

HOUSE RESEARCH

Bill Summary

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Article 1

State Government Appropriations

Contains appropriations and related provisions for entities under the jurisdiction of the State Government Finance Division. For detail on appropriations, see the spreadsheet prepared by the Fiscal Analysis Department.

Section

- 1 **State Government Appropriations.**
- 2 **Legislature.**
- 3 **Governor and Lieutenant Governor.**
- 4 **State Auditor.**
- 5 **Attorney General.**
- 6 **Secretary of State.**
- 7 **Campaign Finance and Public Disclosure Board.**
- 8 **Investment Board.**
- 9 **Office of Enterprise Technology.**
- 10 **Administrative Hearings.**

- 11 **Administration.**
- 12 **Capitol Area Architectural and Planning Board.**
- 13 **Finance.**
- 14 **Revenue.**
- 15 **Gambling control.**
- 16 **Racing commission.**
- 17 **State Lottery.**
- 18 **Tort Claims.**
- 19 **Minnesota State Retirement System.**
- 20 **Minneapolis Employees Retirement Fund.**
- 21 **Teachers Retirement Association.**
- 22 **St. Paul Teachers Retirement Fund.**
- 23 **Duluth Teachers Retirement Fund.**
- 24 **General contingent accounts.**
- 25 **Amateur Sports Commission.**
- 26 **Council on Black Minnesotans.**
- 27 **Council on Chicano/Latino Affairs.**
- 28 **Council on Asian-Pacific Minnesotans**
- 29 **Indian Affairs Council.**
- 30 **Problem gambling appropriation.**
- 31 **Managerial position reductions.** Requires the governor to reduce the number of deputy commissioners, assistant commissioners, and certain unclassified positions to achieve specified general fund savings.

Article 2

State Government Operations

- 1 **Enterprise Services and Government Efficiency.** Requires that House and Senate finance divisions with jurisdiction over state government finance issues must be known as the Enterprise Services and Government Efficiency Finance Divisions.

- 2 **LAC; Financial management and internal controls.** Requires the Legislative Audit Commission to monitor internal control systems in state government to the extent necessary to ensure that management has established and implemented effective systems and procedures. Lists specific duties for the Commission.
- 3 **Financial audits.** Expands the scope of the requirement for the Legislative Auditor to investigate allegations of noncompliance in the course of financial audits by eliminating the limitation to state employees and employees of agencies listed in this subdivision.
- 4 **Legislative Auditor duties.** Provides that when the Legislative Auditor determines that a state official or employee has used money for a purpose other than the purpose for which the money was appropriated, the Auditor must report this to the Legislative Audit Commission, the Attorney General, and the appropriate county attorney. Current law requires these reports when the Legislative Auditor finds a misuse of public money or other public resources.
- 5 **Governor's office budget.** Requires that any personnel costs attributable to the office of the Governor and Lieutenant Governor be accounted for through an appropriation to the office of the Governor. Forbids entering into agreements with other executive branch agencies under which personnel costs for the Governor's office are supported by appropriations to other agencies.
- 6 **State demographer.** Requires the state demographer to release a demographic forecast in conjunction with the commissioner of finance and the November state economic forecast.
- 7 **Organization application for registration.** Provides that fees collected by the Secretary of State from student exchange organizations are deposited in the general fund as nondedicated receipts.
- 8 **Telephone use; approval.** Provides that the requirement for elected officials to sign the person's monthly long-distance phone bill does not apply to a monthly bill of less than \$5. Provides that even if the bill is less than \$5, the person is responsible for paying any portion of the bill that does not relate to state business. Provides that all state-paid telephone bills are public data, regardless of the amount.
- 9 **Naming.** Provides that laws may not be named for living people and that laws may not name councils, buildings, roads or other facilities after living people.
- 10 **Purpose of Web site and publications.** Provides that the purpose of a public Web site and print publications must be to provide information about duties of the public entity and (instead of "or") to facilitate access to public services and information. This section applies both to state agencies and political subdivisions.
- 11 **Contact information.** Requires the home page of a Web site maintained by a state agency to prominently display an e-mail address at which the agency may be contacted and a telephone number that will be answered by a human being (to the greatest extent possible) in Minnesota during normal business hours. Under current law "state agency" means an entity in the executive, judicial, or legislative branch. Requires agencies to use existing resources to comply with these requirements.
- 12 **Appropriation; Campaign Finance and Public Disclosure Board.** Appropriates \$50,000

each year to the Campaign Finance and Public Disclosure Board. Reduces an appropriation for transfer to the general account of the state elections campaign fund by this amount. Makes accounting changes relating to an appropriation to the Office of Administrative Hearings for fair campaign practices activities.

