature
14.18 is not meeting in a regular or special session.

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

14.20 Sec. 3. Minnesota Statutes 2008, section 3.97, is amended by adding a subdivision to
14.21 read:

14.22 **Subd. 2a. Review of financial management and internal controls.** The
14.23 commission shall monitor internal control systems in state government to the extent
14.24 necessary to ensure that management has established and implemented effective systems
14.25 and procedures. The commission shall also review legislative auditor audits and reports
14.26 and make recommendations, as the commission determines necessary, for improvements
14.27 in the state's system of financial management. In furtherance of these duties, the
14.28 commission shall:

14.29 (1) receive reports and recommendations from the legislative auditor, the financial
14.30 controls council, and from internal auditors in state agencies;

- 15.1 (2) review significant findings and recommendations from the legislative auditor's
15.2 financial audits of state agencies and from agency internal auditors, together with state
15.3 agency management's responses and action plans;
- 15.4 (3) review the scope of annual audit plans for the state's internal audit function;
- 15.5 (4) review the qualifications, performance, and objectivity of the state's internal audit
15.6 function, including the activities of the commissioner in section 16A.056;
- 15.7 (5) review with the legislative auditor any audit problems or difficulties and
15.8 management's responses, any difficulties the auditor encountered during the course of
15.9 the audit work, including any restrictions on the scope of the auditor's activities or on
15.10 access to requested information, and any significant disagreements between the auditor
15.11 and management;
- 15.12 (6) make recommendations to the governor and the legislature for changes in laws or
15.13 policies necessary to deal with agencies that have not satisfactorily addressed repeated
15.14 problems with financial controls;
- 15.15 (7) make recommendations to the governor and the legislature for changes needed in
15.16 state laws, policies, procedures, or personnel, to ensure an effective system of internal
15.17 controls that safeguards public funds and assets and minimizes incidences of fraud, waste,
15.18 and abuse;
- 15.19 (8) conduct hearings as necessary regarding the effectiveness of internal control or
15.20 internal audit functions of any state agency; and
- 15.21 (9) contract with outside auditors as the commission determines is beneficial for the
15.22 state's internal audit function and internal controls.

15.23 Sec. 4. Minnesota Statutes 2008, section 3.971, subdivision 6, is amended to read:

15.24 Subd. 6. **Financial audits.** The legislative auditor shall audit the financial
15.25 statements of the state of Minnesota required by section 16A.50 and, as resources permit,
15.26 shall audit Minnesota State Colleges and Universities, the University of Minnesota, state
15.27 agencies, departments, boards, commissions, courts, and other state organizations subject
15.28 to audit by the legislative auditor, including the State Agricultural Society, Agricultural
15.29 Utilization Research Institute, Enterprise Minnesota, Inc., Minnesota Historical
15.30 Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco,
15.31 Metropolitan Sports Facilities Commission, Metropolitan Airports Commission, and
15.32 Metropolitan Mosquito Control District. Financial audits must be conducted according to
15.33 generally accepted government auditing standards. The legislative auditor shall see that
15.34 all provisions of law respecting the appropriate and economic use of public funds are
15.35 complied with and may, as part of a financial audit or separately, investigate allegations of

16.1 noncompliance ~~by employees of departments and agencies of the state government and~~
16.2 ~~the other organizations listed in this subdivision.~~

16.3 Sec. 5. Minnesota Statutes 2008, section 3.975, is amended to read:

16.4 **3.975 DUTIES CONCERNING MISUSE OF PUBLIC MONEY OR OTHER**
16.5 **RESOURCES.**

16.6 If a legislative auditor's examination discloses that a state official or employee has
16.7 used money for a purpose other than the purpose for which the money was appropriated
16.8 or discloses any other misuse of public money or other public resources, the legislative
16.9 auditor shall file a report with the Legislative Audit Commission, the attorney general, and
16.10 the appropriate county attorney. The attorney general shall seek recovery of money and
16.11 other resources as the evidence may warrant. The county attorney shall cause criminal
16.12 proceedings to be instituted as the evidence may warrant.

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

16.14 Sec. 6. **[4.041] GOVERNOR'S OFFICE BUDGET.**

16.15 Any personnel costs attributable to the office of the governor and the lieutenant
16.16 governor must be accounted for through an appropriation to the office of the governor.
16.17 The office of the governor and the lieutenant governor may not enter into agreements with
16.18 other executive branch agencies under which these personnel costs are supported by
16.19 appropriations to other agencies.

16.20 Sec. 7. Minnesota Statutes 2008, section 4A.02, is amended to read:

16.21 **4A.02 STATE DEMOGRAPHER.**

16.22 (a) The director shall appoint a state demographer. The demographer must be
16.23 professionally competent in demography and must possess demonstrated ability based
16.24 upon past performance.

16.25 (b) The demographer shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.4 (e) The state demographer shall release a demographic forecast in conjunction with
18.5 the commissioner of finance and the November state economic forecast.

18.6 Sec. 8. Minnesota Statutes 2008, section 5A.03, is amended to read:

18.7 **5A.03 ORGANIZATION APPLICATION FOR REGISTRATION.**

18.8 (a) An application for registration as an international student exchange visitor
18.9 placement organization must be submitted in the form prescribed by the secretary of
18.10 state. The application must include:

18.11 (1) evidence that the organization meets the standards established by the secretary of
18.12 state by rule;

18.13 (2) the name, address, and telephone number of the organization, its chief executive
18.14 officer, and the person within the organization who has primary responsibility for
18.15 supervising placements within the state;

18.16 (3) the organization's unified business identification number, if any;

18.17 (4) the organization's United States Information Agency number, if any;

18.18 (5) evidence of Council on Standards for International Educational Travel listing, if
18.19 any;

18.20 (6) whether the organization is exempt from federal income tax; and

18.21 (7) a list of the organization's placements in Minnesota for the previous academic
18.22 year including the number of students placed, their home countries, the school districts in
18.23 which they were placed, and the length of their placements.

18.24 (b) The application must be signed by the chief executive officer of the organization
18.25 and the person within the organization who has primary responsibility for supervising
18.26 placements within Minnesota. If the secretary of state determines that the application is
18.27 complete, the secretary of state shall file the application and the applicant is registered.

18.28 (c) Organizations that have registered shall inform the secretary of state of any
18.29 changes in the information required under paragraph (a), clause (1), within 30 days of the
18.30 change. There is no fee to amend a registration.

18.31 (d) Registration under this chapter is valid for one year. The registration may be
18.32 renewed annually. The fee to renew a registration is \$50 per year.

18.33 (e) Organizations registering for the first time in Minnesota must pay an initial
18.34 registration fee of \$150.

19.1 (f) Fees collected by the secretary of state under this section must be deposited in
19.2 ~~the state treasury and credited to the general fund and are added to the appropriation from~~
19.3 ~~which registration costs are paid~~ as a nondedicated receipt.

19.4 Sec. 9. Minnesota Statutes 2008, section 10.43, is amended to read:

19.5 **10.43 TELEPHONE USE; APPROVAL.**

19.6 (a) Each representative, senator, constitutional officer, judge, and head of a state
19.7 department or agency shall sign the person's monthly long-distance telephone bills paid
19.8 by the state as evidence of the person's approval of each bill. This signature requirement
19.9 does not apply to a month in which the person's long-distance phone bill paid by the
19.10 state is less than \$5.

19.11 (b) Even if the monthly long-distance phone bill paid by the state for a person
19.12 subject to this section is less than \$5, the person is responsible for paying that portion of
19.13 the bill that does not relate to state business. As provided in section 10.46, long-distance
19.14 telephone bills paid by the state are public data, regardless of the amount of the bills.

19.15 **EFFECTIVE DATE.** This section is effective for telephone bills for usage on or
19.16 after July 1, 2009.

19.17 Sec. 10. **[10.49] NAMING.**

19.18 Laws must not be named for living people, and laws may not name councils,
19.19 buildings, roads, or other facilities or entities after living people.

19.20 Sec. 11. Minnesota Statutes 2008, section 10.60, subdivision 2, is amended to read:

19.21 Subd. 2. **Purpose of Web site and publications.** The purpose of a Web site and
19.22 ~~a publication~~ publications must be to provide information about the duties and jurisdiction
19.23 of a state agency or political subdivision ~~or~~ and to facilitate access to public services and
19.24 information related to the responsibilities or functions of the state agency or political
19.25 subdivision.

19.26 Sec. 12. Minnesota Statutes 2008, section 10.60, is amended by adding a subdivision
19.27 to read:

19.28 Subd. 2a. **Contact information.** The home page of a Web site maintained by
19.29 a state agency must prominently display an e-mail address at which the agency may be
19.30 contacted and a telephone number that will be answered by a human being to the greatest

20.1 extent possible, located in Minnesota, during normal business hours. A state agency must
20.2 comply with the requirements of this subdivision with existing resources.

20.3 Sec. 13. Minnesota Statutes 2008, section 11A.07, subdivision 4, is amended to read:

20.4 Subd. 4. **Duties and powers.** The director, at the direction of the state board, shall:

20.5 (1) plan, direct, coordinate, and execute administrative and investment functions
20.6 in conformity with the policies and directives of the state board and the requirements of
20.7 this chapter and of chapter 356A;

20.8 (2) prepare and submit biennial and annual budgets to the board and with the
20.9 approval of the board submit the budgets to the Department of Finance;

20.10 (3) employ professional and clerical staff as necessary. Employees whose primary
20.11 responsibility is to invest or manage money or employees who hold positions designated
20.12 as unclassified under section 43A.08, subdivision 1a, are in the unclassified service of the
20.13 state. Other employees are in the classified service. Unclassified employees who are
20.14 not covered by a collective bargaining agreement are employed under the terms and
20.15 conditions of the compensation plan approved under section 43A.18, subdivision 3b;

20.16 (4) report to the state board on all operations under the director's control and
20.17 supervision;

20.18 (5) maintain accurate and complete records of securities transactions and official
20.19 activities;

20.20 (6) establish a policy relating to the purchase and sale of securities on the basis of
20.21 competitive offerings or bids. The policy is subject to board approval;

20.22 (7) cause securities acquired to be kept in the custody of the commissioner of finance
20.23 or other depositories consistent with chapter 356A, as the state board deems appropriate;

20.24 (8) prepare and file with the director of the Legislative Reference Library, by
20.25 December 31 of each year, a report summarizing the activities of the state board, the
20.26 council, and the director during the preceding fiscal year. The report must be prepared
20.27 so as to provide the legislature and the people of the state with a clear, comprehensive
20.28 summary of the portfolio composition, the transactions, the total annual rate of return,
20.29 and the yield to the state treasury and to each of the funds whose assets are invested by
20.30 the state board, and the recipients of business placed or commissions allocated among
20.31 the various commercial banks, investment bankers, money managers, and brokerage
20.32 organizations and the amount of these commissions or other fees. The report must contain
20.33 financial statements for funds managed by the board prepared in accordance with generally
20.34 accepted accounting principles. The report must include an executive summary;

21.1 (9) include on the state board's Web site its annual and quarterly reports, including
21.2 executive summaries;

21.3 ~~(9)~~ (10) require state officials from any department or agency to produce and provide
21.4 access to any financial documents the state board deems necessary in the conduct of
21.5 its investment activities;

21.6 ~~(10)~~ (11) receive and expend legislative appropriations; and

21.7 ~~(11)~~ (12) undertake any other activities necessary to implement the duties and
21.8 powers set forth in this subdivision consistent with chapter 356A.

21.9 Sec. 14. Minnesota Statutes 2008, section 13.64, is amended to read:

21.10 **13.64 DEPARTMENT OF ~~ADMINISTRATION~~ FINANCE DATA.**

21.11 (a) Notes and preliminary drafts of reports created, collected, or maintained by the
21.12 Management Analysis Division, Department of ~~Administration~~ finance, and prepared
21.13 during management studies, audits, reviews, consultations, or investigations are classified
21.14 as confidential or protected nonpublic data until the final report has been published or
21.15 preparation of the report is no longer being actively pursued.

21.16 (b) Data that support the conclusions of the report and that the commissioner of
21.17 ~~administration~~ finance reasonably believes will result in litigation are confidential or
21.18 protected nonpublic until the litigation has been completed or until the litigation is no
21.19 longer being actively pursued.

21.20 (c) Data on individuals that could reasonably be used to determine the identity of an
21.21 individual supplying data for a report are private if:

21.22 (1) the data supplied by the individual were needed for a report; and

21.23 (2) the data would not have been provided to the Management Analysis Division
21.24 without an assurance to the individual that the individual's identity would remain private,
21.25 or the Management Analysis Division reasonably believes that the individual would not
21.26 have provided the data.

21.27 Sec. 15. **[15B.055] PARKING SPACES.**

21.28 To provide the public with greater access to legislative proceedings, all parking
21.29 spaces on Aurora Avenue in front of the Capitol building must be reserved for the public.

21.30 Sec. 16. **[15C.01] DEFINITIONS.**

21.31 Subdivision 1. **Scope.** For purposes of this chapter, the terms in this section have
21.32 the meanings given them.

22.1 Subd. 2. **Claim.** "Claim" includes any request or demand, whether under a contract
22.2 or otherwise, for money or property which is made to a contractor, grantee, or other
22.3 recipient if the state has provided or will provide any portion of the money or property
22.4 which is requested or demanded, or if the state has reimbursed or will reimburse the
22.5 contractor, grantee, or other recipient for any portion of the money or property which is
22.6 requested or demanded.

22.7 Subd. 3. **Knowing and knowingly.** "Knowing" and "knowingly" mean that a
22.8 person, with respect to information:

22.9 (1) has actual knowledge of the information;

22.10 (2) acts in deliberate ignorance of the truth or falsity of the information; or

22.11 (3) acts in reckless disregard of the truth or falsity of the information.

22.12 No proof of specific intent to defraud is required.

22.13 Subd. 4. **Original source.** "Original source" means a person who has direct and
22.14 independent knowledge of information which is probative of any essential element of the
22.15 allegations in an action brought pursuant to this section which was not obtained from a
22.16 public source and who either voluntarily provided the information to the state before
22.17 bringing an action based on the information or whose information provided the basis for
22.18 or caused an investigation, hearing, audit, or report that led to the public disclosure of the
22.19 allegations or transactions upon which an action brought pursuant to this section is based.

22.20 Subd. 5. **Person.** "Person" means any natural person, partnership, corporation,
22.21 association or other legal entity, including the state and any department, agency, or
22.22 political subdivision of the state.

22.23 Subd. 6. **State.** "State" means the state of Minnesota and includes any department,
22.24 agency, or political subdivision of the state.

22.25 Sec. 17. **[15C.02] LIABILITY FOR CERTAIN ACTS.**

22.26 Subdivision 1. **Liability.** (a) Any person who commits any of the acts in clauses (1)
22.27 to (7) is liable to the state for a civil penalty of not less than \$5,000 and not more than
22.28 \$10,000 per false claim, plus three times the amount of damages which the state sustains
22.29 because of the act of that person, except as otherwise provided in paragraph (b):

22.30 (1) knowingly presents, or causes to be presented, to an officer or employee of the
22.31 state of Minnesota a false or fraudulent claim for payment or approval;

22.32 (2) knowingly makes or uses, or causes to be made or used, a false record or
22.33 statement to get a false or fraudulent claim paid or approved by the state;

23.1 (3) knowingly conspires to either present a false or fraudulent claim to the state for
23.2 payment or approval or make, use, or cause to be made or used a false record or statement
23.3 to obtain payment or approval of a false or fraudulent claim;

23.4 (4) has possession, custody, or control of public property or money used, or to be
23.5 used, by the state and knowingly delivers or causes to be delivered to the state less money
23.6 or property than the amount for which the person receives a receipt;

23.7 (5) is authorized to prepare or deliver a receipt for money or property used, or to
23.8 be used, by the state and knowingly prepares or delivers a receipt that falsely represents
23.9 the money or property;

23.10 (6) knowingly buys, or receives as a pledge of an obligation or debt, public property
23.11 from an officer or employee of the state who lawfully may not sell or pledge the property;
23.12 or

23.13 (7) knowingly makes or uses, or causes to be made or used, a false record or
23.14 statement to conceal, avoid, or decrease an obligation to pay or transmit money or
23.15 property to the state.

23.16 (b) The court may assess not less than two times the amount of damages which the
23.17 state sustains because of the act of the person if:

23.18 (1) the person committing a violation under paragraph (a) furnished officials of the
23.19 state responsible for investigating the false claims violations with all information known
23.20 to the person about the violation within 30 days after the date on which the defendant first
23.21 obtained the information;

23.22 (2) the person fully cooperated with any state investigation of the violation; and

23.23 (3) at the time the person furnished the state with information about the violation,
23.24 no criminal prosecution, civil action, or administrative action had commenced under this
23.25 section with respect to the violation, and the person did not have actual knowledge of the
23.26 existence of an investigation into the violation.

23.27 (c) A person violating this section is also liable to the state for the costs of a civil
23.28 action brought to recover any penalty or damages.

23.29 Subd. 2. **Right to cure.** A person is not liable under this section for mere
23.30 inadvertence or mistake with respect to activities involving a false or fraudulent claim.

23.31 **Sec. 18. [15C.03] EXCLUSION.**

23.32 This chapter does not apply to claims, records, or statements made under portions
23.33 of Minnesota Statutes relating to taxation.

23.34 **Sec. 19. [15C.04] RESPONSIBILITIES OF ATTORNEY GENERAL.**

24.1 The attorney general may investigate violations of section 15C.02. If the attorney
24.2 general finds that a person has violated or is violating section 15C.02, the attorney general
24.3 may bring a civil action under this section against the person to enjoin any act in violation
24.4 of section 15C.02 and to recover damages and penalties.

24.5 Sec. 20. **[15C.05] PRIVATE REMEDIES; COMPLAINT UNDER SEAL; COPY**
24.6 **OF COMPLAINT AND WRITTEN DISCLOSURE OF EVIDENCE TO BE SENT**
24.7 **TO ATTORNEY GENERAL.**

24.8 (a) Except as otherwise provided in this section, a person may maintain an action
24.9 pursuant to this section on the person's own account and that of the state if money,
24.10 property, or services provided by the state are involved; the person's own account and
24.11 that of a political subdivision if money, property, or services provided by the political
24.12 subdivision are involved; or on the person's own account and that of both the state and a
24.13 political subdivision if both are involved. After such an action is commenced, it may be
24.14 voluntarily dismissed only if the court and the attorney general give written consent to the
24.15 dismissal and their reasons for consenting.

24.16 (b) If an action is brought pursuant to this section, no other person may bring
24.17 another action pursuant to this section based on the same facts which are the subject of
24.18 the pending action.

24.19 (c) An action may not be maintained by a person pursuant to this section:

24.20 (1) against the legislature, the judiciary, an executive department of the state, or a
24.21 political subdivision, and their members or employees;

24.22 (2) if the action is based upon allegations or transactions that are the subject of a
24.23 civil action or an administrative proceeding for a monetary penalty to which the state or a
24.24 political subdivision of the state is already a party; or

24.25 (3) unless the action is brought by an original source of the information or the
24.26 attorney general initiates or intervenes in the action, if the action is based upon the public
24.27 disclosure of allegations or transactions: (i) in a criminal, civil, or administrative hearing;
24.28 (ii) in an investigation, report, hearing, or audit conducted by or at the request of the house
24.29 of representatives or the senate; (iii) by an auditor or the governing body of a political
24.30 subdivision; or (iv) from the news media.

24.31 (d) A complaint in an action pursuant to this section must be commenced by filing
24.32 the complaint with the court in camera, and the court must place it under seal for at least
24.33 60 days. No service may be made upon the defendant until the complaint is unsealed.

24.34 (e) If a complaint is filed under this section, the plaintiff shall serve a copy of the
24.35 complaint on the attorney general in accordance with the Minnesota Rules of Civil

25.1 Procedure and shall also serve at the same time a written disclosure of substantially all
25.2 material evidence and information the plaintiff possesses.

25.3 Sec. 21. **[15C.06] ATTORNEY GENERAL INTERVENTION; MOTION TO**
25.4 **EXTEND TIME; UNSEALING OF COMPLAINT.**

25.5 (a) Within 60 days after receiving a complaint and disclosure pursuant to section
25.6 15C.05, the attorney general shall intervene or decline intervention or, for good cause
25.7 shown, move the court to extend the time for doing so. The motion may be supported by
25.8 affidavits or other submissions in chambers.

25.9 (b) The complaint must be unsealed after the attorney general decides whether
25.10 or not to intervene.

25.11 (c) Notwithstanding the attorney general's decision regarding intervention in an
25.12 action brought by a plaintiff under section 15C.05, the attorney general may pursue the
25.13 claim through any alternate remedy available to the state, including any administrative
25.14 proceeding to determine a civil money penalty. If the attorney general pursues any such
25.15 alternate remedy in another proceeding, the person initiating the action has the same rights
25.16 in that proceeding as if the action had continued under section 15C.05. Any finding of fact
25.17 or conclusion of law made in the other proceeding that has become final is conclusive on
25.18 all parties to an action under section 15C.05. For purposes of this paragraph, a finding
25.19 or conclusion is final if it has been finally determined on appeal to the appropriate state
25.20 court, if the time for filing an appeal has expired, or if the finding or conclusion is not
25.21 subject to judicial review.

25.22 Sec. 22. **[15C.07] SERVICE OF UNSEALED COMPLAINT AND RESPONSE**
25.23 **BY DEFENDANT.**

25.24 When unsealed, the complaint shall be served on the defendant pursuant to Rule 3 of
25.25 the Minnesota Rules of Civil Procedure.

25.26 The defendant must respond to the complaint within 20 days after it is served on
25.27 the defendant.

25.28 Sec. 23. **[15C.08] ATTORNEY GENERAL AND PRIVATE PARTY ROLES.**

25.29 (a) Except as otherwise provided by this section, if the attorney general does not
25.30 intervene at the outset in an action brought by a person pursuant to section 15C.05, the
25.31 person has the same rights in conducting the action as the attorney general would have
25.32 had. A copy of each pleading or other paper filed in the action, and a copy of the transcript

26.1 of each deposition taken, must be mailed to the attorney general if the attorney general
26.2 so requests and pays the cost of doing so.

26.3 (b) If the attorney general elects not to intervene at the outset in the action, the
26.4 attorney general may intervene subsequently, upon timely application and good cause
26.5 shown. If the attorney general so intervenes, the attorney general subsequently has
26.6 primary responsibility for conducting the action.

26.7 (c) If the attorney general elects at the outset of the action to intervene, the attorney
26.8 general has the primary responsibility for prosecuting the action. The person who initially
26.9 brought the action remains a party, but the person's acts do not bind the attorney general.

26.10 (d) Whether or not the attorney general intervenes in the action, the attorney general
26.11 may move to dismiss the action for good cause. The person who brought the action must
26.12 be notified of the filing of the motion and may oppose it and present evidence at the
26.13 hearing. The attorney general may also settle the action. If the attorney general intends to
26.14 settle the action, the attorney general shall notify the person who brought the action. The
26.15 state may settle the action with the defendant notwithstanding the objections of the person
26.16 initiating the action if the court determines, after a hearing, that the proposed settlement
26.17 is fair, adequate, and reasonable under all the circumstances. Upon a showing of good
26.18 cause, such a hearing may be held in camera.

26.19 Sec. 24. **[15C.09] STAY OF DISCOVERY; EXTENSION.**

26.20 (a) The court may stay discovery by a person who brought an action under section
26.21 15C.05 for not more than 60 days if the attorney general shows that the proposed discovery
26.22 would interfere with the investigation or prosecution of a civil or criminal matter arising
26.23 out of the same facts, whether or not the attorney general participates in the action.

26.24 (b) The court may extend the stay upon a further showing that the attorney general
26.25 has pursued the civil or criminal investigation or proceeding with reasonable diligence and
26.26 that the proposed discovery would interfere with its continuation.

26.27 (c) Discovery may not be stayed for a total of more than six months over the
26.28 objection of the person who brought the action, except for good cause shown by the
26.29 attorney general.

26.30 (d) A showing made pursuant to this section must be made in chambers.

26.31 Sec. 25. **[15C.10] COURT-IMPOSED LIMITATION UPON PARTICIPATION**
26.32 **OF PRIVATE PLAINTIFF IN ACTION.**

26.33 Upon a showing by the attorney general in an action in which the attorney general
26.34 has intervened that unrestricted participation by a person under this chapter would

27.1 interfere with or unduly delay the conduct of the action, or would be repetitious, irrelevant,
27.2 or solely for harassment, the court may limit the person's participation by, among other
27.3 measures, limiting the number of witnesses, the length of the testimony of the witnesses,
27.4 or the cross-examination of witnesses by the person.

27.5 Sec. 26. **[15C.11] LIMITATION OF ACTIONS; REMEDIES.**

27.6 (a) An action pursuant to this chapter may not be commenced more than three years
27.7 after the date of discovery of the fraudulent activity by the attorney general or more than
27.8 six years after the fraudulent activity occurred, whichever occurs last, but in no event more
27.9 than ten years after the date on which the violation is committed.

27.10 (b) A finding of guilt in a criminal proceeding charging false statement or fraud,
27.11 whether upon a verdict of guilty or a plea of guilty or nolo contendere, stops the person
27.12 found guilty from denying an essential element of that offense in an action pursuant to this
27.13 chapter based upon the same transaction as the criminal proceeding.

27.14 (c) In any action under this chapter, the state and any qui tam plaintiff must prove
27.15 all essential elements of the cause of action, including damages, by a preponderance of
27.16 the evidence.

27.17 Sec. 27. **[15C.12] AWARD OF EXPENSES AND ATTORNEY FEES.**

27.18 If the attorney general or a person who brought an action under section 15C.05
27.19 prevails in or settles an action pursuant to this chapter, the court may authorize the person
27.20 to recover reasonable costs, reasonable attorney fees, and the reasonable fees of expert
27.21 consultants and expert witnesses. Those expenses must be awarded against the defendant,
27.22 and may not be allowed against the state or a political subdivision. If the attorney general
27.23 does not intervene in the action and the person bringing the action conducts the action, and
27.24 if the defendant prevails in the action, the court shall award to the defendant reasonable
27.25 expenses and attorney fees against the party or parties who participated in the action if
27.26 it finds that the action was clearly frivolous or vexatious or brought in substantial part
27.27 for harassment.

27.28 Sec. 28. **[15C.13] DISTRIBUTION TO PRIVATE PLAINTIFF IN CERTAIN**
27.29 **ACTIONS.**

27.30 If the attorney general intervenes at the outset in an action brought by a person
27.31 under section 15C.05, the person shall receive not less than 15 percent or more than 25
27.32 percent of any recovery in proportion to the person's contribution to the conduct of the
27.33 action. If the attorney general does not intervene in the action at the outset, the person is

28.1 entitled to receive not less than 25 percent or more than 30 percent of any recovery of
28.2 the civil penalty and damages, or settlement, as the court determines to be reasonable.
28.3 For recoveries whose distribution is governed by federal code or rule, the basis for
28.4 calculating the portion of the recovery the person is entitled to receive shall not include
28.5 such amounts reserved for distribution to the federal government or designated in their
28.6 use by such federal code or rule.

28.7 Sec. 29. **[15C.14] EMPLOYER RESTRICTIONS; LIABILITY.**

28.8 (a) An employer shall not adopt or enforce any rule or policy forbidding an employee
28.9 to disclose information to the state, a political subdivision, or a law enforcement agency,
28.10 or to act in furtherance of an action pursuant to this chapter, including investigation for
28.11 bringing or testifying in such an action.

28.12 (b) An employer shall not discharge, demote, suspend, threaten, harass, deny
28.13 promotion to, or otherwise discriminate against an employee in the terms or conditions
28.14 of employment because of lawful acts done by the employee on the employee's behalf
28.15 or on behalf of others in disclosing information to the state, a political subdivision, or a
28.16 law enforcement agency in furtherance of an action pursuant to this chapter, including
28.17 investigation for bringing or testifying in such an action.

28.18 (c) An employer who violates this section is liable to the affected employee in a civil
28.19 action for damages and other relief, including reinstatement, twice the amount of lost
28.20 compensation, interest on the lost compensation, any special damage sustained as a result
28.21 of the discrimination, and punitive damages if appropriate. The employer is also liable for
28.22 expenses recoverable pursuant to section 15C.12, including costs and attorney fees.

28.23 Sec. 30. **[16A.0115] NAME.**

28.24 The commissioner of finance and the Department of Finance may not be identified
28.25 by a title or name other than the title and name assigned by law. The Commissioner
28.26 must ensure that the department's documents, publications, and Web site comply with
28.27 this section.

28.28 Sec. 31. Minnesota Statutes 2008, section 16A.055, subdivision 1, is amended to read:

28.29 Subdivision 1. **List.** (a) The commissioner shall:

28.30 (1) receive and record all money paid into the state treasury and safely keep it until
28.31 lawfully paid out;

28.32 (2) manage the state's financial affairs;

- 29.1 (3) keep the state's general account books according to generally accepted
29.2 government accounting principles;
- 29.3 (4) keep expenditure and revenue accounts according to generally accepted
29.4 government accounting principles;
- 29.5 (5) develop, provide instructions for, prescribe, and manage a state uniform
29.6 accounting system; and
- 29.7 (6) provide to the state the expertise to ensure that all state funds are accounted for
29.8 under generally accepted government accounting principles; and.
- 29.9 ~~(7) coordinate the development of, and maintain standards for, internal auditing in~~
29.10 ~~state agencies and, in cooperation with the commissioner of administration, report to the~~
29.11 ~~legislature and the governor by January 31 of odd-numbered years, on progress made.~~
- 29.12 (b) In addition to the duties in paragraph (a), the commissioner has the powers and
29.13 duties given to the commissioner in chapter 43A.

29.14 Sec. 32. Minnesota Statutes 2008, section 16A.055, is amended by adding a
29.15 subdivision to read:

29.16 Subd. 1a. **Additional duties.** The commissioner may assist state agencies by
29.17 providing analytical, statistical, and organizational development services to state agencies
29.18 in order to assist the agency to achieve the agency's mission and to operate efficiently
29.19 and effectively.

29.20 Sec. 33. [16A.056] WEB SITE WITH SEARCHABLE DATABASE ON STATE
29.21 EXPENDITURES.

29.22 Subdivision 1. **Web database requirement.** The commissioner, in consultation
29.23 with the commissioners of administration and revenue, must maintain a Web site with
29.24 a searchable database providing the public with information on state contracts, state
29.25 appropriations, state expenditures, and state tax expenditures. For each data field identified
29.26 in subdivisions 2 to 5, the searchable database must allow a user of the Web site to:

- 29.27 (1) perform a search using that field;
- 29.28 (2) sort by that field;
- 29.29 (3) obtain information grouped or aggregated by that field, where groups or subtotals
29.30 are feasible; and
- 29.31 (4) view information in that field by each fiscal year or an aggregation of fiscal years.

29.32 Subd. 2. **Contracts.** (a) The searchable database on the Web site must include
29.33 at least the following data fields:

- 29.34 (1) the name of the entity receiving the contract;

30.1 (2) the name of the agency entering into the contract;
30.2 (3) an indication if the contract is for (i) goods; (ii) professional or technical services;
30.3 (iii) services other than professional and technical services; or (iv) a grant; and
30.4 (4) the fund or funds from which the entity receiving the contract will be paid.

30.5 (b) For each contract, the database must also include:

30.6 (1) an address for each entity receiving a contract; and

30.7 (2) a brief statement of the purpose of the contract or grant.

30.8 (c) Information on a new contract or grant must be entered into the database within
30.9 30 days of the time the contract or grant is entered into.

30.10 (d) For purposes of this section, a "grant" is a contract between a state agency and
30.11 a recipient, the primary purpose of which is to transfer cash or a thing of value to the
30.12 recipient to support a public purpose. Grant does not include payments to units of local
30.13 governments, payments to state employees, or payments made under laws providing for
30.14 assistance to individuals.

30.15 Subd. 3. **Appropriations.** The searchable database on the Web site must include
30.16 at least the following data fields on state appropriations:

30.17 (1) the agency receiving the appropriation, or the name of the nonstate entity
30.18 receiving the appropriation;

30.19 (2) the agency program, to the extent applicable;

30.20 (3) the agency activity, to the extent applicable;

30.21 (4) an item within an activity if applicable;

30.22 (5) the fund from which the appropriation is made; and

30.23 (6) the object of expenditure.

30.24 Subd. 4. **State expenditures.** The searchable database on the Web site must include
30.25 at least the following data fields on state expenditures:

30.26 (1) the agency making the expenditure, or the name of the nonstate entity making
30.27 the appropriation;

30.28 (2) the agency program, to the extent applicable;

30.29 (3) the agency activity, to the extent applicable;

30.30 (4) an item within an activity if applicable;

30.31 (5) the fund from which the expenditure is made; and

30.32 (6) the object of expenditure.

30.33 Subd. 5. **Tax expenditures.** The Web site must include a searchable database of
30.34 state tax expenditures. For each fiscal year, the database must include data fields showing
30.35 the estimated impact on state revenues of each tax expenditure item listed in the report
30.36 prepared under section 270C.11.

31.1 Subd. 6. **Retention of data.** The database required under this section must include
31.2 information beginning with fiscal year 2010 funds and must retain data for at least ten
31.3 years.

31.4 Subd. 7. **Consultation.** The commissioner of finance must consult with the
31.5 chairs of the house of representatives Ways and Means and senate Finance Committees
31.6 before encumbering any funds appropriated on or after July 1, 2009, for the planning,
31.7 development, and implementation of state accounting or procurement systems. No funds
31.8 appropriated for these purposes may be spent unless the commissioner certifies that the
31.9 systems will allow compliance with requirements of this section.

31.10 Sec. 34. **[16A.057] INTERNAL CONTROLS AND INTERNAL AUDITING.**

31.11 Subdivision 1. **Establishment of system.** The commissioner is responsible for
31.12 the system of internal controls across the executive branch. The commissioner must
31.13 coordinate the design, implementation, and maintenance of an effective system of internal
31.14 controls and internal auditing for all executive agencies. The system must:

31.15 (1) safeguard public funds and assets and minimize incidences of fraud, waste,
31.16 and abuse;

31.17 (2) ensure that programs are administered in compliance with federal and state
31.18 laws and rules;

31.19 (3) require documentation of internal control procedures over financial management
31.20 activities, provide for analysis of risks, and provide for periodic evaluation of control
31.21 procedures to satisfy the commissioner that these procedures are adequately designed,
31.22 properly implemented, and functioning effectively; and

31.23 (4) provide for periodic internal audit of major systems and controls, including
31.24 accounting systems and controls; administrative systems and controls; and, in conjunction
31.25 with the Office of Enterprise Technology, information and telecommunications technology
31.26 systems and controls.

31.27 Subd. 2. **Standards.** The commissioner must adopt internal control standards
31.28 and policies that agencies must follow to meet the requirements of subdivision 1. These
31.29 standards and policies may include separation of duties, safeguarding receipts, time entry,
31.30 approval of travel, and other topics the commissioner determines are necessary to comply
31.31 with subdivision 1.

31.32 Subd. 3. **Training and assistance.** The commissioner shall coordinate training
31.33 for accounting personnel and financial managers in state agencies on internal controls
31.34 as necessary to ensure financial integrity in the state's financial transactions. The

32.1 commissioner shall provide internal control support to agencies that the commissioner
32.2 determines need this assistance.

32.3 Subd. 4. **Sharing internal audit resources.** The commissioner must administer a
32.4 program for sharing internal auditors among executive agencies that do not have their own
32.5 internal auditors and for assembling interagency teams of internal auditors as necessary.

32.6 Subd. 5. **Monitoring Office of the Legislative Auditor audits.** The commissioner
32.7 must review audit reports from the Office of the Legislative Auditor and take appropriate
32.8 steps to address internal control problems found in executive agencies.

32.9 Subd. 6. **Budget for internal controls.** The commissioner of finance may require
32.10 that each executive agency spend a specified percentage of its operating budget on internal
32.11 control systems. The commissioner of finance may require that an agency transfer a
32.12 portion of its operating budget to the commissioner to pay for internal control functions
32.13 performed by the commissioner.

32.14 Subd. 7. **Annual report.** The commissioner must report to the legislature and the
32.15 governor by January 31 of each odd-numbered year on the system of internal controls
32.16 and internal auditing in executive agencies.

32.17 Subd. 8. **Agency head responsibilities.** The head of each executive agency is
32.18 responsible for designing, implementing, and maintaining an effective internal control
32.19 system within the agency that complies with the requirements of subdivision 1, clauses (1)
32.20 to (4). The head of each executive agency must annually certify that the agency head has
32.21 reviewed the agency's internal control systems, and that these systems are in compliance
32.22 with standards and policies established by the commissioner. The agency head must
32.23 submit the signed certification form to the commissioner of finance, in a form specified by
32.24 the commissioner.

32.25 Subd. 9. **State colleges and universities.** This section does not apply to the
32.26 Minnesota state colleges and universities system.

32.27 Sec. 35. **[16A.058] FINANCIAL CONTROLS COUNCIL.**

32.28 Subdivision 1. **Membership.** The executive council shall appoint a five-member
32.29 financial controls council. Members must have public or private sector experience in
32.30 internal control issues. The council shall annually elect a chair and vice-chair from
32.31 among its members.

32.32 Subd. 2. **Duties.** (a) The council shall advise the commissioner of finance, the
32.33 governor, the Legislative Audit Commission, and the legislature on the system of internal
32.34 controls for executive agencies. In performing this duty, the council shall:

33.1 (1) review audits and other reports of the Office of the Legislative Auditor and
33.2 from internal auditors in executive agencies;

33.3 (2) review the state's system of internal controls and make recommendations for
33.4 changes in practices of specific executive agencies or on general changes needed in state
33.5 laws, procedures, or policies;

33.6 (3) recommend guidelines and best practices to produce an effective system of
33.7 internal controls;

33.8 (4) recommend the number of internal audit employees required for executive
33.9 agencies, individually and in total; and

33.10 (5) review and comment on the performance of the commissioner of finance in
33.11 carrying out duties under section 16A.057.

33.12 (b) The council may:

33.13 (1) require reports from any executive agency relative to an internal control or
33.14 an internal audit matter;

33.15 (2) receive and review reports from internal auditors in executive agencies;

33.16 (3) conduct hearings relative to attempts to interfere with, compromise, or intimidate
33.17 an internal auditor; and

33.18 (4) conduct hearings on the effectiveness of internal control or internal audit
33.19 functions within an executive agency.

33.20 Subd. 3. **Terms; compensation; removal; vacancies; expiration.** The membership
33.21 terms, compensation, removal of members, and filling of vacancies shall be as provided in
33.22 section 15.059, except that council members shall not receive a per diem. The council is
33.23 not subject to the expiration date provisions of section 15.059.

33.24 Subd. 4. **Administrative support.** The commissioner of finance shall provide
33.25 administrative support to the council upon request of its chair.

33.26 Subd. 5. **MnSCU.** The Minnesota State Colleges and Universities system is not an
33.27 executive agency for purposes of this section.

33.28 Sec. 36. Minnesota Statutes 2008, section 16A.11, is amended by adding a subdivision
33.29 to read:

33.30 Subd. 3d. **Information technology budget proposals.** A proposal in the detailed
33.31 budget documents for a new investment in information technology systems or equipment
33.32 costing \$100,000 or more must request that money for the system or equipment be
33.33 appropriated to the Office of Enterprise Technology.

33.34 Sec. 37. Minnesota Statutes 2008, section 16A.126, subdivision 1, is amended to read:

34.1 Subdivision 1. **Set rates.** The commissioner shall approve the rates an agency must
34.2 pay to a revolving fund for services. Funds subject to this subdivision include, but are
34.3 not limited to, the revolving funds established in sections 4A.05; 14.46; 14.53; 16B.48;
34.4 16B.54; 16B.58; 16B.85; 16C.03, subdivision 11; 16E.14; 43A.55; and 176.591; and the
34.5 fund established in section 43A.30.

34.6 Sec. 38. Minnesota Statutes 2008, section 16A.133, subdivision 1, is amended to read:

34.7 Subdivision 1. **Payroll direct deposit and deductions.** An agency head in the
34.8 executive, judicial, and legislative branch shall, upon written request signed by an
34.9 employee, directly deposit all or part of an employee's pay to those credit unions or
34.10 financial institutions, as defined in section 47.015, designated by the employee.

34.11 An agency head ~~may~~ must, upon written request of an employee, deduct from the
34.12 pay of the employee a requested amount to be paid to the Minnesota Benefit Association,
34.13 or to any ~~organization~~ organizations contemplated by section 179A.06, of which the
34.14 employee is a member. ~~If an employee has more than one account with the Minnesota~~
34.15 ~~Benefit Association or more than one organization under section 179A.06, only the~~
34.16 ~~Minnesota Benefit Association and one organization, as defined under section 179A.06,~~
34.17 ~~may be paid money by payroll deduction from the employee's pay.~~

34.18 Sec. 39. Minnesota Statutes 2008, section 16A.139, is amended to read:

34.19 **16A.139 MISAPPROPRIATION OF MONEY.**

34.20 ~~It is illegal for any~~ (a) No official or head of any state department in the executive,
34.21 legislative, or judicial branches, or any employee thereof of a state department in those
34.22 branches, to may intentionally use moneys money appropriated by law, or fees collected
34.23 knowing that the use is for any other a purpose other than the purpose for which the
34.24 ~~moneys have been~~ money was appropriated, and any such act by any. Unless a greater
34.25 penalty is specified elsewhere in law, a person who violates this paragraph is guilty of a
34.26 gross misdemeanor.

34.27 (b) A violation of paragraph (a) by a head of a department, or any state official, is
34.28 cause for immediate removal of the official or head of a state department from the position
34.29 held with the government of this state. A criminal conviction under paragraph (a) is not a
34.30 prerequisite for removal. This paragraph does not apply to a judge, a constitutional officer,
34.31 or a legislator, except as potential grounds for expulsion, impeachment, or recall in the
34.32 manner specified in article IV, section 7, and article VIII of the Minnesota Constitution.