- 13 SBI reports.** Requires the State Board of Investment annual report to include an executive summary. Requires that SBI include all of its annual and quarterly reports, including the executive summaries, on its Web site. Requires reports to include a listing of fees paid to outside money managers and consultants.
- 14 Change in reference.** Changes a reference from the Department of Administration to the Department of Finance, in connection with the transfer of Management Analysis Division duties from the Department of Administration to the Department of Finance.
- 15 Parking Spaces.** Requires that to provide the public with greater access to legislative proceedings, all parking spaces on Aurora Avenue in front of the Capitol must be reserved for the public.
- 16 Definitions.** Defines terms for purposes of the False Claims Act provisions in the following sections, including:
- “claim” is defined to mean a request or demand made to a contractor, grantee, or other recipient if the state provides any of the money or property requested or demanded.
 - “state” is defined to include state agencies and political subdivisions.
- 17 Liability for certain acts.** Provides that a person who commits any of the acts listed in this section is liable to the state for a civil penalty of between \$5,000 and \$10,000 per false claim, plus three times the amount of damages the state sustains because of the act. The specified acts relate to making various types of false claims for payment or approval to the state, or falsely avoiding or decreasing obligations to transmit money or property to the state. “State” is defined to include any political subdivision of the state.
- Specifies circumstances in which a court may assess not less than two times (instead of three times) the amount of damages the state sustains because of an act.
- Provides that violators are also liable to the state for the costs of a civil action.
- States that a person is not liable under this section for mere inadvertence or mistake.
- 18 Exclusion.** Provides that this chapter does not apply to taxation.
- 19 Responsibilities of attorney general.** Authorizes the Attorney General to investigate violations and to bring civil actions to enjoin violations and to recover damages and penalties.
- 20 Private remedies.** Authorizes any person to maintain an action on behalf of the person and a public entity if state or political subdivision money, property, or services are involved. Provides that if an action is brought under this section, no other person (including the state) may bring another action under this section based on the same facts while the existing action is pending.

Specifies conditions under which actions cannot be brought under this section, including actions against a public body or actions based on: evidence already known to the state; allegations or transactions that are already the subject of a state proceeding; disclosures made in criminal, civil, or administrative hearings or legislative investigations; public auditor or governing body investigations; or disclosures from the news media.

Requires a person starting an action under this section to notify the Attorney General, including a written disclosure of material evidence. Provides that the person's complaint must remain sealed by the court for at least 60 days.

- 21 Attorney General intervention.** Provides that within 60 days after receiving a complaint and disclosure, the Attorney General may intervene or decide not to. Regardless of whether or not the Attorney General intervenes, the Attorney General may pursue alternative remedies available to the state. If the Attorney General does this, the person initiating the action has the same rights in that proceeding as if the action had continued under section 5. Findings and conclusions in the other proceeding are conclusive on all parties to an action under this section.
- 22 Service of unsealed complaint.** Provides that when unsealed, the complaint must be served on the defendant, and the defendant must respond within 20 days.
- 23 Attorney General and private party roles.** Provides that if the Attorney General does not intervene, the private party has the same rights in conducting the action as the Attorney General would have had. Provides conditions for later intervention by the Attorney General. Provides that if the Attorney General intervenes, the Attorney General has primary responsibility for prosecuting the action. Provides that the private person remains a party, and specifies the role of the private party.
- 24 Stay of discovery.** Provides for stay of discovery by a private person if the Attorney General shows this would interfere with prosecution of a civil or criminal matter arising out of the same facts.
- 25 Court-imposed limits upon participation of private plaintiff.** Allows a court to limit the private person's participation in an action in which the Attorney General has intervened.
- 26 Limitation of actions.** Provides that actions under this section must be brought within three years of the date of discovery of fraudulent activity by the Attorney General, or within six years after the fraudulent activity occurred, but not more than ten years after the violation occurred. Specifies the effect of a guilty plea in a criminal action upon an action under this section. Provides that the state or a private person who brings an action under this chapter must prove the essential elements of the claim, including damages, by a preponderance of the evidence.
- 27 Award of expenses and attorney fees.** Provides that if the Attorney General or a person bringing an action prevails in or settles an action, the court may authorize the person to recover costs, attorney fees, and expert consultant and witness fees from a defendant other than the state or a political subdivision. If the Attorney General does not intervene, and if the defendant prevails, the court must award expenses and attorney fees against the party or parties who participated in the action if the action was clearly frivolous or brought in substantial part for harassment.