35.1 EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes
35.2 committed on or after that date.

35.3 Sec. 40. [16A.1391] BEST PRACTICES FOR INVESTIGATIONS.

35.4 The commissioner of finance must develop and make available to appointing
35.5 authorities in the executive, legislative, and judicial branches a best practices policy for
35.6 conducting investigations in which the appointing authority compels its employees to
35.7 answer questions about allegedly inappropriate activity. The best practices policy must
35.8 be designed to facilitate effective investigations, without compromising the ability to
35.9 prosecute criminal cases when appropriate. Each appointing authority must follow the
35.10 best practices policy or, in consultation with the attorney general, must develop its own
35.11 policy for conducting these investigations.

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

35.13 Sec. 41. Minnesota Statutes 2008, section 16A.151, subdivision 2, is amended to read:

35.14 Subd. 2. **Exceptions.** (a) If a state official litigates or settles a matter on behalf of
35.15 specific injured persons or entities, this section does not prohibit distribution of money
35.16 to the specific injured persons or entities on whose behalf the litigation or settlement
35.17 efforts were initiated. If money recovered on behalf of injured persons or entities cannot
35.18 reasonably be distributed to those persons or entities because they cannot readily be
35.19 located or identified or because the cost of distributing the money would outweigh the
35.20 benefit to the persons or entities, the money must be paid into the general fund.

35.21 (b) Money recovered on behalf of a fund in the state treasury other than the general
35.22 fund may be deposited in that fund.

35.23 (c) This section does not prohibit a state official from distributing money to a person
35.24 or entity other than the state in litigation or potential litigation in which the state is a
35.25 defendant or potential defendant.

35.26 (d) State agencies may accept funds as directed by a federal court for any restitution
35.27 or monetary penalty under United States Code, title 18, section 3663(a)(3) or United
35.28 States Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special
35.29 revenue account and are appropriated to the commissioner of the agency for the purpose
35.30 as directed by the federal court.

35.31 ~~(e) Subdivision 1 does not apply to a recovery or settlement of less than \$750,000.~~

35.32 EFFECTIVE DATE. This section is effective August 1, 2009, and applies to
35.33 actions commenced on or after that date.

36.1 Sec. 42. Minnesota Statutes 2008, section 16A.152, is amended by adding a
36.2 subdivision to read:

36.3 Subd. 8. Report on budget reserve percentage. (a) The commissioner of finance
36.4 must periodically review the formula developed as part of the Budget Trends Study
36.5 Commission authorized by Laws 2007, chapter 148, article 2, section 81, to estimate
36.6 the percentage of the preceding biennium's general fund expenditures and transfers
36.7 recommended as a budget reserve.

36.8 (b) The commissioner must annually review the variables and coefficients in the
36.9 formula used to model the base of the general fund taxes and the mix of taxes that provide
36.10 revenues to the general fund. If the commissioner determines that the variables and
36.11 coefficients have changed enough to result in a change in the percentage of the preceding
36.12 biennium's general fund expenditures and transfers recommended as a budget reserve,
36.13 the commissioner must update the variables and coefficients in the formula to reflect the
36.14 current base and mix of general fund taxes.

36.15 (c) Every ten years, the commissioner must review the methodology underlying the
36.16 formula, taking into consideration relevant economic literature from the past ten years, and
36.17 determine if the formula remains adequate as a tool for estimating the percentage of the
36.18 preceding biennium's general fund expenditures and transfers recommended as a budget
36.19 reserve. If the commissioner determines that the methodology underlying the formula is
36.20 outdated, the commissioner must revise the formula.

36.21 (d) By January 15 of each year, the commissioner must report to the chairs of the
36.22 house of representatives Committee on Ways and Means and the senate Committee on
36.23 Finance, in compliance with sections 3.195 and 3.197, on the percentage of the preceding
36.24 biennium's general fund expenditures and transfers recommended as a budget reserve.
36.25 The report must specify:

36.26 (1) if the commissioner updated the variables and coefficients in the formula to
36.27 reflect significant changes to either the base of one or more general fund taxes or to the
36.28 mix of taxes that provide revenues to the general fund as provided in paragraph (b);

36.29 (2) if the commissioner revised the formula after determining the methodology was
36.30 outdated as provided in paragraph (c); and

36.31 (3) if the percentage of the preceding biennium's general fund expenditures and
36.32 transfers recommended as a budget reserve has changed as a result of an update of or a
36.33 revision to the formula.

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

37.1 Sec. 43. [16A.81] TECHNOLOGY DEVELOPMENT LEASE-PURCHASE
37.2 FINANCING.

37.3 Subdivision 1. Definitions. The following definitions apply to this section.

37.4 (a) "Technology system project" means the development, acquisition, installation,
37.5 and implementation of a technology system that is essential to state operations and is
37.6 expected to have a long useful life.

37.7 (b) "Lease-purchase agreement" means an agreement for the lease and installment
37.8 purchase of a technology system project, or a portion of the project, between the
37.9 commissioner, on behalf of the state, and a vendor or a third-party financing source.

37.10 (c) "Technology development lease-purchase guidelines" means policies, procedures,
37.11 and requirements established by the commissioner for technology system projects that are
37.12 financed pursuant to a lease-purchase agreement.

37.13 Subd. 2. Lease-purchase financing. The commissioner may enter into a
37.14 lease-purchase agreement in an amount sufficient to fund a technology system project and
37.15 authorize the public or private sale and issuance of certificates of participation, provided
37.16 that:

37.17 (1) the technology system project has been authorized by law to be funded pursuant
37.18 to a lease-purchase agreement;

37.19 (2) the term of the lease-purchase agreement and the related certificates of
37.20 participation shall not exceed the lesser of the expected useful life of the technology
37.21 system project financed by the lease-purchase agreement and the certificates or ten years
37.22 from the date of issuance of the lease-purchase agreement and the certificates;

37.23 (3) the principal amount of the lease-purchase agreement and the certificates is
37.24 sufficient to provide for the costs of issuance, capitalized interest, credit enhancement, or
37.25 reserves, if any, as required under the lease-purchase agreement;

37.26 (4) funds sufficient for payment of lease obligations have been committed in the
37.27 authorizing legislation for the technology system project for the fiscal year during which
37.28 the lease-purchase agreement is entered into; provided that no lease-purchase agreement
37.29 shall obligate the state to appropriate funds sufficient to make lease payments due under
37.30 such agreement in any future fiscal year; and

37.31 (5) planned expenditures for the technology system project are permitted within the
37.32 technology development lease-purchase guidelines.

37.33 Subd. 3. Covenants. The commissioner may covenant in a lease-purchase
37.34 agreement that the state will abide by the terms and provisions that are customary in
37.35 lease-purchase financing transactions, including but not limited to, covenants providing
37.36 that the state:

38.1 (1) will maintain insurance as required under the terms of the lease-purchase
38.2 agreement;

38.3 (2) is responsible to the lessor for any public liability or property damage claims or
38.4 costs related to the selection, use, or maintenance of the technology system project, to the
38.5 extent of insurance or self-insurance maintained by the state, and for costs and expenses
38.6 incurred by the lessor as a result of any default by the state; or

38.7 (3) authorizes the lessor to exercise the rights of a secured party with respect to
38.8 the technology system project or any portion of the project in the event of default or
38.9 nonappropriation of funds by the state, and for the present recovery of lease payments
38.10 due during the current term of the lease-purchase agreement as liquidated damages in
38.11 the event of default.

38.12 Subd. 4. **Credit and appropriation of proceeds.** Proceeds of the lease-purchase
38.13 agreement and certificates of participation must be credited to a technology lease project
38.14 fund in the state treasury. Net income from investment of the proceeds, as estimated by
38.15 the commissioner, must be credited to the appropriate accounts in the technology lease
38.16 project fund. Funds in the technology lease project fund are appropriated for the purposes
38.17 described in the authorizing law for each technology development project and this section.

38.18 Subd. 5. **Transfer of funds.** Before the lease-purchase proceeds are received in the
38.19 technology lease project fund, the commissioner may transfer to that fund from the general
38.20 fund amounts not exceeding the expected proceeds from the lease-purchase agreement
38.21 and certificates of participation. The commissioner shall return these amounts to the
38.22 general fund by transferring proceeds when received. The amounts of these transfers are
38.23 appropriated from the general fund and from the technology lease project fund.

38.24 Subd. 6. **Administrative expenses.** Actual and necessary travel and subsistence
38.25 expenses of employees and all other nonsalary expenses incidental to the sale, printing,
38.26 execution, and delivery of the lease-purchase agreement and certificates of participation
38.27 may be paid from the lease-purchase proceeds. The lease-purchase proceeds are
38.28 appropriated for this purpose.

38.29 Subd. 7. **Treatment of technology lease project fund.** Lease-purchase proceeds
38.30 remaining in the technology lease project fund after the purposes for which the
38.31 lease-purchase agreement was undertaken are accomplished or abandoned, as determined
38.32 by the commissioner, must be transferred to the general fund.

38.33 Subd. 8. **Lease-purchase not public debt.** A lease-purchase agreement does not
38.34 constitute or create a general or moral obligation or indebtedness of the state in excess
38.35 of the money from time to time appropriated or otherwise available for payments or
38.36 obligations under such agreement. Payments due under a lease-purchase agreement during

39.1 a current lease term for which money has been appropriated is a current expense of the
39.2 state.

39.3 Subd. 9. **Refunding certificates.** The commissioner from time to time may enter
39.4 into a new lease-purchase agreement and issue and sell certificates of participation for the
39.5 purpose of refunding any lease-purchase agreement and related certificates of participation
39.6 then outstanding, including the payment of any redemption premiums, any interest accrued
39.7 or that is to accrue to the redemption date, and costs related to the issuance and sale of such
39.8 refunding certificates. The proceeds of any refunding certificates may, in the discretion of
39.9 the commissioner, be applied to the purchase or payment at maturity of the certificates to
39.10 be refunded, to the redemption of outstanding lease-purchase agreements and certificates
39.11 on any redemption date, or to pay interest on the refunding lease-purchase agreements
39.12 and certificates and may, pending such application, be placed in escrow to be applied to
39.13 such purchase, payment, retirement, or redemption. Any escrowed proceeds, pending such
39.14 use, may be invested and reinvested in obligations that are authorized investments under
39.15 section 11A.24. The income earned or realized on any authorized investment may also be
39.16 applied to the payment of the lease-purchase agreements and certificates to be refunded,
39.17 interest or premiums on the refunded certificates, or to pay interest on the refunding
39.18 lease-purchase agreements and certificates. After the terms of the escrow have been fully
39.19 satisfied, any balance of proceeds and any investment income may be returned to the
39.20 general fund, or if applicable, the technology lease project fund, for use in a lawful manner.
39.21 All refunding lease-purchase agreements and certificates issued under the provisions of
39.22 this subdivision must be prepared, executed, delivered, and secured by appropriations in
39.23 the same manner as the lease-purchase agreements and certificates to be refunded.

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

39.25 Sec. 44. **[16A.82] TECHNOLOGY LEASE-PURCHASE APPROPRIATION.**

39.26 \$8,975,000 is appropriated annually from the general fund to the commissioner
39.27 to make payments under a lease-purchase agreement as defined in section 16A.81 for
39.28 replacement of the state's accounting and procurement systems, provided that the state is
39.29 not obligated to continue such appropriation of funds or to make lease payments in any
39.30 future fiscal year. Any unexpended portions of this appropriation cancel to the general
39.31 fund at the close of each biennium. This section expires June 30, 2020.

39.32 **EFFECTIVE DATE.** This section is effective July 1, 2010.

39.33 Sec. 45. **[16A.90] E-VERIFY.**

40.1 An employer using state funds or funds available under the American Recovery
40.2 and Reinvestment Act of 2009 to hire new employees must use the E-Verify system to
40.3 determine employment eligibility of new hires.

40.4 Sec. 46. **[16B.1225] LETTER-SIZED PAPER FOR DOCUMENTS.**

40.5 State entities in the executive, legislative, and judicial branches must use standard
40.6 letter-sized paper to print documents to the extent practical, and may not print documents
40.7 on legal-sized paper unless this is the only possible size paper for a particular document.

40.8 Sec. 47. Minnesota Statutes 2008, section 16B.24, is amended by adding a subdivision
40.9 to read:

40.10 Subd. 5b. **Employee fitness and wellness facilities.** An entity in the executive,
40.11 legislative, or judicial branch may use space under its control to offer fitness, wellness,
40.12 or similar classes or activities to its employees, and may allow persons conducting these
40.13 classes or activities to charge employees a fee to participate. Revenue received by a public
40.14 entity under this section is appropriated to the entity. This authorization applies to all state
40.15 space, including property in the Capitol area, and other designated property as defined
40.16 in rules adopted by the commissioner of public safety. Persons conducting these classes
40.17 or activities, and participating employees, waive any and all claims of liability against
40.18 the state for any damage or injury arising from the use of state space for employee fitness
40.19 and wellness classes or similar classes or activities. Persons conducting these classes or
40.20 activities agree to indemnify, save, and hold the state, its agents, and employees harmless
40.21 from any claims or causes of action, including attorney fees incurred by the state that arise
40.22 from these classes or activities.

40.23 Sec. 48. Minnesota Statutes 2008, section 16B.24, is amended by adding a subdivision
40.24 to read:

40.25 Subd. 5c. **Rulemaking.** The commissioner of public safety must amend Minnesota
40.26 Rules, part 7525.0400, and any other rules as necessary to conform with subdivision 5b.
40.27 The commissioner may use the good cause exemption, under authority of Minnesota
40.28 Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform with
40.29 subdivision 5b.

40.30 Sec. 49. **[16B.242] ENTERPRISE REAL PROPERTY ACCOUNT.**

40.31 The enterprise real property technology system and services account is created
40.32 in the special revenue fund. Receipts credited to the account are appropriated to the

41.1 commissioner of administration for the purpose of funding the personnel and technology
41.2 to maintain the enterprise real property system and services.

41.3 Sec. 50. **[16B.2421] BIRD-SAFE BUILDINGS.**

41.4 Between March 15 and May 31 and between August 15 and October 31 each year,
41.5 occupants of state-owned or state-leased buildings must attempt to reduce dangers posed
41.6 to migrating birds by turning off building lights between midnight and dawn, to the extent
41.7 turning off lights is consistent with the normal use of the buildings. The commissioner of
41.8 administration may adopt policies to implement this requirement.

41.9 Sec. 51. **[16B.243] NAMING RIGHTS.**

41.10 The commissioner of administration may enter into a contract to sell the naming
41.11 rights to a state-owned building, or to meeting rooms within a state-owned building. This
41.12 section does not apply to the State Capitol building, to the Minnesota Judicial Center, or
41.13 the State Office Building.

41.14 Sec. 52. **[16B.276] COMPOSTABLE MATERIALS IN CAFETERIAS.**

41.15 In entering into contracts for operation of cafeterias in the Capitol complex, the
41.16 commissioner of administration must ensure, to the extent practicable and economical, that
41.17 disposable utensils, plates and containers used in the cafeterias are made of a corn-based
41.18 or other compostable material, and that used utensils, plates and containers are collected
41.19 and processed in a manner such that they can be composted.

41.20 Sec. 53. **[16B.351] ADVERTISING.**

41.21 The commissioner of administration may enter into a contract to sell advertising on
41.22 temporary fences or other temporary barriers adjacent to construction or repair projects on
41.23 state-owned buildings or grounds.

41.24 Sec. 54. Minnesota Statutes 2008, section 16B.54, subdivision 2, is amended to read:

41.25 Subd. 2. **Vehicles.** (a) The commissioner may direct an agency to make a transfer of
41.26 a passenger motor vehicle or truck currently assigned to it. The transfer must be made to
41.27 the commissioner for use in the central motor pool. The commissioner shall reimburse an
41.28 agency whose motor vehicles have been paid for with funds dedicated by the Constitution
41.29 for a special purpose and which are assigned to the central motor pool. The amount of
41.30 reimbursement for a motor vehicle is its average wholesale price as determined from the
41.31 midwest edition of the National Automobile Dealers Association official used car guide.

42.1 (b) To the extent that funds are available for the purpose, the commissioner may
42.2 purchase or otherwise acquire additional passenger motor vehicles and trucks necessary
42.3 for the central motor pool. The title to all motor vehicles assigned to or purchased or
42.4 acquired for the central motor pool is in the name of the Department of Administration.

42.5 (c) On the request of an agency, the commissioner may transfer to the central
42.6 motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The
42.7 department or agency transferring the vehicle or truck must be paid for it from the motor
42.8 pool revolving account established by this section in an amount equal to two-thirds of the
42.9 average wholesale price of the vehicle or truck as determined from the midwest edition of
42.10 the National Automobile Dealers Association official used car guide.

42.11 (d) The commissioner shall provide for the uniform marking of all motor vehicles.
42.12 Motor vehicle colors must be selected from the regular color chart provided by the
42.13 manufacturer each year. The commissioner may further provide for the use of motor
42.14 vehicles without marking by:

42.15 (1) the governor;

42.16 ~~(2) the lieutenant governor;~~

42.17 ~~(3)~~ (2) the Division of Criminal Apprehension, the Division of Alcohol and
42.18 Gambling Enforcement, and arson investigators of the Division of Fire Marshal in the
42.19 Department of Public Safety;

42.20 ~~(4)~~ (3) the Financial Institutions Division of the Department of Commerce;

42.21 ~~(5)~~ (4) the Division of Disease Prevention and Control of the Department of Health;

42.22 ~~(6)~~ (5) the State Lottery;

42.23 ~~(7)~~ (6) criminal investigators of the Department of Revenue;

42.24 ~~(8)~~ (7) state-owned community service facilities in the Department of Human
42.25 Services;

42.26 ~~(9)~~ (8) the investigative staff of the Department of Employment and Economic
42.27 Development;

42.28 ~~(10)~~ (9) the Office of the Attorney General; and

42.29 ~~(11)~~ (10) the investigative staff of the Gambling Control Board.

42.30 (e) The state may not provide a car for use of the lieutenant governor.

42.31 Sec. 55. **[16B.90] MILESTONES REPORT REQUIRED.**

42.32 The commissioner of administration must establish a statewide system of economic
42.33 (including tax implications), social, and environmental performance measures. The
42.34 milestones must provide the economic (including tax implications), social, and
42.35 environmental information necessary for public and elected officials to understand and

43.1 evaluate the sustainability of the state's long-term trends. The commissioner must report
43.2 on the trends and their implications each year. The commissioner may contract for the
43.3 development of information and measures.

43.4 Sec. 56. **[16B.99] GEOSPATIAL INFORMATION OFFICE.**

43.5 Subdivision 1. **Creation.** The Minnesota Geospatial Information Office is created
43.6 under the supervision of the commissioner of administration.

43.7 Subd. 2. **Responsibilities; authority.** The office has authority to provide
43.8 coordination, guidance, and leadership, and to plan the implementation of Minnesota's
43.9 geospatial information technology. The office shall identify, coordinate, and guide
43.10 strategic investments in geospatial information technology systems, data, and services to
43.11 ensure effective implementation and use of Geospatial Information Systems (GIS) by state
43.12 agencies to maximize benefits for state government as an enterprise.

43.13 Subd. 3. **Duties.** (a) The office must:

43.14 (1) coordinate and guide the efficient and effective use of available federal,
43.15 state, local, and public-private resources to develop statewide geospatial information
43.16 technology, data, and services;

43.17 (2) provide leadership and outreach, and ensure cooperation and coordination for
43.18 all GIS functions in state and local government, including coordination between state
43.19 agencies, intergovernment coordination between state and local units of government, and
43.20 extragovernment coordination, which includes coordination with academic and other
43.21 private and nonprofit sector GIS stakeholders;

43.22 (3) review state agency and intergovernment geospatial technology, data, and
43.23 services development efforts involving state or intergovernment funding, including federal
43.24 funding;

43.25 (4) provide information to the legislature regarding projects reviewed, and
43.26 recommend projects for inclusion in the governor's budget under section 16A.11;

43.27 (5) coordinate management of geospatial technology, data, and services between
43.28 state and local governments;

43.29 (6) provide coordination, leadership, and consultation to integrate government
43.30 technology services with GIS infrastructure and GIS programs;

43.31 (7) work to avoid or eliminate unnecessary duplication of existing GIS technology
43.32 services and systems, including services provided by other public and private organizations
43.33 while building on existing governmental infrastructures;

43.34 (8) promote and coordinate consolidated geospatial technology, data, and services
43.35 and shared geospatial Web services for state and local governments; and

44.1 (9) promote and coordinate geospatial technology training, technical guidance, and
44.2 project support for state and local governments.

44.3 Subd. 4. **Duties of chief geospatial information officer.** (a) In consultation with the
44.4 state geospatial advisory council, the commissioner of administration, the commissioner
44.5 of finance, and the Minnesota chief information officer, the chief geospatial information
44.6 officer must identify when it is cost-effective for agencies to develop and use shared
44.7 information and geospatial technology systems, data, and services. The chief geospatial
44.8 information officer may require agencies to use shared information and geospatial
44.9 technology systems, data, and services.

44.10 (b) The chief geospatial information officer, in consultation with the state
44.11 geospatial advisory council, must establish reimbursement rates in cooperation with
44.12 the commissioner of finance to bill agencies and other governmental entities sufficient
44.13 to cover the actual development, operation, maintenance, and administrative costs of
44.14 the shared systems. The methodology for billing may include the use of interagency
44.15 agreements, or other means as allowed by law.