- 28 Distribution to private plaintiff.** Provides that when the Attorney General intervenes at the outset of an action brought by another person, the person shall receive not less than 15 percent or more than 25 percent of any recovery in proportion to the person's contribution to the conduct of the action. If the Attorney General does not intervene at the outset, the person must receive between 25 and 30 percent of any recovery or settlement, as the court determines to be reasonable.
- 29 Employer restrictions.** Forbids an employer from forbidding an employee to disclose information to a public entity in furtherance of an action under this section or from discriminating against an employee in terms or conditions of employment because of these disclosures. Specifies civil liability for employer violations.
- 30 Name.** Provides that the commissioner of finance and the Department of Finance may not be identified by a title or name other than the title and name assigned by law.
- 31 List; Commissioner of Finance duties.** Strikes current law governing duties of the commissioner of finance with respect to internal auditing, because a later section prescribes these duties in more detail.
- 32 Additional duties.** Authorizes the commissioner of finance to assist state agencies with certain functions, in connection with the transfer of Management Analysis Division duties from the Department of Administration to the Department of Finance.
- 33 Web site with searchable data base on state expenditures.**

Subd. 1. Web database requirement. Requires the commissioner of finance, in consultation with the commissioners of administration and revenue, to maintain a Web site with a searchable data base with information on state contracts, state appropriations, state expenditures, and state tax expenditures.

Requires that for each data field, the searchable database must allow a user to perform a search using that field; sort by that field; obtain information grouped or aggregated by that field, if feasible; and view information by fiscal year or years.

Subd. 2. Contracts. Requires that the database on contracts include data fields showing: the name of the entity entering into and receiving the contract; if the contract is for goods, professional or technical services, other services, or a grant; and the funding source for the contract. Also provides that for each contract the data base must include an address of the entity receiving the contract and a brief statement of the purpose of the contract. Requires that information on a new contract or grant be entered into the database within 30 days. Defines a "grant" for purposes of this section.

Subd. 3. Appropriations. Requires that the database on state appropriations include information on: the agency receiving the appropriation; the agency program, activity, and item, to the extent applicable; the fund from which the appropriation is made; and the object of expenditure.

Subd. 4. State expenditures. Requires that the database on state expenditures include data field showing: the agency making the expenditure; the agency program, activity, and item, to the extent applicable; the fund from which the expenditure is made; and the object of expenditure.

Subd. 5. Tax expenditures. Requires the Web site to include a searchable database of state tax expenditures, including data fields showing the estimated impact on state revenues of each tax expenditure item listed in a report that current law (section 270C.11) requires the commissioner of revenue to prepare.

Subd. 6. Retention of data. Requires that the database required under this section include information beginning with fiscal year 2010 funds and must retain data for at least ten years.

Subd. 7. Consultation. Requires the commissioner of finance to consult with the chairs of the Senate Finance and House Ways and Means committees before encumbering funds appropriated on or after July 1, 2009, for state accounting or procurement systems. Provides that funds appropriated for these purposes may not be spent unless the commissioner certifies that the system will allow compliance with requirements of this section.

- 34 Internal Control and Internal Auditing.** Provides that the commissioner of finance is responsible for the system of internal controls across the executive branch. Requires the commissioner to adopt internal control standards and policies that agencies must follow, to coordinate training for executive employees, and to provide internal control support to agencies that the commissioner determines need this assistance. Provides that the head of each executive agency is responsible for designing, implementing and maintaining effective internal controls with the agency. This section does not apply to MnSCU.
- 35 Financial Control Council.** Requires the executive council (the five constitutional officers) to appoint a five-member Financial Controls Council. Requires members to have experience in internal control issues. Requires the council to advise the commissioner of finance, the Governor, the Legislative Audit Commission, and the legislature on the system of internal controls for executive agencies. This section does not apply to MnSCU.
- 36 Information technology budget proposals.** Requires that a proposal in the governor's detailed budget documents for a new investment in information technology costing \$100,000 or more must request that money for the system or equipment be appropriated to the Office of Enterprise Technology.
- 37 Rates; transfer of duties.** Authorizes the commissioner of finance to approve specified revolving fund rates.
- 38 Payroll direct deposit and deductions.** Removes language from the law governing state employee payroll deductions that limits payroll deductions to only one labor organization of which the employee is a member.
- 39 Misappropriation of money.** Provides a gross misdemeanor penalty for a state official or employee of a department in the executive, legislative, or judiciary who intentionally uses money appropriated by law or fees collected, knowing that the use is for a purpose other than the purpose for which the money has been appropriated.
- 40 Best practices for investigations.** Requires the commissioner of finance to develop and make available to state appointing authorities a best practices policy for conducting investigations in which the appointing authority compels its employees to answer questions about allegedly inappropriate activity. Requires that the policy be designed to facilitate effective investigations without compromising the ability to prosecute criminal cases when

appropriate. Requires appointing authorities to follow the policies or to develop their own.

- 41 Budget reserve percentage.** Requires the commissioner of finance to:
- (a) periodically review the formula developed to estimate the percentage of the general fund expenditures recommended as a budget reserve.
 - (b) annually review the formula used to model the base of general fund taxes and the mix of taxes that provide general fund revenue, and to update variables and coefficients if they have changed enough to result in a change in the percentage of the general fund expenditures recommended as a budget reserve.
 - (c) review the methodology underlying this formula every ten years, and revise it if it is outdated.
 - (d) report annually to chairs of the House Ways and Means and Senate Finance Committees on the percentage of general fund expenditures recommended as a budget reserve, including specified topics.
- 42 Technology development lease purchase financing.** Authorizes the commissioner of finance to enter to lease-purchase agreements to fund technology system projects and to authorize the public or private sale and issuance of certificates of participation. Specifies conditions for use of this authority, including existence of a law authorizing the technology system project to be funded by a lease-purchase agreement. Provides that the term cannot exceed the expected useful life of the technology or ten years, whichever is less.
- 43 Technology lease purchase appropriation.** Appropriates \$8.975 million annually, beginning July 1, 2010, from the general fund to the commissioner of finance to make payments under a lease purchase agreement for replacement of the state's accounting and procurement systems. This section expires June 30, 2020.
- 44 Letter-size paper.** Provides that state entities must use standard letter-size paper to print documents to the extent practical, and may not use legal-sized paper unless this is the only possible size paper for a particular document.
- 45 Employee fitness and wellness facility.** Authorizes a state entity to use space under its control to offer fitness or wellness classes to its employees, and allows persons conducting these activities to charge employees a fee. Provides that revenue received by a public entity under this section is appropriated to the entity. Requires specified waivers of liability and indemnification agreements.
- 46 Rulemaking.** Requires the commissioner of public safety to amend rules to conform to the prior section.
- 47 Enterprise real property account.** Creates the enterprise real property account in the special revenue fund.
- 48 Bird-safe buildings.** Requires occupants of state owned or leased property to attempt to reduce dangers to migrating birds by turning off building lights between midnight and dawn during specified times of the year, to the extent consistent with normal use of the buildings.
- 49 Naming rights.** Authorizes the commissioner of administration to sell naming rights to

state-owned buildings or to meeting rooms within buildings. This does not apply to the Capitol, the Judicial Center, or the State Office Building.