44.16 Subd. 5. **Fees.** (a) The chief geospatial information officer must set fees under
44.17 section 16A.1285 that reflect the actual cost of providing information products and
44.18 services to clients. The fees must be approved by the commissioner of finance. Fees
44.19 are not subject to rulemaking under chapter 14 and section 14.386 does not apply. Fees
44.20 collected must be deposited in the state treasury and credited to the Minnesota Geospatial
44.21 Information Office revolving account. Money in the account is appropriated to the chief
44.22 geospatial information officer for providing GIS consulting services, software, data, Web
44.23 services, and map products on a cost-recovery basis, including the cost of services,
44.24 supplies, material, labor, and equipment as well as the portion of the general support
44.25 costs and statewide indirect costs of the office that is attributable to the delivery of these
44.26 products and services. Money in the account shall not be used for the general operation of
44.27 the Minnesota Geospatial Information Office.

44.28 (b) The chief geospatial information officer may require a state agency to make
44.29 an advance payment to the revolving fund sufficient to cover the agency's estimated
44.30 obligation for a period of 60 days or more. If the revolving fund is abolished or liquidated,
44.31 the total net profit from the operation of the fund must be distributed to the various funds
44.32 from which purchases were made. For a given period of time, the amount of total net profit
44.33 to be distributed to each fund shall reflect the same ratio of total purchases attributable to
44.34 each fund divided by the total purchases from all funds.

44.35 Subd. 6. **Accountability.** The chief geospatial information officer is appointed by
44.36 the commissioner of administration and shall work closely with the Minnesota chief

45.1 information officer who shall play an advisory role on technology projects, standards,
45.2 and services.

45.3 Subd. 7. **Discretionary powers.** The office may:

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

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

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

45.9 (4) enter into contracts with agencies of the federal government, local government
45.10 units, the University of Minnesota and other educational institutions, and private persons
45.11 and other nongovernment organizations as necessary to perform its statutory duties;

45.12 (5) appoint committees and task forces to assist the office in carrying out its duties;

45.13 (6) sponsor and conduct conferences and studies, collect and disseminate
45.14 information, and issue reports relating to geospatial information and technology issues;

45.15 (7) participate in the activities and conferences related to geospatial information
45.16 and communications technology issues;

45.17 (8) review the GIS technology infrastructure of regions of the state and cooperate
45.18 with and make recommendations to the governor, legislature, state agencies, local
45.19 governments, local technology development agencies, the federal government, private
45.20 businesses, and individuals for the realization of GIS information and technology
45.21 infrastructure development potential;

45.22 (9) sponsor, support, and facilitate innovative and collaborative geospatial systems
45.23 technology, data, and services projects; and

45.24 (10) review and recommend alternative sourcing strategies for state geospatial
45.25 information systems technology, data, and services.

45.26 Subd. 8. **Geospatial advisory councils created.** The chief geospatial information
45.27 officer must establish a governance structure that includes advisory councils to obtain
45.28 expert advice from stakeholders on issues focusing on improving the operations and
45.29 management of geospatial technology within state government and also on issues of
45.30 importance to users of geospatial technology throughout the state.

45.31 (a) A statewide geospatial advisory council must advise the Minnesota Geospatial
45.32 Information Office about issues concerning the improvement of services statewide
45.33 through the coordinated, affordable, reliable, and effective use of geospatial technology.
45.34 Membership of the statewide council must include voting members selected to represent a
45.35 cross section of organizations that include counties, cities, universities, business, nonprofit
45.36 organizations, federal agencies, and state agencies. State agency membership must be

46.1 limited to no more than 20 percent of the total voting membership. In addition, the chief
46.2 geospatial information officer must be a nonvoting member.

46.3 (b) A state government geospatial advisory council must advise the Minnesota
46.4 Geospatial Information Office on issues concerning improving state government services
46.5 through the coordinated, affordable, reliable, and effective use of geospatial technology.
46.6 Membership of the state government council must include voting members representing
46.7 up to 15 state government agencies and constitutional offices, including the Office of
46.8 Enterprise Technology and the Minnesota Geospatial Information Office and shall be
46.9 chaired by the chief geographic information officer. A representative of the statewide
46.10 geospatial advisory council must serve as a nonvoting member.

46.11 (c) Members of both the statewide geospatial advisory council and the state
46.12 government advisory council must be recommended by a process that ensures that each
46.13 member is designated to represent a clearly identified agency or stakeholder category
46.14 and that complies with the state's open appointment process. Appointments must be
46.15 made by the commissioner of administration for a period of two years. Members serve
46.16 at the pleasure of the commissioner. Members must be reimbursed for expenses in the
46.17 manner specified in section 15.059, but do not receive per diem under that section. The
46.18 advisory councils expire June 30, 2013.

46.19 (d) The Minnesota Geospatial Information Office must provide administrative
46.20 support for both geospatial advisory councils.

46.21 Subd. 9. **Report to legislature.** By January 15, 2010, the chief geospatial
46.22 information officer must provide a report to the appropriate chairs of the state government
46.23 committees of the legislature that addresses all statutes that refer to the land management
46.24 information center or land management information system and makes a recommendation
46.25 about whether they should be continued, amended, or repealed.

46.26 **EFFECTIVE DATE.** This section is effective July 1, 2009.

46.27 Sec. 57. **[16C.046] INELIGIBILITY.**

46.28 A person is not eligible to be awarded a contract, or sell any goods or services to
46.29 an agency if the person has been convicted of a crime for knowingly employing illegal
46.30 aliens in the United States. The person remains ineligible for five years from the date of
46.31 the conviction. This section applies to the Minnesota State Colleges and Universities.
46.32 For purposes of this section, "person" means a natural person or a business. A business
46.33 is ineligible under this section if a natural person who owns more than one-half of the
46.34 business is convicted of a crime specified in this section. The commissioner may waive

47.1 application of this section if the commissioner determines that waiver is in the best
47.2 interests of the state.

47.3 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
47.4 solicitations sent and contracts entered into on and after that date.

47.5 Sec. 58. **[16E.22] STATEWIDE ELECTRONIC LICENSING SYSTEM.**

47.6 Subdivision 1. **Account established; appropriation.** The statewide electronic
47.7 licensing account is created in the special revenue fund. Receipts credited to the account
47.8 are appropriated to the state chief information officer for completion of the Minnesota
47.9 electronic licensing system, for transferring licensing agencies to the system, and for
47.10 operation and maintenance of the system during the completion and transfer period.

47.11 Subd. 2. **Requirements.** The transfer of an existing electronic licensing system
47.12 to the Minnesota electronic licensing system may not reduce the critical functionality
47.13 provided by the existing system.

47.14 Subd. 3. **Temporary licensing surcharge.** (a) Executive branch state agencies shall
47.15 collect a temporary surcharge of ten percent of the licensing fee, but no less than \$5 and no
47.16 more than \$150 on each business, commercial, professional, or occupational license that:

47.17 (1) requires a fee; and

47.18 (2) will be transferred to the Minnesota electronic licensing system, as determined
47.19 by the state chief information officer.

47.20 The surcharge applies to initial license applications and license renewals. Each agency
47.21 that issues a license subject to this subdivision shall collect the surcharge for the license
47.22 for up to six years between July 1, 2009, and June 30, 2015, as directed by the state
47.23 chief information officer. Receipts from the surcharge shall be deposited in the statewide
47.24 licensing account established in subdivision 1. Department of Commerce licensees who
47.25 are paying for an existing electronic licensing database system under section 45.24 must
47.26 not be required to pay the surcharge under this section. The funds acquired under section
47.27 45.24 must be used in part, as determined by the commissioner of commerce, to fund the
47.28 statewide electronic licensing system under this section and the fee imposed on licensees
47.29 who pay for the system under section 45.24 may not exceed the maximum fee allowed
47.30 under that section.

47.31 (b) An agency may transfer an amount equivalent to the surcharge imposed under
47.32 this section from existing license accounts in lieu of collecting the surcharge required
47.33 under this section. If a transfer is made under this paragraph, the temporary surcharge
47.34 required under paragraph (a) does not apply to the relevant license. Receipts from

48.1 transfers received under this paragraph shall be deposited in the statewide licensing
48.2 account established in subdivision 1.

48.3 Subd. 4. **Priority.** In completing the statewide electronic licensing system, the
48.4 chief information officer must give priority to the extent practical to licenses that are
48.5 not currently issued electronically.

48.6 Subd. 5. **Contract authority.** The state chief information officer may enter into
48.7 a risk-share or phased agreement with a vendor to complete the Minnesota electronic
48.8 licensing system and to transfer licensing agencies to the system, provided that the
48.9 payment for the vendor's services under the agreement is limited to the revenue from the
48.10 surcharge enacted under subdivision 2, after payment of state operating and maintenance
48.11 costs. The agreement must clearly indicate that the state chief information officer may
48.12 only expend amounts actually collected from the surcharge, after state operations and
48.13 maintenance costs have been paid, in payment for the vendor's services and that the vendor
48.14 assumes this risk when performing work under the contract. This section does not require
48.15 the state chief information officer to pay the vendor the entire amount of the surcharge
48.16 revenue that remains after payment of state operations and maintenance costs. Before
48.17 entering into a contract under this subdivision, the state chief information officer must
48.18 consult with the commissioner of finance regarding the implementation of the surcharge
48.19 and the terms of the contract.

48.20 Subd. 6. **Unused funds.** Money remaining in the statewide electronic licensing
48.21 account after payment of all costs of completing the Minnesota electronic licensing
48.22 system, transferring licensing agencies to the system, and operating and maintaining
48.23 the system during the completion and transfer period is appropriated for the costs of
48.24 operating and maintaining the Minnesota electronic licensing system after the system
48.25 has been completed.

48.26 Subd. 7. **Priority.** To the extent possible, in completing the Minnesota electronic
48.27 licensing system, the state chief information officer must give priority to licenses that are
48.28 not issued electronically. Licenses regulated by a health board under chapter 214 must not
48.29 be transferred to the Minnesota electronic licensing system before July 1, 2011.

48.30 Subd. 8. **Expiration.** This section expires on June 30, 2017.

48.31 Sec. 59. Minnesota Statutes 2008, section 43A.02, is amended by adding a subdivision
48.32 to read:

48.33 Subd. 18a. **Domestic partner.** "Domestic partner" means a person who has entered
48.34 into a committed interdependent relationship with one other adult, where the partners:

48.35 (1) are responsible for each other's basic common welfare;

49.1 (2) share a common residence and intend to do so indefinitely;

49.2 (3) are not related by blood or adoption to an extent that would prohibit marriage in
49.3 this state; and

49.4 (4) are legally competent and qualified to enter into a contract.

49.5 For purposes of this subdivision, domestic partners may be considered to share a
49.6 common residence, even if they do not each have a legal right to possess the residence or
49.7 one or both domestic partners possess additional real property.

49.8 If one domestic partner temporarily leaves the common residence with the intention
49.9 to return, the domestic partners continue to share a common residence for the purposes
49.10 of this subdivision.

49.11 Sec. 60. Minnesota Statutes 2008, section 43A.1815, is amended to read:

49.12 **43A.1815 VACATION DONATION TO SICK LEAVE ACCOUNT.**

49.13 (a) In addition to donations under section 43A.181, a state employee may donate
49.14 a total of up to ~~12~~ 40 hours of accrued vacation leave each fiscal year to the sick leave
49.15 account of one or more state employees. A state employee may not be paid for more than
49.16 80 hours in a payroll period during which the employee uses sick leave credited to the
49.17 employee's account as a result of a transfer from another state employee's vacation account.

49.18 (b) The recipient employee must receive donations, as available, for an illness
49.19 or condition of the employee or a member of the employee's family that prevents the
49.20 employee from working. The donations must be available without a waiting period as
49.21 soon as the employee's sick and vacation leave is exhausted. Donations may be used for
49.22 up to a total of 1,044 hours during the duration of eligible employment. Recipients must
49.23 continue to accrue vacation and sick leave while they are on donation leave.

49.24 (c) An applicant for benefits under this section who receives an unfavorable
49.25 determination may select a designee to consult with the commissioner or commissioner's
49.26 designee on the reasons for the determination.

49.27 (d) The commissioner shall establish procedures under section 43A.04, subdivision
49.28 4, for eligibility, duration of need based on individual cases, monitoring and evaluation of
49.29 individual eligibility status, and other topics related to administration of this program.

49.30 Sec. 61. **[43A.184] SICK LEAVE FOR VETERANS WITH SERVICE-RELATED**
49.31 **DISABILITIES.**

49.32 On a form prescribed by the commissioner, a state employee who is a veteran with a
49.33 service-related disability may apply to the employee's appointing authority for additional
49.34 sick leave to receive treatment for the disability, as provided in this section. The employee

50.1 must qualify as a veteran under section 197.447, and have a sick leave balance that is
50.2 insufficient to receive treatment for the disability. If the appointing authority approves the
50.3 request, the appointing authority shall authorize 40 hours of sick leave for the employee in
50.4 the current fiscal year. The appointing authority may approve sick leave for an employee
50.5 under this section one time in each fiscal year.

50.6 Sec. 62. Minnesota Statutes 2008, section 43A.24, subdivision 1, is amended to read:

50.7 Subdivision 1. **General.** Employees, including persons on layoff from a civil
50.8 service position, and employees who are employed less than full time, shall be eligible
50.9 for state paid life insurance and hospital, medical and dental benefits as provided in
50.10 collective bargaining agreements or plans established pursuant to section 43A.18. If a
50.11 collective bargaining agreement or plan provides state paid health insurance for spouses of
50.12 employees, the insurance must be made available to a domestic partner of a state employee
50.13 on the same terms and conditions.

50.14 **EFFECTIVE DATE.** This section is effective January 1, 2012.

50.15 Sec. 63. Minnesota Statutes 2008, section 43A.49, is amended to read:

50.16 **43A.49 VOLUNTARY UNPAID LEAVE OF ABSENCE.**

50.17 (a) Appointing authorities in state government may allow each employee to take
50.18 unpaid leaves of absence for up to 1,040 hours ~~between June 1, 2007, and June 30, 2009.~~
50.19 ~~The 1,040 hour limit replaces, and is not in addition to, limits set in prior laws in each~~
50.20 two-year period beginning July 1 of each odd-numbered year. Each appointing authority
50.21 approving such a leave shall allow the employee to continue accruing vacation and sick
50.22 leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue
50.23 service credit and credited salary in ~~the state~~ retirement plans as if the employee had
50.24 actually been employed during the time of leave. An employee covered by the unclassified
50.25 plan may voluntarily make the employee contributions to the unclassified plan during the
50.26 leave of absence. If the employee makes these contributions, the appointing authority
50.27 must make the employer contribution. If the leave of absence is for one full pay period or
50.28 longer, any holiday pay shall be included in the first payroll warrant after return from the
50.29 leave of absence. The appointing authority shall attempt to grant requests for the unpaid
50.30 leaves of absence consistent with the need to continue efficient operation of the agency.
50.31 However, each appointing authority shall retain discretion to grant or refuse to grant
50.32 requests for leaves of absence and to schedule and cancel leaves, subject to the applicable
50.33 provisions of collective bargaining agreements and compensation plans.

51.1 (b) To receive eligible service credit and credited salary in a defined benefit plan, the
51.2 member shall pay an amount equal to the applicable employee contribution rates. If an
51.3 employee pays the employee contribution for the period of the leave under this section,
51.4 the appointing authority must pay the employer contribution. The appointing authority
51.5 may, at its discretion, pay the employee contributions. Contributions must be made in a
51.6 time and manner prescribed by the executive director of the ~~Minnesota State Retirement~~
51.7 applicable retirement Association system.

51.8 Sec. 64. **[43A.55] MANAGEMENT ANALYSIS REVOLVING FUND.**

51.9 Subdivision 1. **Creation.** The management analysis revolving fund is created in the
51.10 state treasury.

51.11 Subd. 2. **Appropriation and use of funds.** Money in the management analysis
51.12 revolving fund is appropriated annually to the commissioner to provide analytical,
51.13 statistical, and organizational development services to state agencies, local units of
51.14 government, metropolitan and regional agencies, school districts, and other public entities
51.15 in the state.

51.16 Subd. 3. **Reimbursements.** Except as specifically provided otherwise, each
51.17 agency shall reimburse the management analysis revolving fund for the cost of all
51.18 services, supplies, materials, labor, and depreciation of equipment, including reasonable
51.19 overhead costs, that the commissioner is authorized and directed to furnish an agency.
51.20 The commissioner shall report the rates to be charged for the revolving fund no later than
51.21 July 1 of each year to the chair of the committee or division of the senate or the house of
51.22 representatives with primary jurisdiction over the budget of the Department of Finance.

51.23 Subd. 4. **Cash flow.** The commissioner may make appropriate transfers to the
51.24 revolving fund according to section 16A.126. The commissioner may make allotment
51.25 and encumbrances in anticipation of these transfers. In addition, the commissioner may
51.26 require an agency to make advance payments to the revolving fund sufficient to cover
51.27 the office's estimated obligation for a period of at least 60 days. All reimbursements
51.28 and other money received by the commissioner under this section must be deposited in
51.29 the management analysis revolving fund.

51.30 Subd. 5. **Liquidation.** If the management analysis revolving fund is abolished or
51.31 liquidated, the total net profit from the operation of the fund must be distributed to the
51.32 various funds from which purchases were made. For a given period of time, the amount of
51.33 total net profit to be distributed to each fund shall reflect the same ratio of total purchases
51.34 attributable to each fund divided by the total purchases from all funds.

52.1 Sec. 65. Minnesota Statutes 2008, section 116G.15, is amended to read:

52.2 **116G.15 MISSISSIPPI RIVER CRITICAL AREA.**

52.3 ~~(a)~~ The federal Mississippi National River and Recreation Area established
52.4 pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of
52.5 critical concern in accordance with this chapter. The governor shall review the existing
52.6 Mississippi River critical area plan and specify any additional standards and guidelines
52.7 to affected communities in accordance with section 116G.06, subdivision 2, paragraph
52.8 (b), clauses (3) and (4), needed to insure preservation of the area pending the completion
52.9 of the federal plan.

52.10 ~~The results of an environmental impact statement prepared under chapter 116D~~
52.11 ~~begun before and completed after July 1, 1994, for a proposed project that is located in~~
52.12 ~~the Mississippi River critical area north of the United States Army Corps of Engineers~~
52.13 ~~Lock and Dam Number One must be submitted in a report to the chairs of the environment~~
52.14 ~~and natural resources policy and finance committees of the house of representatives~~
52.15 ~~and the senate prior to the issuance of any state or local permits and the authorization~~
52.16 ~~for an issuance of any bonds for the project. A report made under this paragraph shall~~
52.17 ~~be submitted by the responsible governmental unit that prepared the environmental~~
52.18 ~~impact statement, and must list alternatives to the project that are determined by the~~
52.19 ~~environmental impact statement to be economically less expensive and environmentally~~
52.20 ~~superior to the proposed project and identify any legislative actions that may assist in the~~
52.21 ~~implementation of environmentally superior alternatives. This paragraph does not apply~~
52.22 ~~to a proposed project to be carried out by the Metropolitan Council or a metropolitan~~
52.23 ~~agency as defined in section 473.121.~~

52.24 ~~(b) If the results of an environmental impact statement required to be submitted by~~
52.25 ~~paragraph (a) indicate that there is an economically less expensive and environmentally~~
52.26 ~~superior alternative, then no member agency of the Environmental Quality Board shall~~
52.27 ~~issue a permit for the facility that is the subject of the environmental impact statement,~~
52.28 ~~other than an economically less expensive and environmentally superior alternative,~~
52.29 ~~nor shall any government bonds be issued for the facility, other than an economically~~
52.30 ~~less expensive and environmentally superior alternative, until after the legislature has~~
52.31 ~~adjourned its regular session sine die in 1996.~~

52.32 Sec. 66. **[116G.152] CRITICAL AREA.**

52.33 The Metropolitan Council, in consultation with the Environmental Quality Board,
52.34 shall consider for inclusion in the regional recreational open space system created in
52.35 chapter 473 property adjacent to Main Street and southeast of 6th Avenue Southeast in the

53.1 city of Minneapolis. The Council and the Environmental Quality Board shall report to the
53.2 legislature by January 15, 2011, on the extent to which inclusion of the property in the
53.3 open space system would support official plans for the area, including local comprehensive
53.4 plans, regional park plans, and Mississippi River Critical Area standards. No rezoning,
53.5 conditional use permit, or variance may be granted with respect to any property in the area
53.6 described in this section until the legislature determines that the property is not suitable for
53.7 inclusion in the regional recreational open space system.