- 50 Advertising.** Authorizes the commissioner of administration to sell advertising on temporary fences or other temporary barriers adjacent to state construction sites.
- 51 Vehicles.** Forbids provision of a state car for use by the lieutenant governor.
- 52 Minnesota Milestones.** Requires the commissioner of administration to establish a statewide system of performance measures and to report annually on trends.
- 53 Geospatial Information Office.** Creates a Geospatial Information Office under supervision of the commissioner of administration. Assigns the office specified duties and powers relating to geospatial information systems in state government, and coordination of GIS efforts between state agencies and other governmental units.
- Provides that the chief geospatial information officer may require agencies to use shared information and geospatial systems. Requires the chief geospatial information officer to establish reimbursement rates to bill state agencies and other governmental entities for costs of shared systems. Requires setting of fees that reflect the actual cost of providing information products and services to clients. Fees must be approved by the commissioner of finance but are not subject to rulemaking.
- Requires the chief geospatial information officer to establish a governance structure that includes advisory councils to obtain advice from stakeholders.
- 54 Service Disabled Veteran-owned small businesses; preference provided.** Provides service disabled veteran-owned small businesses with up to a 6-percent preference in the amount bid on state contracts for certain goods and services being procured by state agencies.
- 55 Eligibility.** Provides that a service-disabled veteran-owned Minnesota small business that is certified under federal law also is certified as such for purposes of the state law.
- 56 Certification.** Reference to certification of a service-disabled veteran-owned small business under law governing state agency purchasing.
- 57 Statewide electronic licensing system.** Creates a statewide electronic licensing account in the special revenue fund. Appropriates receipts in the account to the state chief information officer for completion of the electronic licensing system. Requires executive branch state agencies to collect a temporary surcharge of ten percent of the licensing fee (but not less than \$5 and not more than \$150) on each business, commercial, professional, or occupational license that requires a fee and that will be transferred to the electronic licensing system. Provides that agencies shall collect the surcharge for up to six years, as directed by the state chief information officer. Provides that Department of Commerce licensees who are paying for an existing electronic licensing system under section 45.24 are not required to pay the surcharge. Requires that in completing the system, priority must be given to licenses not currently issued electronically. Authorizes the chief information officer to enter into a risk-share or phased agreement with a vendor to complete the system.
- 58 Domestic Partner.** Defines domestic partner for purposes of a later section of the bill relating to health insurance for state employees.

- 59 Donation to sick leave account.** Under current law, a state employee may donate up to 12 hours of vacation leave each year to the sick leave account of other state employees. This section changes that law in several ways including:
- The limit is increased to 40 hours each year.
 - The law is expanded to apply to donation of sick leave in addition to vacation leave.
- 60 Domestic Partner benefit.** Provides that if a state collective bargaining agreement or compensation plan provides state paid health insurance for spouses of employees, the insurance must be made available to a domestic partner of a state employee on the same terms and conditions. This section is effective January 1, 2012.
- 61 Voluntary unpaid leave of absence.** Makes permanent a provision (which currently expires June 30, 2009) that allows a state employee who takes unpaid leave of absence up to 1044 hours each two-year period to continue to accrue vacation and sick leave, be eligible for holidays and insurance benefits, accrue seniority and accrue service credit and credited salary in state retirement plans as if the employee had been working during the unpaid leave period. Appointing authorities retain discretion to grant these leaves.
- 62 Management analysis revolving fund.** Creates a management analysis revolving fund, to be used to account for funds used by MAD to provide its services. This is in connection with the transfer of MAD duties from the Department of Administration to the Department of Finance.
- 63 Mississippi River critical area.** Strikes language relating to an environmental impact statement prepared before 1994 for a specified project.
- 64 Critical area.** Requires the Metropolitan Council, in consultation with the Environmental Quality Board, to consider specified property in Minneapolis for inclusion in the regional recreational open space system. Requires a report to the legislature. Provides that no rezoning, conditional use permit, or variance may be granted with respect to this property until the legislature determines the property is not suitable for inclusion in the open space system.
- 65 Public television grants.** Provides that the commissioner of administration shall distribute block grants to public television stations annually instead of twice annually. Provides that grant funds not spent by a station in the first year of a biennium do not cancel and may be carried over into the second year of the biennium.