53.8 Sec. 67. Minnesota Statutes 2008, section 135A.17, subdivision 2, is amended to read:

53.9 Subd. 2. **Residential housing list.** ~~All postsecondary institutions that enroll students~~
53.10 ~~accepting state or federal financial aid may~~ (a) Institutions within the Minnesota State
53.11 Colleges and Universities system must prepare a current list of students enrolled in the
53.12 institution and residing in the institution's housing or within ten miles of the institution's
53.13 ~~campus~~ Minnesota. The list shall must include each student's name and current address
53.14 as permitted by applicable privacy laws. The list shall must be certified and sent to the
53.15 ~~appropriate county auditor or auditors~~ secretary of state no earlier than 30 and no later than
53.16 25 days prior to the November general election, in an electronic format specified by the
53.17 secretary of state, for use in election day registration as provided under section 201.061,
53.18 subdivision 3. The certification must be dated and signed by the chief officer or designee
53.19 of the postsecondary educational institution, or for institutions within the Minnesota
53.20 State Colleges and Universities system, by the chancellor, and must state that the list is
53.21 current and accurate and includes only the names of currently enrolled students residing in
53.22 Minnesota as of the date of certification. The secretary of state must combine the data
53.23 received from each postsecondary educational institution under this subdivision and must
53.24 process the data to locate the precinct in which the address provided for each student is
53.25 located. If the data submitted by the postsecondary educational institution is insufficient
53.26 for the secretary of state to locate the proper precinct, the associated student name must
53.27 not appear in any list forwarded to a county auditor under this subdivision.

53.28 At least 14 days prior to the November general election, the secretary of state
53.29 must forward to the appropriate county auditor lists of students containing the students'
53.30 names and addresses for which precinct determinations have been made along with their
53.31 postsecondary educational institutions. The list must be sorted by precinct and student
53.32 last name and must be forwarded in an electronic format specified by the secretary of
53.33 state or other mutually agreed upon medium, if a written agreement specifying the
53.34 medium is signed by the secretary of state and the county auditor at least 90 days before

54.1 the November general election. A written agreement is effective for all elections until
54.2 rescinded by either the secretary of state or the county auditor.

54.3 (b) Other postsecondary institutions may provide lists as provided by this subdivision
54.4 or as provided by the rules of the secretary of state. The University of Minnesota is
54.5 requested to comply with this subdivision.

54.6 (c) A residential housing list provided under this subdivision may not be used or
54.7 disseminated by a county auditor or the secretary of state for any other purpose.

54.8 Sec. 68. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

54.9 Subdivision 1. **Prior to election day.** At any time except during the 20 days
54.10 immediately preceding any regularly scheduled election, an eligible voter or any
54.11 individual who will be an eligible voter at the time of the next election may register to vote
54.12 in the precinct in which the voter maintains residence by completing a voter registration
54.13 application as described in section 201.071, subdivision 1, and submitting it in person or
54.14 by mail to the county auditor of that county or to the Secretary of State's Office. If the Web
54.15 site maintained by the secretary of state provides a process for it, an individual who has
54.16 a Minnesota driver's license, identification card, or learner's permit may register online.

54.17 A registration that is received no later than 5:00 p.m. on the 21st day preceding any
54.18 election shall be accepted. An improperly addressed or delivered registration application
54.19 shall be forwarded within two working days after receipt to the county auditor of the
54.20 county where the voter maintains residence. A state or local agency or an individual that
54.21 accepts completed voter registration applications from a voter must submit the completed
54.22 applications to the secretary of state or the appropriate county auditor within ten days
54.23 after the applications are dated by the voter.

54.24 For purposes of this section, mail registration is defined as a voter registration
54.25 application delivered to the secretary of state, county auditor, or municipal clerk by the
54.26 United States Postal Service or a commercial carrier.

54.27 Sec. 69. Minnesota Statutes 2008, section 201.061, subdivision 3, is amended to read:

54.28 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may
54.29 register on election day by appearing in person at the polling place for the precinct in
54.30 which the individual maintains residence, by completing a registration application, making
54.31 an oath in the form prescribed by the secretary of state and providing proof of residence.
54.32 An individual may prove residence for purposes of registering by:

54.33 (1) presenting a driver's license or Minnesota identification card issued pursuant
54.34 to section 171.07;

55.1 (2) presenting any document approved by the secretary of state as proper
55.2 identification;

55.3 (3) presenting one of the following:

55.4 (i) a current valid student identification card from a postsecondary educational
55.5 institution in Minnesota, if a list of students from that institution has been prepared under
55.6 section 135A.17 ~~and certified to the county auditor~~ or in the manner provided in rules of
55.7 the secretary of state; or

55.8 (ii) a current student fee statement that contains the student's valid address in the
55.9 precinct together with a picture identification card; or

55.10 (4) having a voter who is registered to vote in the precinct, or who is an employee
55.11 employed by and working in a residential facility in the precinct and vouching for a
55.12 resident in the facility, sign an oath in the presence of the election judge vouching that the
55.13 voter or employee personally knows that the individual is a resident of the precinct. A
55.14 voter who has been vouched for on election day may not sign a proof of residence oath
55.15 vouching for any other individual on that election day. A voter who is registered to vote in
55.16 the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation
55.17 does not apply to an employee of a residential facility described in this clause. The
55.18 secretary of state shall provide a form for election judges to use in recording the number
55.19 of individuals for whom a voter signs proof-of-residence oaths on election day. The
55.20 form must include space for the maximum number of individuals for whom a voter may
55.21 sign proof-of-residence oaths. For each proof-of-residence oath, the form must include
55.22 a statement that the voter is registered to vote in the precinct, personally knows that the
55.23 individual is a resident of the precinct, and is making the statement on oath. The form must
55.24 include a space for the voter's printed name, signature, telephone number, and address.

55.25 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
55.26 attached to the voter registration application.

55.27 (b) The operator of a residential facility shall prepare a list of the names of its
55.28 employees currently working in the residential facility and the address of the residential
55.29 facility. The operator shall certify the list and provide it to the appropriate county auditor
55.30 no less than 20 days before each election for use in election day registration.

55.31 (c) "Residential facility" means transitional housing as defined in section 256E.33,
55.32 subdivision 1; a supervised living facility licensed by the commissioner of health under
55.33 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
55.34 5; a residence registered with the commissioner of health as a housing with services
55.35 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
55.36 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence

56.1 licensed by the commissioner of human services to provide a residential program as
56.2 defined in section 245A.02, subdivision 14; a residential facility for persons with a
56.3 developmental disability licensed by the commissioner of human services under section
56.4 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter
56.5 for battered women as defined in section 611A.37, subdivision 4; or a supervised
56.6 publicly or privately operated shelter or dwelling designed to provide temporary living
56.7 accommodations for the homeless.

56.8 (d) For tribal band members, an individual may prove residence for purposes of
56.9 registering by:

56.10 (1) presenting an identification card issued by the tribal government of a tribe
56.11 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
56.12 contains the name, address, signature, and picture of the individual; or

56.13 (2) presenting an identification card issued by the tribal government of a tribe
56.14 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
56.15 contains the name, signature, and picture of the individual and also presenting one of the
56.16 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

56.17 (e) A county, school district, or municipality may require that an election judge
56.18 responsible for election day registration initial each completed registration application.

56.19 Sec. 70. Minnesota Statutes 2008, section 201.071, subdivision 1, is amended to read:

56.20 Subdivision 1. **Form.** A voter registration application must ~~be of suitable size and~~
56.21 ~~weight for mailing and~~ contain spaces for the following required information: voter's first
56.22 name, middle name, and last name; voter's previous name, if any; voter's current address;
56.23 voter's previous address, if any; voter's date of birth; voter's municipality and county of
56.24 residence; voter's telephone number, if provided by the voter; date of registration; current
56.25 and valid Minnesota driver's license number or Minnesota state identification number,
56.26 or if the voter has no current and valid Minnesota driver's license or Minnesota state
56.27 identification, and the last four digits of the voter's Social Security number, ~~and voter's~~
56.28 ~~signature~~. The registration application may include the voter's e-mail address, if provided
56.29 by the voter, and the voter's interest in serving as an election judge, if indicated by the
56.30 voter. The application must also contain the following certification of voter eligibility:

56.31 "I certify that I:

56.32 (1) will be at least 18 years old on election day;

56.33 (2) am a citizen of the United States;

56.34 (3) will have resided in Minnesota for 20 days immediately preceding election day;

56.35 (4) maintain residence at the address given on the registration form;

57.1 (5) am not under court-ordered guardianship in which the court order revokes my
57.2 right to vote;

57.3 (6) have not been found by a court to be legally incompetent to vote;

57.4 (7) have the right to vote because, if I have been convicted of a felony, my felony
57.5 sentence has expired (been completed) or I have been discharged from my sentence; and

57.6 (8) have read and understand the following statement: that giving false information
57.7 is a felony punishable by not more than five years imprisonment or a fine of not more
57.8 than \$10,000, or both."

57.9 The certification must include boxes for the voter to respond to the following
57.10 questions:

57.11 "(1) Are you a citizen of the United States?" and

57.12 "(2) Will you be 18 years old on or before election day?"

57.13 And the instruction:

57.14 "If you checked 'no' to either of these questions, do not complete this form."

57.15 The form of the voter registration application and the certification of voter eligibility
57.16 must be as provided in this subdivision and approved by the secretary of state. Voter
57.17 registration forms authorized by the National Voter Registration Act must also be accepted
57.18 as valid. The federal postcard application form must also be accepted as valid if it is not
57.19 deficient and the voter is eligible to register in Minnesota.

57.20 An individual may use a voter registration application to apply to register to vote in
57.21 Minnesota or to change information on an existing registration.

57.22 A paper voter registration application must include space for the voter's signature.
57.23 Paper voter registration applications, other than those used for election day registration,
57.24 must be of suitable size and weight for mailing.

57.25 Sec. 71. Minnesota Statutes 2008, section 201.091, is amended by adding a subdivision
57.26 to read:

57.27 Subd. 5a. **Registration confirmation to registered voter.** The secretary of state
57.28 must ensure that the secretary of state's Web site is capable of providing voter registration
57.29 confirmation to a registered voter. An individual requesting registration confirmation of
57.30 the individual's own registration must provide the individual's name, address, and date
57.31 of birth. If the information provided by the individual completely matches an active
57.32 voter record in the statewide voter registration system, the Web site must inform the
57.33 individual that the individual is a registered voter and must provide the individual with the
57.34 individual's polling place location. If the information provided by the individual does not
57.35 completely match an active voter record in the statewide voter registration system, the

58.1 Web site must inform the individual that a voter record with that name and date of birth at
58.2 the address provided cannot be confirmed and the Web site must advise the individual to
58.3 contact the county auditor for further information.

58.4 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
58.5 certified that the Web site has been tested, has been shown to properly retrieve information
58.6 from the correct voter's record, and can handle the expected volume of use.

58.7 Sec. 72. **[270C.145] TECHNOLOGY LEASE-PURCHASE APPROPRIATION.**

58.8 \$2,117,000 is appropriated annually from the general fund to the commissioner
58.9 to make payments under a lease-purchase agreement as defined in section 16A.81 for
58.10 completing the purchase and development of an integrated tax software package; provided
58.11 that the state is not obligated to continue the appropriation of funds or to make lease
58.12 payments in any future fiscal year. Any unexpended portions of this appropriation cancel
58.13 to the general fund at the close of each biennium. This section expires June 30, 2019.

58.14 Sec. 73. Minnesota Statutes 2008, section 383B.72, is amended to read:

58.15 **383B.72 LAND ACQUISITION; TOWN CONSENT.**

58.16 Notwithstanding the provisions of section 398.09, the Board of Park District
58.17 Commissioners of the Three Rivers Park District, before acquiring by purchase or
58.18 condemnation real estate located within the boundaries of any organized town in Hennepin
58.19 County, ~~other than real estate located within an area designated for development of a park~~
58.20 ~~in the most recent revised plan which has been prepared by the district in accordance with~~
58.21 ~~section 398.19, and is on file on June 9, 1971, with the state department of parks,~~ shall
58.22 secure the consent of the town board of such town to such acquisition, by resolution duly
58.23 adopted by such board.

58.24 Sec. 74. Minnesota Statutes 2008, section 471.345, subdivision 15, is amended to read:

58.25 Subd. 15. **Cooperative purchasing.** (a) Municipalities may contract for the
58.26 purchase of supplies, materials, or equipment by utilizing contracts that are available
58.27 through the state's cooperative purchasing venture authorized by section 16C.11 whenever
58.28 practicable and cost-effective.

58.29 (b) Unless required to utilize the state's cooperative purchasing venture under
58.30 paragraph (a), a municipality may contract for the purchase of supplies, materials, or
58.31 equipment without regard to the competitive bidding requirements of this section if the
58.32 purchase is through a national municipal association's purchasing alliance or cooperative

59.1 created by a joint powers agreement that purchases items from more than one source on
59.2 the basis of competitive bids or competitive quotations.

59.3 Sec. 75. Minnesota Statutes 2008, section 471.345, is amended by adding a subdivision
59.4 to read:

59.5 Subd. 20. **Ineligibility.** A person is not eligible to receive a solicitation, be awarded
59.6 a contract, or sell any goods or services to a municipality if the person has been convicted
59.7 of a crime for knowingly employing illegal aliens in the United States. The person
59.8 remains ineligible for five years from the date of the conviction. For purposes of this
59.9 section, "person" means a natural person or a business. A business is ineligible under this
59.10 section if a natural person who owns more than one-half of the business is convicted of
59.11 a crime specified in this section.

59.12 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
59.13 solicitations sent and contracts entered into on and after that date.

59.14 Sec. 76. Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007,
59.15 chapter 148, article 2, section 73, is amended to read:

59.16 Sec. 45. **SALE OF STATE LAND.**

59.17 Subdivision 1. **State land sales.** The commissioner of administration shall
59.18 coordinate with the head of each department or agency having control of state-owned land
59.19 to identify and sell at least \$6,440,000 of state-owned land. Sales should be completed
59.20 according to law and as provided in this section as soon as practicable but no later than
59.21 June 30, ~~2009~~ 2011. Notwithstanding Minnesota Statutes, sections 16B.281 and 16B.282,
59.22 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land
59.23 for public sale by only providing notice of lands or an offer of sale of lands to state
59.24 departments or agencies, the University of Minnesota, cities, counties, towns, school
59.25 districts, or other public entities.

59.26 Subd. 2. **Anticipated savings.** Notwithstanding Minnesota Statutes, section
59.27 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the
59.28 sale of land under this section that exceeds the actual expenses of selling the land must
59.29 be deposited in the general fund, except as otherwise provided by the commissioner of
59.30 finance. Notwithstanding Minnesota Statutes, section 94.11 or 16B.283, the commissioner
59.31 of finance may establish the timing of payments for land purchased under this section. If
59.32 the total of all money deposited into the general fund from the proceeds of the sale of land
59.33 under this section is anticipated to be less than \$6,440,000, the governor must allocate the

60.1 amount of the difference as reductions to general fund operating expenditures for other
60.2 executive agencies for the biennium ending June 30, ~~2009~~ 2011.

60.3 Subd. 3. **Sale of state lands revolving loan fund.** \$290,000 is appropriated from
60.4 the general fund in fiscal year 2006 to the commissioner of administration for purposes
60.5 of paying the actual expenses of selling state-owned lands to achieve the anticipated
60.6 savings required in this section. From the gross proceeds of land sales under this section,
60.7 the commissioner of administration must cancel the amount of the appropriation in this
60.8 subdivision to the general fund by June 30, ~~2009~~ 2011.

60.9 Sec. 77. Laws 2005, chapter 162, section 34, subdivision 2, is amended to read:

60.10 Subd. 2. **Optical scan equipment.** \$6,000,000 is appropriated from the Help
60.11 America Vote Act account to the secretary of state for grants to counties to purchase
60.12 optical scan voting equipment. Counties are eligible for grants to the extent that they
60.13 decide to purchase ballot marking machines and as a result do not have sufficient Help
60.14 America Vote Act grant money remaining to also purchase a compatible precinct-based
60.15 optical scan machine or central-count machine. These grants must be allocated to counties
60.16 at a rate of \$3,000 per eligible precinct until the appropriation is exhausted, with priority
60.17 in the payment of grants to be given to counties currently using hand- and central-count
60.18 voting systems and counties using precinct-count optical scan voting systems incompatible
60.19 with assistive voting systems or ballot marking machines. This appropriation is available
60.20 until June 30, ~~2009~~ 2012.

60.21 **EFFECTIVE DATE.** This section is effective June 30, 2009.

60.22 Sec. 78. Laws 2007, chapter 131, article 2, section 22, is amended to read:

60.23 Sec. 22. **PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN**
60.24 **COUNTY.**

60.25 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
60.26 of natural resources may sell by private sale to a governmental subdivision the surplus
60.27 land that is described in paragraph (c).

60.28 (b) The conveyance must be in a form approved by the attorney general. The
60.29 attorney general may make necessary changes to the legal description to correct errors
60.30 and ensure accuracy. The commissioner may sell the land to a governmental subdivision
60.31 of the state for ~~less than the value of the land as determined by the commissioner~~ no
60.32 consideration under the conditions and provisions described in paragraph (e), but the
60.33 conveyance must provide that the land described in paragraph (c) be used for the public
60.34 and reverts to the state if the governmental subdivision fails to provide for public use

61.1 or abandons the public use of the land. The commissioner may include conservation
61.2 restrictions in the conveyance deed to ensure the property is maintained as open space.

61.3 (c) The land that may be sold is located in Hennepin County and is described
61.4 as follows:

61.5 (1) the Northwest Quarter of Southwest Quarter, Section 36, Township 120 North,
61.6 Range 22 West, less road right-of-way, containing 39 acres, more or less;

61.7 (2) the east six and two-thirds acres of the West Half of the Southeast Quarter
61.8 of the Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road
61.9 right-of-way, containing 6.67 acres, more or less; and

61.10 (3) the West Quarter of the East Half of the Southeast Quarter of the Southwest
61.11 Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way,
61.12 containing 4.87 acres, more or less.

61.13 (d) The land was conveyed to the state for wild game reservation purposes. Due
61.14 to adjacent residential use and local zoning restrictions, the land is no longer available
61.15 for hunting purposes. The Department of Natural Resources has determined that the
61.16 state's land management interests would best be served if the lands were conveyed to a
61.17 local unit of government.

61.18 (e) The payment in lieu to Hennepin County as provided under Minnesota Statutes,
61.19 sections 477A.11 to 477A.145, will be reduced by \$18,750 for the amounts payable in
61.20 each of calendar years 2009 and 2010.

61.21 Sec. 79. Laws 2007, chapter 148, article 2, section 79, is amended to read:

61.22 Sec. 79. **TRAINING SERVICES.**

61.23 During the biennium ending June 30, ~~2009~~ 2011, state executive branch agencies
61.24 must consider using services provided by government training services before contracting
61.25 with other outside vendors for similar services.

61.26 Sec. 80. **CASH FLOW STUDY.**

61.27 By January 15, 2010, the commissioner of finance must submit to the chair of the
61.28 Finance Committee in the senate and the chair of the Ways and Means Committee in the
61.29 house of representatives, a report on the cash flow condition of the general fund for the
61.30 fiscal year 2010-2011 biennium and the following biennium, including an assessment of
61.31 the options for improving the long-term cash flow of the state through changes in the
61.32 timing of general fund payment dates, revenue collections, or other changes. In addition,
61.33 the report should identify all major provisions of law that result in state expenditures or
61.34 revenues being recognized in budget documents in a fiscal year earlier or later than the

62.1 fiscal year in which the obligation to pay state expenses was incurred or the liability
62.2 to pay state taxes was incurred.

62.3 Sec. 81. **STATE EMPLOYEES' PERSONAL HEALTH RECORDS; CRITERIA.**

62.4 (a) The system that the commissioner of finance selects to provide electronic
62.5 personal health records under Laws 2007, chapter 148, article 2, section 78, must meet the
62.6 following criteria:

62.7 (1) be interoperable and compliant with the ASTM International's Continuum of
62.8 Care Record standards and the Continuity of Care Document standards;

62.9 (2) provide consumer-owned records that are portable among plans, employers,
62.10 and providers;

62.11 (3) not be tethered to or affiliated with a specific health plan or provider;

62.12 (4) support management, storing, and sharing of complete health history information,
62.13 including but not limited to, medical conditions, medication history, surgeries, medical
62.14 procedures, immunizations, lab results, radiology reports, health directives, and other
62.15 medical records;

62.16 (5) provide employees the ability to share their health data electronically with health
62.17 providers and others and give them flexibility and control over which specific health
62.18 data is shared;

62.19 (6) enable each employee to manage multiple personal health record accounts for
62.20 family members under the employee's account;

62.21 (7) provide a range of consumer engagement and decision support tools, such as
62.22 online provider directories and health care cost management tools;

62.23 (8) support integration of third-party applications, such as health risk assessments
62.24 and wellness and incentive programs; and

62.25 (9) provide that participation in the system is voluntary for each employee.

62.26 (b) The commissioner of finance must contract with a vendor that demonstrates
62.27 the following:

62.28 (1) a plan and ability to provide Minnesota consumers access to data on prescription
62.29 history, immunizations, lab and radiology results, and other medical records;

62.30 (2) an ability to provide online consumer-owned health records to all Minnesotans;

62.31 (3) a plan to serve rural and underserved communities; and

62.32 (4) a commitment to providing Minnesota-based staff for onsite assistance in
62.33 planning and participation in securing and integrating health data from multiple sources
62.34 for consumers.