Under current law, grants for operations costs are limited to the amount of Minnesota-based contributions received by a station in the prior fiscal year. Also under current law, in calculating the amount of contributions received by a station, that portion of a foundation or corporate donation in excess of \$500 is excluded. This section provides that the exclusion applies to that portion of the foundation or corporate donation in excess of \$2,500, instead of \$500.

This section also provides for stations receiving grants to report to the commissioner annually by August 1, instead of July 1, along with a new grant request submission, on the purposes for which the grant money was spent. This section strikes the requirement that the

report by certified by an independent auditor or certified public accountant. A later section of this bill provides a new additional reporting requirement.

- 66 Public radio grants.** Requires public radio stations seeking grants to submit applications according to state grant policies by August 1 each year, along with a new grant request submission.
- 67 Public radio block grants.** Provides that grants funds distributed to public radio stations that are not spent during the first year of a biennium carry over into the second year.
- 68 Public radio stations; audit.** Strikes a requirement that the annual audit required of a public radio station include a review of station promotion, operation, and management and an analysis of the station's used of state grant money.
- 69 Repayment of funds.** Current law requires state funds to be repaid to the state if assets purchased with the state funds are sold. This section limits that provision to sale within five years. Strikes a requirement for a biennial report on location and usage of assets purchased with state funds.
- 70 Residential housing list.** Requires certain postsecondary institutions to provide a list of current students, along with the address of each student, to the secretary of state roughly one month prior to a November general election. Minnesota State Colleges and Universities institutions are required to provide a list; the University of Minnesota is requested to provide a list; and other postsecondary institutions may choose to do so at their discretion.
- The secretary of state must combine the data received from each institution and match student names and addresses with their appropriate precinct. At least two weeks prior to the election, the secretary of state is required to forward appropriate precinct lists to each county auditor for use in election day registration. The lists may be forwarded electronically, or in another medium if a written agreement is entered between the county and the secretary of state.
- If the data provided by an institution is insufficient to determine an appropriate precinct for a student, that student's name may not be forwarded to a county auditor.
- Student residential lists are used to verify the residence of students who appear in a polling place on election day and are not previously registered to vote.
- 71 MnDOT.** Allows MnDOT to award preferences or set aside contract for award only to a service-disabled veteran-owned small business under specified conditions.
- 72 Public employee.** Corrects a reference to Metropolitan State University in the law defining public employees under PELRA.
- 73 Prior online voter registration.** Permits individuals who have a Minnesota driver's license, identification card, or learner's permit to register to vote online, if the secretary of state's website provides a process for online registration.
- 74 Election-day registration.** Eliminates a reference to certification of student housing lists to a county auditor.
- 75 Form; voter registration application.** Eliminates the requirement that a voter registration

application be of suitable size and weight for mailing, unless the application is a paper application that will not be used for election day registration. Online registration would be permitted under a prior section of the bill.

This section also eliminates the requirement that a registration application contain a space for a voter's signature, unless it is a paper application.

- 76 Registration confirmation.** Requires that the secretary of state's website provide a voter registration confirmation feature. An individual must be informed of their current registration status, and polling place location, if their name, address, and date of birth matches an active voter record in the statewide registration system.

If an individual's name, address, and date of birth does not match a record in the system, the individual must be advised to contact the county auditor for further information.

This section is not effective until the secretary of state has certified that the web site has been tested and operates properly.

- 77 Costs assessed.** Provides that costs of considering fair campaign practices complaints must be assessed against the appropriation from the general fund to the Office of Administrative Hearings.

- 78 Technology lease purchase appropriation.** Appropriates \$2.117 million annually from the general fund to the commissioner of revenue to make payments under a lease-purchase agreement for completing purchase and development of an integrated tax software package. This section expires June 30, 2019.

- 79 Cooperative purchasing.** Authorizes municipalities to contract for the purchase of supplies, materials, or equipment by using contracts available through the state's cooperative purchasing venture whenever practicable and cost-effective. A "municipality" under this section is a county, town, city, school district, or other municipal corporation or political subdivision of the state.

- 80 Met Council.** Allows Met Council to award preferences or set aside contract for award only to a service-disabled veteran-owned small business under specified conditions.

- 81 Sale of state land.** Extends from June 30, 2009, to June 30, 2011, a requirement that a certain amount of state land be sold, with proceeds being deposited in the state general fund.