63.1 (c) The selected system must not permit ad-serving cookies, tracking of clicked
63.2 links, and server log commercial data mining without the express consent of the consumer.
63.3 The selected system must require the same privacy terms for all linked services and must
63.4 not share aggregate, de-identified information without express consent from the consumer.

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

63.6 Sec. 82. **COLOCATION REPORT.**

63.7 The Management Analysis Division of the Department of Finance must study and
63.8 report to the legislature by January 15, 2010, on possible colocation of the offices of the
63.9 Council on Black Minnesotans, the Council on Affairs of Chicano/Latino People, the
63.10 Council on Asian-Pacific Minnesotans, and the metropolitan area office of the Indian
63.11 Affairs Council. The report must include analysis of potential cost savings, when those
63.12 savings could be realized, and the effect of potential colocation on operations of the
63.13 councils.

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

63.15 Sec. 83. **NO TRANSFER OF EQB DUTIES OR STAFF.**

63.16 During the biennium ending June 30, 2011, the executive branch may not use
63.17 authority under Minnesota Statutes, section 16B.37 or any other authority to transfer
63.18 powers, duties, or personnel associated with the Environmental Quality Board.

63.19 Sec. 84. **ACCOUNTING AND PROCUREMENT SYSTEMS.**

63.20 The commissioner of finance must consult with the chairs of the house of
63.21 representatives Ways and Means Committee and senate Finance Committee before
63.22 encumbering any funds appropriated for use on or after July 1, 2009, for the planning,
63.23 development, and implementation of state accounting or procurement systems. No funds
63.24 appropriated for these purposes may be spent unless the commissioner certifies that the
63.25 systems will include an application programming interface that allows public access to the
63.26 system's underlying data on state contracts, appropriations, and expenditures using an open
63.27 format. In developing the public access system, the commissioner must consult with the
63.28 commissioner of administration and the director of the Office of Enterprise Technology to
63.29 ensure that the design and operation of the system are done in compliance with Minnesota
63.30 Statutes, chapter 13, Minnesota Statutes, section 138.17, and other laws governing data
63.31 practices, including but not limited to, ensuring that government data in the system are

64.1 easily accessible for convenient use by the public, ensuring that only public data are placed
64.2 on the Web site, and preparing and following retention schedules for data in the system.

64.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

64.4 Sec. 85. **RACING LICENSE FEE RATIFICATION.**

64.5 The license fees in Minnesota Rules, part 7877.0120, are ratified by this act.

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

64.7 Sec. 86. **TECHNOLOGY LEASE-PURCHASE AUTHORIZATION.**

64.8 Subdivision 1. **Lease-purchase agreements.** The commissioner of finance shall
64.9 enter into one or more lease-purchase agreements as defined in Minnesota Statutes, section
64.10 16A.81, to finance the two projects in subdivisions 2 and 3.

64.11 Subd. 2. **Replacement of state's accounting and procurement systems.**
64.12 Proceeds of lease-purchase agreements and the issuance and sale of related certificates
64.13 of participation are appropriated to the commissioner of finance for development and
64.14 implementation of a new statewide accounting and procurement system.

64.15 Subd. 3. **Completion of integrated tax system.** Proceeds of lease-purchase
64.16 agreements and the issuance and sale of related certificates of participation are appropriated
64.17 to the commissioner of revenue for completing the purchase and implementation of an
64.18 integrated tax software package.

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

64.20 Sec. 87. **ENTERPRISE REAL PROPERTY CONTRIBUTIONS.**

64.21 On or before June 1, 2009, the commissioner of administration shall determine the
64.22 amount to be contributed by each executive agency to maintain the enterprise real property
64.23 technology system for the fiscal year 2010 and fiscal year 2011 biennium. On or before
64.24 June 15, 2009, each executive agency shall enter into an agreement with the commissioner
64.25 of administration setting forth the manner in which the executive agency shall make its
64.26 contribution to the enterprise real property system, either from uncommitted fiscal year
64.27 2009 funds or by contributing from fiscal year 2010 and fiscal year 2011 funds to the real
64.28 property enterprise system and services account to fund the total amount of \$1,688,000 for
64.29 the biennium. Funds contributed under this section must be credited to the enterprise real
64.30 property technology system and services account.

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

65.1 Sec. 88. **RENTAL COST SAVINGS.**

65.2 The commissioner of administration must report to the legislature by January 15,
65.3 2010, on savings in state agency costs for rental space in state-owned and state-leased
65.4 buildings that can be achieved by expected decreases in agency complement and that could
65.5 be achieved by encouraging or requiring increased telecommuting by state employees.
65.6 The report must estimate savings by agency and by fund, and must estimate when these
65.7 savings can be realized.

65.8 Sec. 89. **TRANSFER OF ASSETS, EMPLOYEES, EQUIPMENT, AND**
65.9 **SUPPLIES.**

65.10 The existing funds, assets, employees, equipment, and supplies of the Land
65.11 Management Information Center are transferred to the Minnesota Geospatial Information
65.12 Office according to Minnesota Statutes, section 15.039.

65.13 **EFFECTIVE DATE.** This section is effective July 1, 2009.

65.14 Sec. 90. **INFORMATION TECHNOLOGY STUDY.**

65.15 The chief information officer of the Office of Enterprise Technology, in consultation
65.16 with heads of other executive agencies, must report to the legislature by January 15, 2010,
65.17 on a plan to transfer from other state agencies to the Office of Enterprise Technology state
65.18 employees whose work primarily relates to development, upgrading, replacement, problem
65.19 resolution, or maintenance of state data centers, system software, data networks, and office
65.20 systems. The report must include an estimate of the number of employees who would be
65.21 transferred, an estimate of enterprise costs savings, an analysis of potential improvements
65.22 in operations, and a proposed transition plan and schedule. This section does not apply to
65.23 the Minnesota State Colleges and Universities or to employees of constitutional offices.

65.24 Sec. 91. **REVISOR'S INSTRUCTION.**

65.25 In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of
65.26 statutes shall substitute the term "Land Management Information Center" with the term
65.27 "Minnesota Geospatial Information Office," wherever they appear in Minnesota Statutes
65.28 and Minnesota Rules.

65.29 **EFFECTIVE DATE.** This section is effective July 1, 2009.

65.30 Sec. 92. **REVISOR'S INSTRUCTION.**

66.1 In the next and subsequent edition of Minnesota Statutes, the revisor of statutes must
66.2 delete the word "Tennessen" from the headnote of Minnesota Statutes, section 13.04,
66.3 subdivision 2; must delete the word "Lessard" from Minnesota Statutes, section 97A.056,
66.4 and other places in Minnesota Statutes where this word appears; and must delete the words
66.5 "Douglas J. Johnson" from Minnesota Statutes, sections 298.291 to 298.298.

66.6 Sec. 93. **REPEALER.**

66.7 (a) Minnesota Statutes 2008, sections 16C.046; and 645.44, subdivision 19, are
66.8 repealed.

66.9 (b) Minnesota Statutes 2008, section 4A.05, is repealed.

66.10 (c) Minnesota Statutes 2008, section 116G.151, is repealed.

66.11 (d) Minnesota Statutes 2008, section 240A.08, is repealed.

66.12 **ARTICLE 3**

66.13 **SECRETARY OF STATE**

66.14 Section 1. **[5.001] DEFINITIONS.**

66.15 Subdivision 1. **Applicability.** As used in this chapter, the terms defined in this
66.16 section have the meanings given them.

66.17 Subd. 2. **Business entity.** "Business entity" means an organization that is formed
66.18 under chapters 300, 301, 302A, 303, 308, 308A, 308B, 315, 317, 317A, 318, 319, 319A,
66.19 321, 322A, 322B, 323, or 323A and that has filed documents with the secretary of state.

66.20 Subd. 3. **Business entity filings.** "Business entity filings" means any filing from a
66.21 business entity and also includes filings made under chapter 333.

66.22 Subd. 4. **Bulk data.** "Bulk data" means data that has commercial value and is a
66.23 substantial or discrete portion of or an entire formula, pattern, compilation, program,
66.24 device, method, technique, process, database, or system.

66.25 Sec. 2. **[5.002] E-MAIL ADDRESSES.**

66.26 (a) The secretary of state is authorized to provide a field on each of the forms and on
66.27 each online entry screen, used to file business entity filings, Uniform Commercial Code
66.28 records, and central notification system filings, for the collection of an e-mail address to
66.29 which the secretary of state can forward official notices required by law and other notices
66.30 to the business entity, assumed name, or the person filing the uniform commercial code or
66.31 central notification system record. The e-mail address may be updated by or on behalf of
66.32 the business entity by sending a notification of the change to the secretary of state. No fee
66.33 shall be charged for an e-mail address update.

67.1 (b) Except as provided in paragraph (c), the business entity, holder of assumed
67.2 name, or other person providing the email address under this section may indicate on the
67.3 screen that they do not wish the email address provided under this section to be provided
67.4 as bulk data.

67.5 (c) If the email address in paragraph (b) is provided as a portion of a digitally
67.6 scanned image, the email address on that image is public.

67.7 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
67.8 certifies that the information systems of the Office of the Secretary of State have been
67.9 modified to implement this section.

67.10 Sec. 3. Minnesota Statutes 2008, section 5.12, subdivision 1, is amended to read:

67.11 Subdivision 1. **Fees.** The secretary of state shall charge a fee of \$5 for each
67.12 certificate or certification of a copy or electronically transmitted image of any document
67.13 filed in the Office of the Secretary of State. The secretary of state shall charge a fee of
67.14 \$3 for a copy or electronically transmitted image of an original ~~filing of a corporation,~~
67.15 ~~limited partnership, assumed name, or trade or service mark~~ business entity filing. The
67.16 secretary of state shall charge a fee of \$3 for a copy of ~~any or all each~~ subsequent ~~filings of~~
67.17 ~~a corporation, limited partnership, assumed name, or trade or service mark~~ business entity
67.18 filing. The secretary of state shall charge a fee of ~~\$1 per page for copies~~ \$3 for a copy of
67.19 any other nonuniform commercial code documents document filed with the secretary of
67.20 state. At the time of filing, the secretary of state may provide at the public counter, without
67.21 charge, a copy of a filing, ten or fewer pages in length, to the person making the filing.

67.22 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
67.23 certifies that the information systems of the Office of the Secretary of State have been
67.24 modified to implement this section.

67.25 Sec. 4. Minnesota Statutes 2008, section 5.29, is amended to read:

67.26 **5.29 BULK AGENT NAME AND ADDRESS CHANGES GLOBAL FILINGS.**

67.27 ~~The filing fee charged for filing an amendment is charged for each document~~
67.28 ~~filed (a) When a registered agent for multiple business entities files an instrument that~~
67.29 ~~changes its name or office address pursuant to sections 302A.123, subdivision 3; 303.10;~~
67.30 ~~308A.025, subdivision 5; 317A.123, subdivision 3; 318.02; and 322B.135, subdivision~~
67.31 ~~3; and chapters 321; 323; and 323A, but the cumulative fee shall not exceed \$10,000 for~~
67.32 ~~entities governed by the provisions of chapters 302A, 303, 308A, 317A, 318, 322A, 322B,~~
67.33 ~~323, and 323A, the change for each business entity must be filed online as a separate~~

68.1 transaction, and a separate filing fee charged. The aggregate fee for a filing under this
68.2 paragraph shall not exceed \$35,000.

68.3 (b) When a secured party wishes to file an amendment to a financing statement
68.4 making a change in secured party or debtor name and address information, each
68.5 amendment must be filed online as a separate transaction and a separate filing fee charged.

68.6 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
68.7 certifies that the information systems of the Office of the Secretary of State have been
68.8 modified to implement this section.

68.9 Sec. 5. Minnesota Statutes 2008, section 5.32, is amended to read:

68.10 **5.32 TEMPORARY TECHNOLOGY SURCHARGE.**

68.11 Subdivision 1. **Surcharge.** For fiscal years 2008 ~~and~~ 2009, 2010, and 2011, the
68.12 following technology surcharges are imposed on the filing fees required under the
68.13 following statutes:

68.14 (1) \$25 for articles of incorporation filed under section 302A.151;

68.15 (2) \$25 for articles of organization filed under section 322B.17;

68.16 (3) \$25 for applications for certificates of authority to transact business in Minnesota
68.17 filed under section 303.06;

68.18 (4) \$20 for annual reports filed by non-Minnesota corporations under section
68.19 303.14; and

68.20 (5) \$50 for reinstatements to authority to transact business in Minnesota filed under
68.21 section 303.19.

68.22 Subd. 2. **Deposit.** The surcharges listed in subdivision 1 shall be deposited into the
68.23 uniform commercial code account.

68.24 Subd. 3. **Expiration.** This section expires June 30, ~~2009~~ 2011.

68.25 **EFFECTIVE DATE.** The amendments to this section are effective the day
68.26 following final enactment.

68.27 Sec. 6. **[5.34] ANNUAL RENEWAL FILINGS.**

68.28 Any business registered with the secretary of state required to file an annual renewal
68.29 in order to maintain its active status, good standing, or existence under Minnesota Statutes
68.30 shall file that renewal, whether online or otherwise, in a format that states:

68.31 (1) the name in Minnesota of the organization for which the renewal is filed;

68.32 (2) the name of the organization in the jurisdiction in which it is organized, if
68.33 different;

69.1 (3) the address of the registered office or designated office and the name of the
69.2 registered agent of the organization for service of process, if any;

69.3 (4) the jurisdiction in which the organization is organized, if that jurisdiction is
69.4 not Minnesota;

69.5 (5) the name and business address of the officer or other person exercising the
69.6 principal functions of the president of a nonprofit corporation, manager of a limited
69.7 liability company, or chief executive officer of a corporation or cooperative;

69.8 (6) the address of the principal executive office of a domestic business corporation
69.9 or of a limited liability company or the principal place of business of a cooperative, if
69.10 different from the registered office address;

69.11 (7) the address of the designated office and the name, street, and mailing address of
69.12 the agent for service of process in Minnesota of a limited partnership or foreign limited
69.13 partnership;

69.14 (8) the street and mailing address of the principal office of a limited partnership;

69.15 (9) the street and mailing address of the chief executive office of a partnership and, if
69.16 different, the street address of an office of a partnership in Minnesota, if any;

69.17 (10) the name, street, mailing address, and telephone number of an individual
69.18 who may be contacted for purposes other than services of process on behalf of a
69.19 limited partnership or a limited liability partnership, if the agent for the limited liability
69.20 partnership, limited partnership, or foreign limited partnership is not an individual; and

69.21 (11) the e-mail address of the organization to which notices from the secretary of
69.22 state will be directed, if the organization has an e-mail address.

69.23 Sec. 7. Minnesota Statutes 2008, section 5A.06, is amended to read:

69.24 **5A.06 COMPLAINTS.**

69.25 The secretary of state may, upon receipt of a complaint regarding an international
69.26 student exchange organization, report the matter to the organization involved, ~~the United~~
69.27 ~~States Information Agency,~~ the Office of Exchange Coordination and Designation, United
69.28 States Department of State, or the Council on Standards for International Educational
69.29 Travel, as the secretary of state considers appropriate. The secretary may also investigate
69.30 complaints received to determine if the issue raised is limited to one high school or if there
69.31 are more systemic problems with placements made by a particular organization. An
69.32 organization's registration automatically terminates if the organization fails to remain in
69.33 compliance with local, state, and federal statutes and regulations.

69.34 Sec. 8. Minnesota Statutes 2008, section 270C.63, subdivision 13, is amended to read:

70.1 Subd. 13. **Lien search fees.** Upon request of any person, the filing officer shall issue
70.2 a certificate showing whether there is recorded in that filing office, on the date and hour
70.3 stated in the certificate, any notice of lien or certificate or notice affecting any lien filed on
70.4 or after ten years before the date of the search certificate, naming a particular person, and
70.5 giving the date and hour of filing of each notice or certificate naming the person. The fee
70.6 for a certificate shall be as provided by section 336.9-525 or 357.18, subdivision 1, clause
70.7 (3). Upon request, the filing officer shall furnish a copy of any notice of state lien, or
70.8 notice or certificate affecting a state lien, for a fee of ~~50 cents~~ \$1 per page, except that after
70.9 the effective date of section 5.12, subdivision 1, that section shall govern the fee charged
70.10 by the secretary of state for a copy or electronically transmitted image.

70.11 Sec. 9. Minnesota Statutes 2008, section 302A.821, is amended to read:

70.12 **302A.821 MINNESOTA CORPORATE ~~REGISTRATION~~ RENEWAL.**

70.13 Subdivision 1. **Annual ~~registration~~ renewal.** (a) The secretary of state ~~must~~ may
70.14 send annually to each corporation ~~at the registered office of the corporation a postcard,~~
70.15 using the information provided by the corporation pursuant to section 5.002 or 5.34 or
70.16 the articles of incorporation, a notice announcing the need to file the annual ~~registration~~
70.17 renewal and informing the corporation that the annual ~~registration~~ renewal may be filed
70.18 online and that paper filings may also be made, and informing the corporation that failing
70.19 to file the annual ~~registration~~ renewal will result in an administrative dissolution of the
70.20 corporation.

70.21 (b) Each calendar year beginning in the calendar year following the calendar year
70.22 in which a corporation incorporates, the corporation must file with the secretary of state
70.23 by December 31 of each calendar year a ~~registration~~ renewal containing the information
70.24 listed in subdivision 2.

70.25 Subd. 2. **Information required; manner of filing.** The ~~registration must include:~~
70.26 filing must be made pursuant to section 5.34.

70.27 ~~(1) the name of the corporation;~~

70.28 ~~(2) the address of its principal executive office, if different from the registered~~
70.29 ~~office address;~~

70.30 ~~(3) the address of its registered office and the name of the registered agent, if any;~~

70.31 ~~(4) the state of incorporation; and~~

70.32 ~~(5) the name and business address of the officer or other person exercising the~~
70.33 ~~principal functions of the chief executive officer of the corporation.~~

70.34 ~~Subd. 3. **Information public.** The information required by subdivision 2 is public~~
70.35 ~~data. Chapter 13 does not apply to this information.~~

71.1 Subd. 4. **Penalty; reinstatement.** (a) A corporation that has failed to file a
71.2 ~~registration pursuant to the requirements of subdivision 2~~ renewal complying with section
71.3 5.34 must be dissolved by the secretary of state as described in paragraph (b).

71.4 (b) If the corporation has not filed the ~~registration~~ renewal during any calendar year,
71.5 the secretary of state must issue a certificate of administrative dissolution and the certificate
71.6 must be filed in the Office of the Secretary of State. The secretary of state must make
71.7 available in an electronic format the names of the dissolved corporations. A corporation
71.8 dissolved in this manner is not entitled to the benefits of section 302A.781. The liability, if
71.9 any, of the shareholders of a corporation dissolved in this manner shall be determined and
71.10 limited in accordance with section 302A.557, except that the shareholders shall have no
71.11 liability to any director of the corporation under section 302A.559, subdivision 2.

71.12 (c) After administrative dissolution, filing a ~~registration~~ renewal complying with
71.13 section 5.34 and the \$25 fee with the secretary of state:

71.14 (1) returns the corporation to good standing as of the date of the dissolution;

71.15 (2) validates contracts or other acts within the authority of the articles, and the
71.16 corporation is liable for those contracts or acts; and

71.17 (3) restores to the corporation all assets and rights of the corporation to the extent
71.18 they were held by the corporation before the dissolution occurred, except to the extent that
71.19 assets or rights were affected by acts occurring after the dissolution or sold or otherwise
71.20 distributed after that time.

71.21 Sec. 10. Minnesota Statutes 2008, section 303.14, is amended to read:

71.22 **303.14 ANNUAL ~~REPORT~~ RENEWAL.**

71.23 Subdivision 1. ~~Filed with secretary of state; contents~~ Notice; filing. Each calendar
71.24 year beginning in the calendar year following the calendar year in which a corporation
71.25 receives a certificate of authority to do business in Minnesota, the secretary of state
71.26 ~~must mail by first class mail an annual registration form to the registered office of each~~
71.27 ~~corporation as shown on the records of the secretary of state. The form must include the~~
71.28 ~~following~~ may send to the corporation, using the information provided by the corporation
71.29 pursuant to section 5.002 or 5.34 or the application for certificate of authority, a notice:
71.30 announcing the need to file the annual renewal and informing the corporation that the
71.31 annual renewal may be filed online and that paper filings may also be made, and informing
71.32 the corporation that failing to file the annual renewal will result in an administrative
71.33 dissolution or revocation of certificate of authority to do business in Minnesota.

72.1 ~~"NOTICE: Failure to file this form by December 31 of this year will result in the~~
72.2 ~~revocation of the authority of this corporation to transact business in Minnesota without~~
72.3 ~~further notice from the secretary of state, pursuant to Minnesota Statutes, section 303.17."~~

72.4 The corporation will submit a \$115 fee with the annual registration renewal and will
72.5 set forth on the form: the items required by section 5.34.

72.6 ~~(1) the name of the corporation, and, if the corporation has designated an alternate~~
72.7 ~~name pursuant to section 303.05, subdivision 1, that alternate name;~~

72.8 ~~(2) the name of the registered agent of the corporation in Minnesota;~~

72.9 ~~(3) the address of its registered office;~~

72.10 ~~(4) the state of incorporation; and~~

72.11 ~~(5) the name and business address of the officer or other person exercising the~~
72.12 ~~principal functions of the chief executive officer of the corporation.~~

72.13 Sec. 11. Minnesota Statutes 2008, section 303.16, subdivision 4, is amended to read:

72.14 Subd. 4. **Approval; filing.** The application for withdrawal shall be delivered to
72.15 the secretary of state. Upon receiving and examining the same, and upon finding that it
72.16 conforms to the provisions of this chapter, the secretary of state shall, when all license
72.17 fees, filing fees, and other charges other than the fee required by section 303.14 have been
72.18 paid as required by law, file the same and shall issue and record a certificate of withdrawal.
72.19 Upon the issuance of the certificate, the authority of the corporation to transact business
72.20 in this state shall cease.

72.21 Sec. 12. Minnesota Statutes 2008, section 308A.995, is amended to read:

72.22 **308A.995 PERIODIC REGISTRATION ANNUAL RENEWAL.**

72.23 Subdivision 1. ~~Periodic registration in certain years~~ **Annual renewal.** Each
72.24 cooperative governed by this chapter must file ~~a periodic registration~~ an annual renewal
72.25 with the secretary of state in each ~~odd-numbered~~ calendar year following the calendar year
72.26 in which the cooperative was incorporated. ~~In these years,~~ The secretary of state ~~must~~
72.27 ~~mail by first class mail a registration form to the registered office of each cooperative as~~
72.28 ~~shown on the records of the secretary of state, or if no such address is in the records, to~~
72.29 ~~the location of the principal place of business shown on the records of the secretary of~~
72.30 ~~state. The form must include the following notice:~~ may send annually to the cooperative,
72.31 using the information provided by the cooperative pursuant to section 5.002 or 5.34 or
72.32 the articles of incorporation, a notice announcing the need to file the annual renewal and
72.33 informing the cooperative that the annual renewal may be filed online and that paper

73.1 filings may also be made, and informing the cooperative that failing to file the annual
73.2 renewal will result in an administrative dissolution of the cooperative.

73.3 ~~"NOTICE: Failure to file this form by December 31 of this year will result in the~~
73.4 ~~dissolution of this cooperative without further notice from the secretary of state, pursuant~~
73.5 ~~to Minnesota Statutes, section 308A.995, subdivision 4, paragraph (b)."~~

73.6 Subd. 2. **Minnesota cooperative registration renewal form.** In each calendar year
73.7 in which a registration renewal is to be filed, a cooperative must file with the secretary of
73.8 state a registration an annual renewal by December 31 of that calendar year containing:
73.9 the items required by section 5.34.

73.10 ~~(1) the name of the cooperative;~~

73.11 ~~(2) the address of its registered office;~~

73.12 ~~(3) the address of its principal place of business, if different from the registered~~
73.13 ~~office address; and~~

73.14 ~~(4) the name and business address of the officer or other person exercising the~~
73.15 ~~principal functions of the chief executive officer of the cooperative.~~

73.16 ~~Subd. 3. **Information public.** The information required by subdivision 1 is public~~
73.17 ~~data.~~

73.18 Subd. 4. **Penalty; dissolution.** (a) A cooperative that has failed to file a registration
73.19 renewal pursuant to the requirements of this section by December 31 of the calendar year
73.20 for which the registration renewal was required must be dissolved by the secretary of
73.21 state as described in paragraph (b).

73.22 (b) If the cooperative has not filed the registration renewal by December 31 of that
73.23 calendar year, the secretary of state must issue a certificate of involuntary dissolution, and
73.24 the certificate must be filed in the Office of the Secretary of State. The secretary of state
73.25 must make available in an electronic format the names of the dissolved cooperatives. A
73.26 cooperative dissolved in this manner is not entitled to the benefits of section 308A.981.

73.27 Subd. 5. **Reinstatement.** A cooperative may retroactively reinstate its existence
73.28 by filing a single annual registration renewal and paying a \$25 fee. Filing the annual
73.29 registration renewal with the secretary of state:

73.30 (1) returns the cooperative to active status as of the date of the dissolution;

73.31 (2) validates contracts or other acts within the authority of the articles, and the
73.32 cooperative is liable for those contracts or acts; and

73.33 (3) restores to the cooperative all assets and rights of the cooperative and its
73.34 shareholders or members to the extent they were held by the cooperative and its
73.35 shareholders or members before the dissolution occurred, except to the extent that

74.1 assets or rights were affected by acts occurring after the dissolution or sold or otherwise
74.2 distributed after that time.

74.3 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
74.4 certifies that the information systems of the Office of the Secretary of State have been
74.5 modified to implement this section.

74.6 Sec. 13. Minnesota Statutes 2008, section 308B.121, subdivision 1, is amended to read:

74.7 Subdivision 1. ~~Periodic registration in certain years~~ Annual renewal. Each
74.8 cooperative governed by this chapter ~~and each foreign cooperative registered under~~
74.9 ~~section 308B.151~~ must file a ~~periodic registration~~ an annual renewal with the secretary
74.10 of state ~~with the initial articles and any amendment of the articles in each odd-numbered~~
74.11 calendar year after the calendar year in which the cooperative incorporated. ~~In these years,~~
74.12 The secretary of state ~~must mail by first class mail a registration form to the registered~~
74.13 ~~office of each cooperative and registered foreign cooperative as shown in the records of~~
74.14 ~~the secretary of state, or if no such address is in the records, to the location of the principal~~
74.15 ~~place of business shown in the records of the secretary of state. For a cooperative, the~~
74.16 ~~form must include the following notice:~~ may send annually to each cooperative, using the
74.17 information provided by the cooperative pursuant to section 5.002 or 5.34 or the articles of
74.18 organization, a notice announcing the need to file the annual renewal and informing the
74.19 cooperative that the annual renewal may be filed online and that paper filings may also
74.20 be made, and informing the cooperative that failing to file the annual renewal will result
74.21 in an administrative dissolution.

74.22 ~~"NOTICE: Failure to file this form by December 31 of this year will result in the~~
74.23 ~~dissolution of this cooperative without further notice from the secretary of state, under~~
74.24 ~~Minnesota Statutes, section 308B.121, subdivision 4, paragraph (b)."~~

74.25 ~~For a foreign cooperative, the form must contain the following notice:~~

74.26 ~~"NOTICE: Failure to file this form by December 31 of this year will result in the~~
74.27 ~~loss of good standing and the authority to do business in Minnesota."~~

74.28 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
74.29 certifies that the information systems of the Office of the Secretary of State have been
74.30 modified to implement this section.

74.31 Sec. 14. Minnesota Statutes 2008, section 308B.121, subdivision 2, is amended to read:

74.32 Subd. 2. **Registration Renewal form.** In each calendar year in which a ~~registration~~
74.33 renewal is to be filed, a cooperative must file with the secretary of state ~~a registration~~ by

75.1 December 31 of that calendar year a renewal containing ~~the items required by section~~
75.2 5.34.

75.3 ~~(1) the name of the cooperative;~~

75.4 ~~(2) the address of its registered office;~~

75.5 ~~(3) the address of its principal place of business, if different from the registered~~
75.6 ~~office address; and~~

75.7 ~~(4) the name and business address of the officer or other person exercising the~~
75.8 ~~principal functions of the chief executive officer of the cooperative.~~

75.9 **EFFECTIVE DATE.** This section is effective 30 days after the secretary of state
75.10 certifies that the information systems of the Office of the Secretary of State have been
75.11 modified to implement this section.

75.12 Sec. 15. Minnesota Statutes 2008, section 317A.823, is amended to read:

75.13 **317A.823 ANNUAL CORPORATE ~~REGISTRATION~~ RENEWAL.**

75.14 Subdivision 1. **Annual ~~registration~~ renewal.** (a) The secretary of state ~~must~~ may
75.15 send annually to each corporation ~~at the registered office of the corporation,~~ using the
75.16 information provided by the corporation pursuant to section 5.002 or 5.34 or the articles of
75.17 incorporation, a ~~postcard~~ notice announcing the need to file the annual ~~registration~~ renewal
75.18 and informing the corporation that the annual ~~registration~~ renewal may be filed online and
75.19 that paper filings may also be made, and informing the corporation that failing to file the
75.20 annual ~~registration~~ renewal will result in an administrative dissolution of the corporation.

75.21 (b) Each calendar year beginning in the calendar year following the calendar year
75.22 in which a corporation incorporates, a corporation must file with the secretary of state
75.23 by December 31 of each calendar year a registration containing the information ~~listed~~
75.24 ~~in paragraph (c)~~ required by section 5.34.

75.25 ~~(c) The registration must include:~~

75.26 ~~(1) the name of the corporation;~~

75.27 ~~(2) the address of its registered office;~~

75.28 ~~(3) the name of its registered agent, if any; and~~

75.29 ~~(4) the name and business address of the officer or other person exercising the~~
75.30 ~~principal functions of president of the corporation.~~

75.31 Subd. 2. **Penalty.** (a) A corporation that has failed to file a ~~registration~~ renewal
75.32 pursuant to ~~the requirements of~~ subdivision 1 must be dissolved by the secretary of state
75.33 as described in paragraph (b).

76.1 (b) If the corporation has not filed the delinquent ~~registration~~ renewal, the secretary
76.2 of state must issue a certificate of involuntary dissolution, and the certificate must be filed
76.3 in the Office of the Secretary of State. The secretary of state must also make available in
76.4 an electronic format the names of the dissolved corporations. A corporation dissolved in
76.5 this manner is not entitled to the benefits of section 317A.781.

76.6 Sec. 16. Minnesota Statutes 2008, section 321.0206, is amended to read:

76.7 **321.0206 DELIVERY TO AND FILING OF RECORDS BY SECRETARY OF**
76.8 **STATE; EFFECTIVE TIME AND DATE.**

76.9 (a) A record authorized or required to be delivered to the secretary of state for filing
76.10 under this chapter must be captioned to describe the record's purpose, be in a medium
76.11 permitted by the secretary of state, and be delivered to the secretary of state. Unless the
76.12 secretary of state determines that a record does not comply with the filing requirements
76.13 of this chapter, and if the appropriate filing fees have been paid, the secretary of state
76.14 shall file the record and:

76.15 (1) for a statement of dissociation, send:

76.16 (A) a copy of the filed statement to the person which the statement indicates has
76.17 dissociated as a general partner; and

76.18 (B) a copy of the filed statement to the limited partnership;

76.19 (2) for a statement of withdrawal, send:

76.20 (A) a copy of the filed statement to the person on whose behalf the record was
76.21 filed; and

76.22 (B) if the statement refers to an existing limited partnership, a copy of the filed
76.23 statement to the limited partnership; and

76.24 (3) for all other records, send a copy of the filed record to the person on whose
76.25 behalf the record was filed.

76.26 (b) Upon request and payment of a fee, the secretary of state shall send to the
76.27 requester a certified copy of the requested record.

76.28 (c) Except as otherwise provided in sections 321.0116 and 321.0207, a record
76.29 delivered to the secretary of state for filing under this chapter may specify an effective
76.30 time and a delayed effective date. Except as otherwise provided in this chapter, a record
76.31 filed by the secretary of state is effective:

76.32 (1) if the record does not specify an effective time and does not specify a delayed
76.33 effective date, on the date and at the time the record is filed as evidenced by the secretary
76.34 of state's endorsement of the date and time on the record;

- 77.1 (2) if the record specifies an effective time but not a delayed effective date, on the
77.2 date the record is filed at the time specified in the record;
- 77.3 (3) if the record specifies a delayed effective date but not an effective time, at 12:01
77.4 a.m. on the earlier of:
- 77.5 (A) the specified date; or
77.6 (B) the 30th day after the record is filed; or
- 77.7 (4) if the record specifies an effective time and a delayed effective date, at the
77.8 specified time on the earlier of:
- 77.9 (A) the specified date; or
77.10 (B) the 30th day after the record is filed.
- 77.11 (d) The appropriate fees for filings under this chapter are:
- 77.12 (1) for filing a certificate of limited partnership, \$100;
77.13 (2) for filing an amended certificate of limited partnership, \$50;
77.14 (3) for filing a name reservation for a limited partnership name, \$35;
- 77.15 ~~(3)~~ (4) for filing any other record, other than the annual ~~report~~ renewal required by
77.16 section 321.0210, for which no fee must be charged, required or permitted to be delivered
77.17 for filing, ~~\$35~~ 50;
- 77.18 ~~(4)~~ (5) for filing a certificate requesting authority to transact business in Minnesota
77.19 as a foreign limited partnership, ~~\$85~~ 100;
- 77.20 ~~(5)~~ (6) for filing an application of reinstatement, \$25;
- 77.21 ~~(6)~~ (7) for filing a name reservation for a foreign limited partnership name, \$35; and
77.22 ~~(7)~~ (8) for filing any other record, other than the annual ~~report~~ renewal required by
77.23 section 321.0210, for which no fee must be charged, required or permitted to be delivered
77.24 for filing on a foreign limited partnership authorized to transact business in Minnesota,
77.25 \$50.

77.26 Sec. 17. Minnesota Statutes 2008, section 321.0210, is amended to read:

77.27 **321.0210 ANNUAL ~~REPORT~~ RENEWAL FOR SECRETARY OF STATE.**

77.28 (a) Subject to subsection (b):

77.29 (1) in each calendar year following the calendar year in which a limited partnership
77.30 becomes subject to this chapter, the limited partnership must deliver to the secretary of
77.31 state for filing an annual ~~registration~~ renewal containing the information required by
77.32 subsection (c); and

77.33 (2) in each calendar year following the calendar year in which there is first on file
77.34 with the secretary of state a certificate of authority under section 321.0904 pertaining to a
77.35 foreign limited partnership, the foreign limited partnership must deliver to the secretary

78.1 of state for filing an annual ~~registration~~ renewal containing the information required by
78.2 subsection (c).

78.3 (b) A limited partnership's obligation under subsection (a) ends if the limited
78.4 partnership delivers to the secretary of state for filing a statement of termination under
78.5 section 321.0203 and the statement becomes effective under section 321.0206. A foreign
78.6 limited partnership's obligation under subsection (a) ends if the secretary of state issues
78.7 and files a certificate of revocation under section 321.0906 or if the foreign limited
78.8 partnership delivers to the secretary of state for filing a notice of cancellation under
78.9 section 321.0907(a) and that notice takes effect under section 321.0206. If a foreign
78.10 limited partnership's obligations under subsection (a) end and later the secretary of state
78.11 files, pursuant to section 321.0904, a new certificate of authority pertaining to that foreign
78.12 limited partnership, subsection (a)(2), again applies to the foreign limited partnership and,
78.13 for the purposes of subsection (a)(2), the calendar year of the new filing is treated as the
78.14 calendar year in which a certificate of authority is first on file with the secretary of state.

78.15 (c) The annual ~~registration~~ renewal must contain: ~~the items required by section 5.34.~~

78.16 ~~(1) the name of the limited partnership or foreign limited partnership;~~

78.17 ~~(2) the address of its designated office and the name and street and mailing address~~
78.18 ~~of its agent for service of process in Minnesota and, if the agent is not an individual, the~~
78.19 ~~name, street and mailing address, and telephone number of an individual who may be~~
78.20 ~~contacted for purposes other than service of process with respect to the limited partnership;~~

78.21 ~~(3) in the case of a limited partnership, the street and mailing address of its principal~~
78.22 ~~office; and~~

78.23 ~~(4) in the case of a foreign limited partnership, the name of the state or other~~
78.24 ~~jurisdiction under whose law the foreign limited partnership is formed and any alternate~~
78.25 ~~name adopted under section 321.0905(a).~~

78.26 (d) The secretary of state shall:

78.27 (1) administratively dissolve under section 321.0809 a limited partnership that has
78.28 failed to file a ~~registration~~ renewal pursuant to subsection (a); and

78.29 (2) revoke under section 321.0906 the certificate of authority of a foreign limited
78.30 partnership that has failed to file a ~~registration~~ renewal pursuant to subsection (a).

78.31 Sec. 18. Minnesota Statutes 2008, section 321.0810, is amended to read:

78.32 **321.0810 REINSTATEMENT FOLLOWING ADMINISTRATIVE**
78.33 **DISSOLUTION.**

78.34 (a) A limited partnership that has been administratively dissolved or a foreign
78.35 limited partnership that has had its certificate of authority revoked may ~~apply to the~~

79.1 ~~secretary of state for reinstatement~~ reinstatement after the effective date of dissolution. ~~The~~
79.2 ~~application~~ To reinstate, the annual renewal required by section 5.34 must be delivered to
79.3 the secretary of state for filing and state; with the reinstatement fee of \$25.

79.4 ~~(1) the name of the limited partnership and the effective date of its administrative~~
79.5 ~~dissolution;~~

79.6 ~~(2) that the grounds for dissolution either did not exist or have been eliminated; and~~

79.7 ~~(3) that the limited partnership's name satisfies the requirements of section 321.0108.~~

79.8 ~~The application must also include any documents that were required to be delivered~~
79.9 ~~for filing to the secretary of state but which were not so delivered.~~

79.10 ~~(b) If the secretary of state determines that an application~~ an annual renewal contains
79.11 the information required by subsection (a) and that the information is correct and ~~the~~
79.12 ~~application includes~~ is accompanied by the appropriate fee, the secretary of state shall file
79.13 the reinstatement application and serve the limited partnership with a copy renewal and
79.14 reinstatement the limited partnership or foreign limited partnership.

79.15 (c) When reinstatement becomes effective, it relates back to and takes effect as of the
79.16 effective date of the administrative dissolution or revocation and the limited partnership
79.17 may resume its activities as if the administrative dissolution or revocation had never
79.18 occurred, except that for the purposes of section 321.0103(c) and (d) the reinstatement
79.19 is effective only as of the date the reinstatement is filed.

79.20 Sec. 19. Minnesota Statutes 2008, section 322B.960, is amended to read:

79.21 **322B.960 ANNUAL REGISTRATION RENEWAL.**

79.22 Subdivision 1. **Annual registration renewal form.** (a) The secretary of state
79.23 ~~must~~ may send annually to each limited liability company ~~at the registered office of the~~
79.24 ~~corporation a postcard,~~ using the information provided by the limited liability company
79.25 pursuant to section 5.002 or 5.34 or the articles of organization, a notice announcing the
79.26 need to file the annual registration renewal and informing the limited liability company
79.27 that the annual registration renewal may be filed online and that paper filings may also be
79.28 made, and informing the limited liability company that failing to file the annual registration
79.29 renewal will result in an administrative termination of the limited liability company or the
79.30 revocation of the authority of the limited liability company to do business in Minnesota.

79.31 (b) Each calendar year beginning in the calendar year following the calendar year in
79.32 which a limited liability company files articles of organization, a limited liability company
79.33 must file with the secretary of state by December 31 of each calendar year a ~~registration~~
79.34 renewal containing the ~~information listed in subdivision 2~~ items required by section 5.34.

79.35 ~~Subd. 2. Information required; fees.~~ The registration must include:

80.1 ~~(1) the name of the limited liability company or the name under which a foreign~~
80.2 ~~limited liability company has registered in this state;~~

80.3 ~~(2) the address of its principal executive office, if different from the registered~~
80.4 ~~address;~~

80.5 ~~(3) the address of its registered office;~~

80.6 ~~(4) the name of its registered agent, if any;~~

80.7 ~~(5) the state or jurisdiction of organization; and~~

80.8 ~~(6) the name and business address of the manager or other person exercising the~~
80.9 ~~principal functions of the chief manager of the limited liability company.~~

80.10 Subd. 4. **Penalty.** (a) A domestic limited liability company that has not filed
80.11 a ~~registration renewal pursuant to the requirements of subdivision 2,~~ this section is
80.12 administratively terminated. The secretary of state shall issue a certificate of administrative
80.13 termination which must be filed in the office of the secretary of state. The secretary of
80.14 state must also make available in an electronic format the names of the terminated limited
80.15 liability companies.

80.16 (b) A non-Minnesota limited liability company that has not filed a ~~registration~~
80.17 ~~renewal pursuant to the requirements of subdivision 2,~~ this section shall have its authority
80.18 to do business in Minnesota revoked. The secretary of state must issue a certificate of
80.19 revocation which must be filed in the Office of the Secretary of State. The secretary
80.20 of state must also make available in an electronic format the names of the revoked
80.21 non-Minnesota limited liability companies.

80.22 Subd. 5. **Reinstatement.** If a limited liability company is administratively
80.23 terminated or has its authority to do business in Minnesota revoked, it may retroactively
80.24 reinstate its existence or authority to do business by filing a single annual ~~registration~~
80.25 ~~renewal~~ and paying a \$25 fee.

80.26 (a) For a domestic limited liability company, filing the annual ~~registration renewal~~
80.27 with the secretary of state:

80.28 (1) returns the limited liability company to active status as of the date of the
80.29 administrative termination;

80.30 (2) validates contracts or other acts within the authority of the articles, and the
80.31 limited liability company is liable for those contracts or acts; and

80.32 (3) restores to the limited liability company all assets and rights of the limited
80.33 liability company and its members to the extent they were held by the limited liability
80.34 company and its members before the administrative termination occurred, except to the
80.35 extent that assets or rights were affected by acts occurring after the termination, sold, or
80.36 otherwise distributed after that time.

81.1 (b) For a non-Minnesota limited liability company, filing the annual ~~registration~~
81.2 renewal restores the limited liability company's ability to do business in Minnesota and
81.3 the rights and privileges which accompany that authority.

81.4 Sec. 20. Minnesota Statutes 2008, section 323A.1003, is amended to read:

81.5 **323A.1003 ANNUAL ~~REGISTRATION~~ RENEWAL.**

81.6 (a) Each calendar year beginning in the calendar year following the calendar year
81.7 in which a partnership files a statement of qualification or in which a foreign partnership
81.8 becomes authorized to transact business in this state, the secretary of state ~~must mail by~~
81.9 ~~first class mail an annual registration form to the street address of the partnership's chief~~
81.10 ~~executive office, if located in Minnesota, the office in this state, if the chief executive~~
81.11 ~~office is not located in Minnesota, or address of the registered agent of the partnership~~
81.12 ~~as shown on the records of the secretary of state when the chief executive office is not~~
81.13 ~~located in Minnesota and no other Minnesota office exists~~ may send annually to the
81.14 partnership or foreign partnership, using the information provided by the limited liability
81.15 partnership pursuant to section 5.002 or 5.34 or the limited liability partnership statement
81.16 of qualification, a notice. The ~~form must include the following~~ notice: will announce the
81.17 need to file the annual renewal and will inform the partnership or foreign partnership that
81.18 the annual renewal may be filed online and that paper filings may also be made and that
81.19 ~~"NOTICE: failure to file this form~~ the notice by December 31 ~~of this year~~ will result
81.20 in the revocation of the statement of qualification of this limited liability partnership.
81.21 ~~without further notice from the secretary of state pursuant to Minnesota Statutes, section~~
81.22 ~~323A.1003, subsection (d)."~~

81.23 (b) A limited liability partnership, and a foreign limited liability partnership
81.24 authorized to transact business in this state, shall file an annual ~~registration~~ renewal in the
81.25 office of the secretary of state which contains: the information required by section 5.34.

81.26 ~~(1) the name of the limited liability partnership and the state or other jurisdiction~~
81.27 ~~under whose laws the foreign limited liability partnership is formed;~~

81.28 ~~(2) the street address, including the zip code, of the partnership's chief executive~~
81.29 ~~office and, if different, the street address, including the zip code, of an office of the~~
81.30 ~~partnership in this state, if any;~~

81.31 ~~(3) if the partnership does not have an office in this state, the name and street address,~~
81.32 ~~including the zip code, of the partnership's current agent for service of process; and~~

81.33 ~~(4) if the agent for service of process under clause (3) is not an individual, the name,~~
81.34 ~~street address, and telephone number of an individual who may be contacted for purposes~~
81.35 ~~other than service of process with respect to the limited liability partnership.~~

82.1 (c) An annual ~~registration~~ renewal must be filed once each calendar year beginning
82.2 in the year following the calendar year in which a partnership files a statement of
82.3 qualification or a foreign partnership becomes authorized to transact business in this state.

82.4 (d) The secretary of state must revoke the statement of qualification of a partnership
82.5 that fails to file an annual ~~registration~~ renewal when due or pay the required filing fee. The
82.6 secretary of state must issue a certificate of revocation which must be filed in the office
82.7 of the secretary of state. The secretary of state must also make available in an electronic
82.8 format the names of the revoked limited liability companies.

82.9 (e) A revocation under subsection (d) only affects a partnership's status as a limited
82.10 liability partnership and is not an event of dissolution of the partnership.

82.11 (f) A partnership whose statement of qualification has been revoked may apply
82.12 to the secretary of state for reinstatement ~~within one year after the effective date of~~
82.13 ~~the revocation~~. A partnership must file an annual ~~registration~~ renewal to apply for
82.14 reinstatement and pay a reinstatement fee of ~~\$135~~ \$160.

82.15 (g) A reinstatement under subsection (f) relates back to and takes effect as of
82.16 the effective date of the revocation, and the partnership's status as a limited liability
82.17 partnership continues as if the revocation had never occurred.

82.18 Sec. 21. Minnesota Statutes 2008, section 333.055, is amended to read:

82.19 **333.055 TERM OF CERTIFICATE.**

82.20 Subdivision 1. **Application and renewal.** Filing of a certificate hereunder shall be
82.21 effective ~~for a term of ten years from the date of filing and upon application filed within~~
82.22 ~~the six-month period prior to the expiration of such term or a renewal thereof, on a form~~
82.23 ~~prescribed by the secretary of state, upon filing and shall remain in effect as long as an~~
82.24 annual renewal for the certificate may be renewed for additional ten-year terms. A renewal
82.25 fee as specified herein, payable to the secretary of state, shall accompany the application
82.26 for renewal. is filed in each calendar year following the calendar year in which the original
82.27 filing was filed. The certificate expires in the calendar year following a calendar year in
82.28 which the annual renewal was not filed. Notice of the annual renewal requirement must be
82.29 provided to the person or entity submitting the certificate at the time of the original filing.

82.30 ~~The secretary of state shall notify each business holding a certificate hereunder of~~
82.31 ~~the necessity of renewal thereof by writing to the last known address of the business at~~
82.32 ~~least six months prior to the certificate's expiration date.~~

82.33 Assumed name certificates on file with the secretary of state upon the effective
82.34 date of this section are exempt from the renewal requirements of this section until the
82.35 expiration of the original ten-year term.

83.1 Subd. 2. ~~Existing certificates~~ **Reinstatement.** Any assumed name certificate of
83.2 record in the district courts and in force on July 1, 1978 shall continue in force without
83.3 the necessity of another filing under section 333.01 until July 31, 1979, at which time all
83.4 such certificates shall expire unless renewed as hereinafter provided. Any certificate
83.5 may be renewed by filing an application with the secretary of state on a form prescribed
83.6 by the secretary and paying the renewal fee prescribed by subdivision 3 within the six
83.7 month period prior to the expiration of the certificate that expires as a result of failing
83.8 to file the annual renewal may be reinstated by filing the annual renewal with the \$25
83.9 reinstatement fee.

83.10 Subd. 2a. **Annual renewal; contents.** The annual renewal filed under subdivision 1
83.11 must include the assumed name and the address of the principal place of business.

83.12 Subd. 3. **Fees.** The secretary of state shall charge and collect: a fee of \$30 for
83.13 each filing submitted with respect to an assumed name except for the annual renewal,
83.14 for which no fee will be charged.

83.15 ~~(a) for the filing of each certificate or amended certificate of an assumed name - \$25;~~

83.16 ~~(b) certificate renewal fee - \$25.~~

83.17 Subd. 4. **Secretary of state duties.** The secretary of state shall accept for filing all
83.18 certificates and renewals thereof which comply with the provisions of sections 333.001 to
83.19 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that
83.20 the assumed name disclosed therein may not be distinguishable from one or more other
83.21 assumed names already filed with the secretary of state. The secretary of state shall not
83.22 accept for filing a certificate that discloses an assumed name that is not distinguishable
83.23 from a corporate, limited liability company, limited liability partnership, cooperative, or
83.24 limited partnership name in use or reserved in this state by another or a trade or service
83.25 mark registered with the secretary of state, unless there is filed with the certificate a written
83.26 consent, court decree of prior right, or affidavit of nonuser of the kind required by section
83.27 302A.115, subdivision 1, clause (d). The secretary of state shall determine whether a name
83.28 is distinguishable from another name for purposes of this subdivision.

83.29 **EFFECTIVE DATE; APPLICATION.** The amendments to this section are
83.30 effective 30 days after the secretary of state certifies that the information systems of the
83.31 Office of the Secretary of State have been modified to implement this section, and the
83.32 amendments to this section apply to all existing and new assumed name certificates on
83.33 and after that date.

83.34 Sec. 22. Minnesota Statutes 2008, section 336A.04, subdivision 3, is amended to read:

84.1 Subd. 3. **Fees.** The fee for filing and indexing a standard form or format for a lien
84.2 notice, effective financing statement, or continuation statement, and stamping the date and
84.3 place of filing on a copy of the filed document furnished by the filing party is ~~\$15 until~~
84.4 ~~June 30, 2005. Effective July 1, 2005, the fee for each filing will be~~ as follows:

84.5 (1) \$20 for each effective financing statement and \$15 for each lien notice or other
84.6 filing made through the Web interface of the Office of the Secretary of State; ~~and~~

84.7 (2) \$25 for each effective financing statement and \$20 for each lien notice or other
84.8 filing submitted in any other manner; and

84.9 (3) no fee will be charged for filing a termination statement.

84.10 Filing fees collected by a satellite office must be deposited in the general fund of the
84.11 county in which the satellite office is located.

84.12 Sec. 23. Minnesota Statutes 2008, section 336A.09, subdivision 2, is amended to read:

84.13 Subd. 2. **Searches; fees.** (a) If a person makes a request, the filing officer shall
84.14 conduct a search of the computerized filing system for effective financing statements or
84.15 lien notices and statements of continuation of a particular debtor. The filing officer shall
84.16 produce a report including the date, time, and results of the search by issuing:

84.17 (1) a listing of the file number, date, and hour of each effective financing statement
84.18 found in the search and the names and addresses of each secured party on the effective
84.19 financing statements or of each lien notice found in the search and the names and address
84.20 of each lienholder on the lien notice; or

84.21 (2) upon request, both the report and photocopies of the effective financing
84.22 statements or lien notices.

84.23 (b) The uniform fee for conducting a search and for preparing a report is \$20 per
84.24 debtor name. ~~If an oral or facsimile response is requested, there is an additional fee of \$5~~
84.25 ~~per debtor name requested.~~ A fee of \$1 per page as set by section 5.12 will be charged for
84.26 photocopies of effective financing statements, lien notices, continuation statements, or
84.27 termination statements.

84.28 (c) Search fees collected by a satellite office must be deposited in the general fund of
84.29 the county where the satellite office is located.

84.30 Sec. 24. Minnesota Statutes 2008, section 359.01, subdivision 3, is amended to read:

84.31 Subd. 3. **Fees.** (a) When making application for a commission the applicant must
84.32 submit, along with the information required by the secretary of state, a nonrefundable
84.33 fee of \$40.

85.1 (b) All fees shall be retained by the secretary of state and are nonreturnable, except
85.2 ~~that for an overpayment of a fee is the subject of a refund upon proper application.~~

85.3 **ARTICLE 4**

85.4 **VETERANS PREFERENCE**

85.5 Section 1. Minnesota Statutes 2008, section 16C.16, is amended by adding a
85.6 subdivision to read:

85.7 Subd. 6a. **Veteran-owned small businesses.** (a) The commissioner shall award up
85.8 to a six percent preference, but no less than the percentage awarded to any other group
85.9 under this section, in the amount bid on state procurement to certified small businesses
85.10 that are majority-owned and operated either:

85.11 (1) by veterans, as indicated by the person's United States Department of Defense
85.12 form DD-214 or by the commissioner of veterans affairs; or

85.13 (2) by veterans having service-connected disabilities, as determined at any time by
85.14 the United States Department of Veterans Affairs.

85.15 (b) The purpose of this designation is to facilitate the transition of veterans from
85.16 military to civilian life, and to help compensate veterans for their sacrifices, including but
85.17 not limited to their sacrifice of health and time, to the state and nation during their military
85.18 service, as well as to enhance economic development within Minnesota.

85.19 (c) For purposes of this section and section 16C.19, the following terms have the
85.20 meanings given them:

85.21 (1) "veteran" has the meaning given in section 197.447;

85.22 (2) "service-connected disability" has the meaning given in United States Code, title
85.23 38, section 101(16), as determined by the United States Department of Veterans Affairs.

85.24 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
85.25 procurement contract bid solicitations issued on and after that date.

85.26 Sec. 2. Minnesota Statutes 2008, section 16C.19, is amended to read:

85.27 **16C.19 ELIGIBILITY; RULES.**

85.28 (a) A small business wishing to participate in the programs under section 16C.16,
85.29 subdivisions 4 to 7, must be certified by the commissioner. The commissioner shall adopt
85.30 by rule standards and procedures for certifying that small businesses, small targeted group
85.31 businesses, and small businesses located in economically disadvantaged areas are eligible
85.32 to participate under the requirements of sections 16C.16 to 16C.21. The commissioner

86.1 shall adopt by rule standards and procedures for hearing appeals and grievances and other
86.2 rules necessary to carry out the duties set forth in sections 16C.16 to 16C.21.

86.3 (b) The commissioner may make rules which exclude or limit the participation of
86.4 nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers,
86.5 manufacturers' representatives, and others from eligibility under sections 16C.16 to
86.6 16C.21.

86.7 (c) The commissioner may make rules that set time limits and other eligibility limits
86.8 on business participation in programs under sections 16C.16 to 16C.21.

86.9 (d) Notwithstanding paragraph (c), for purposes of sections 16C.16 to 16C.21,
86.10 a veteran-owned small business or service-disabled veteran-owned small business, the
86.11 principal place of business of which is in Minnesota, is certified if it has been verified by
86.12 the United States Department of Veterans Affairs as being a veteran-owned small business
86.13 or service disabled veteran-owned small business in accordance with Public Law 109-461
86.14 and Code of Federal Regulations, title 38, part 74.

86.15 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
86.16 procurement contract bid solicitations issued on and after that date.

86.17 Sec. 3. Minnesota Statutes 2008, section 16C.20, is amended to read:

86.18 **16C.20 CERTIFICATION.**

86.19 A business that is certified by the commissioner of administration as a small
86.20 business, small targeted group business, ~~or~~ a small business located in an economically
86.21 disadvantaged area, a veteran owned small business is eligible to participate under the
86.22 requirements of sections 137.31 and 161.321 and, if certified as a small business, ~~or~~ small
86.23 targeted group business, or veteran owned small business, under section 473.142 without
86.24 further certification by the contracting agency.

86.25 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
86.26 procurement contract bid solicitations issued on and after that date.

86.27 Sec. 4. Minnesota Statutes 2008, section 161.321, is amended to read:

86.28 **161.321 SMALL BUSINESS CONTRACTS.**

86.29 Subdivision 1. **Definitions.** For purposes of this section the following terms have
86.30 the meanings given them, except where the context clearly indicates a different meaning is
86.31 intended.

86.32 (a) "Award" means the granting of a contract in accordance with all applicable laws
86.33 and rules governing competitive bidding except as otherwise provided in this section.

87.1 (b) "Contract" means an agreement entered into between a business entity and the
87.2 state of Minnesota for the construction of transportation improvements.

87.3 (c) "Subcontractor" means a business entity which enters into a legally binding
87.4 agreement with another business entity which is a party to a contract as defined in
87.5 paragraph (b).

87.6 (d) "Targeted group business" means a business designated under section 16C.16,
87.7 subdivision 5.

87.8 (e) "Veteran owned small business" means a business designated under section
87.9 16C.16, subdivision 6a.

87.10 Subd. 2. **Small business set-asides.** (a) The commissioner may award up to a six
87.11 percent preference in the amount bid for specified construction work to small targeted
87.12 group businesses and veteran owned small businesses.

87.13 (b) The commissioner may designate a contract for construction work for award only
87.14 to small targeted group businesses if the commissioner determines that at least three small
87.15 targeted group businesses are likely to bid. The commissioner may designate a contract for
87.16 construction work for award only to veteran owned small businesses if the commissioner
87.17 determines that at least three veteran owned small businesses are likely to bid.

87.18 (c) The commissioner, as a condition of awarding a construction contract, may
87.19 set goals that require the prime contractor to subcontract a portion of the contract to
87.20 small targeted group businesses and veteran owned small businesses. The commissioner
87.21 must establish a procedure for granting waivers from the subcontracting requirement
87.22 when qualified small targeted group businesses and veteran owned small businesses
87.23 are not reasonably available. The commissioner may establish financial incentives for
87.24 prime contractors who exceed the goals for use of subcontractors and financial penalties
87.25 for prime contractors who fail to meet goals under this paragraph. The subcontracting
87.26 requirements of this paragraph do not apply to prime contractors who are small targeted
87.27 group businesses or veteran owned small businesses.

87.28 (d) The commissioner may award up to a four percent preference in the amount bid
87.29 on procurement to small businesses located in an economically disadvantaged area as
87.30 defined in section 16C.16, subdivision 7.

87.31 Subd. 3. **Awards to small businesses.** At least 75 percent of subcontracts awarded
87.32 to small targeted group businesses must be performed by the business to which the
87.33 subcontract is awarded or another small targeted group business. At least 75 percent
87.34 of subcontracts awarded to veteran owned small businesses must be performed by the
87.35 business to which the subcontract is awarded or another veteran owned small business.

88.1 Subd. 4. **Awards, limitations.** Contracts awarded pursuant to this section are
88.2 subject to all limitations contained in rules adopted by the commissioner of administration.

88.3 Subd. 5. **Recourse to other businesses.** If the commissioner is unable to award
88.4 a contract pursuant to the provisions of subdivisions 2 and 3, the award may be placed
88.5 pursuant to the normal solicitation and award provisions set forth in this chapter and
88.6 chapter 16C.

88.7 Subd. 6. **Rules.** The rules adopted by the commissioner of administration to define
88.8 small businesses and to set time and other eligibility requirements for participation in
88.9 programs under sections 16C.16 to 16C.19 apply to this section. The commissioner may
88.10 promulgate other rules necessary to carry out this section.

88.11 Subd. 7. **Noncompetitive bids.** The commissioner is encouraged to purchase
88.12 from small targeted group businesses and veteran owned small businesses designated
88.13 under section 16C.16 when making purchases that are not subject to competitive bidding
88.14 procedures.

88.15 Subd. 8. **Report by commissioner.** The commissioner of transportation shall report
88.16 to the commissioner of administration on compliance with this section. The information
88.17 must be reported at the time and in the manner requested by the commissioner.

88.18 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
88.19 procurement contract bid solicitations issued on and after that date.

88.20 Sec. 5. Minnesota Statutes 2008, section 473.142, is amended to read:

88.21 **473.142 SMALL BUSINESSES.**

88.22 (a) The Metropolitan Council and agencies specified in section 473.143, subdivision
88.23 1, may award up to a six percent preference in the amount bid for specified goods or
88.24 services to small targeted group businesses and veteran owned small businesses designated
88.25 under section 16C.16.

88.26 (b) The council and each agency specified in section 473.143, subdivision 1, may
88.27 designate a purchase of goods or services for award only to small targeted group businesses
88.28 designated under section 16C.16 if the council or agency determines that at least three
88.29 small targeted group businesses are likely to bid. The council and each agency specified in
88.30 section 473.143, subdivision 1, may designate a purchase of goods or services for award
88.31 only to veteran owned small businesses designated under section 16C.16 if the council or
88.32 agency determines that at least three veteran owned small businesses are likely to bid.

88.33 (c) The council and each agency specified in section 473.143, subdivision 1, as a
88.34 condition of awarding a construction contract or approving a contract for consultant,

89.1 professional, or technical services, may set goals that require the prime contractor to
89.2 subcontract a portion of the contract to small targeted group businesses and veteran
89.3 owned small businesses designated under section 16C.16. The council or agency must
89.4 establish a procedure for granting waivers from the subcontracting requirement when
89.5 qualified small targeted group businesses and veteran owned small businesses are not
89.6 reasonably available. The council or agency may establish financial incentives for
89.7 prime contractors who exceed the goals for use of subcontractors and financial penalties
89.8 for prime contractors who fail to meet goals under this paragraph. The subcontracting
89.9 requirements of this paragraph do not apply to prime contractors who are small targeted
89.10 group businesses and veteran owned small businesses. At least 75 percent of the value of
89.11 the subcontracts awarded to small targeted group businesses under this paragraph must
89.12 be performed by the business to which the subcontract is awarded or by another small
89.13 targeted group business. At least 75 percent of the value of the subcontracts awarded to
89.14 veteran owned small businesses under this paragraph must be performed by the business
89.15 to which the subcontract is awarded or another veteran owned small business.

89.16 (d) The council and each agency listed in section 473.143, subdivision 1, are
89.17 encouraged to purchase from small targeted group businesses and veteran owned small
89.18 businesses designated under section 16C.16 when making purchases that are not subject to
89.19 competitive bidding procedures.

89.20 (e) The council and each agency may adopt rules to implement this section.

89.21 (f) Each council or agency contract must require the prime contractor to pay any
89.22 subcontractor within ten days of the prime contractor's receipt of payment from the
89.23 council or agency for undisputed services provided by the subcontractor. The contract
89.24 must require the prime contractor to pay interest of 1-1/2 percent per month or any
89.25 part of a month to the subcontractor on any undisputed amount not paid on time to the
89.26 subcontractor. The minimum monthly interest penalty payment for an unpaid balance of
89.27 \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall
89.28 pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil
89.29 action to collect interest penalties from a prime contractor must be awarded its costs and
89.30 disbursements, including attorney fees, incurred in bringing the action.

89.31 (g) This section does not apply to procurement financed in whole or in part
89.32 with federal funds if the procurement is subject to federal disadvantaged, minority, or
89.33 women business enterprise regulations. The council and each agency shall report to the
89.34 commissioner of administration on compliance with this section. The information must be
89.35 reported at the time and in the manner requested by the commissioner.

90.1 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
90.2 procurement contract bid solicitations issued on and after that date.