- 82 Optical scan equipment.** Makes a 2005 appropriation to the Secretary of State for grants to counties to purchase optical scan equipment available until June 30, 2012 (instead of June 30, 2009).

- 83 Private sale of surplus land.** Amends a 2007 session law to require the commissioner of natural resources to transfer specified land in Hennepin County for no consideration. Reduces payments in lieu to Hennepin County by \$18,750 for amounts payable in calendar years 2009 and 2010.

- 84 Training services.** Provides that during the next biennium, state executive agencies must consider using services provided by government training services before contracting with outside vendors for similar services.

- 85 Cash flow study.** Requires the commissioner of finance to report to the chairs of the Senate Finance and House Ways and Means Committees by January 15, 2010, on the cash flow condition of the general fund for the fiscal year 2010-2011 biennium and the following biennium, including an assessment of options for improving long-term cash flow. Provides that this report should also identify major provisions of law that result in state expenditures or revenues being recognized in budget documents earlier or later than the year in which the obligation to pay expenses or pay taxes was incurred.
- 86 State employees' personal health records.** Specifies criteria that must be met for the system selected to provide electronic personal health records under a pilot project authorized in 2007 for participants in the State Employees Group Insurance Program.
- 87 Colocation report.** Requires the Management Analysis Division to study and report to the legislature on possible collocation of the offices of the Council on Black Minnesotans, the Council on Affairs of Chicano/Latino People, the Council on Asian-Pacific Minnesotans, and the metropolitan area office of the Indian Affairs Council.
- 88 No transfer of EQB duties or staff.** Provides that during the biennium ending June 30, 2011, the executive branch may not transfer powers, duties, or personnel associated with the Environmental Quality Board.
- 89 Accounting and procurement systems.** Requires the commissioner of finance to consult with the House Ways and Means and Senate Finance Committee chairs before encumbering any newly-appropriated funds for state accounting or procurement systems. Provides that these funds may not be spent unless the commissioner certifies that the system will include an application programming interface that allows the public access to the systems underlying data on state contracts, appropriations, and expenditures using an open format (consistent with state laws governing data practices).
- 90 Racing license fee ratification.** Ratifies license fees proposed by the Racing Commission.
- 91 Technology lease-purchase authorization.** Authorizes lease purchase agreements for the state's procurement and accounting systems and for the state's integrated tax system.
- 92 LRT mitigation impacts in Capitol area.** Requires the Metropolitan Council to include mitigation impacts in the Capitol Area not addressed in the project baseline in preliminary engineering and final design for the Central Corridor Light Rail Transit Line. Provides that construction of mitigation elements not addressed in the project baseline is subject to availability of an appropriation in the 2010 legislative session. Requires reporting to specified committee chairs on cost to mitigate impacts not addressed in the project baseline.
- 93 Enterprise real property contributions.** Requires the commissioner of administration to determine the amount to be contributed by each state agency to maintain the enterprise real property technology system in the upcoming biennium. Requires agencies to enter into agreements setting forth the manner of making these contributions to fund the total of \$1,688,000 for the biennium.
- 94 Rental cost savings.** Requires the commissioner of administration to report to the legislature by January 15, 2010, on savings in state agency costs for rental space in state-owned and state-leased buildings that can be achieved by expected decreases in agency complement and by encouraging or requiring increased telecommuting.

- 95 Transfer.** Transfers of assets and employees of the Land Management Information Center to the new Geospatial Information Office created in this bill.
- 96 Information technology study.** Requires a report on a plan to transfer state information technology employees to the Office of Enterprise Technology.
- 97 Revisor's instruction.** Requires changes in statutory terminology in connection with LMIC/GIO transfer.
- 98 Revisor's instruction.** Instructs Revisor to remove from statutes reference to specified living people for whom certain laws or councils are named.
- 99 Repealer.** Repeals:
- 16C.046: Law mandating a Web site with a searchable data base of state contracts that is being replaced by more specific provisions in this bill
 - 645.44, subdivision 19: Definition of fee/tax
 - 4A.05: Land Management Information Center
 - 116G.151: Relating to permits for a metal shredding facility on the Mississippi River
 - 240A.08: Appropriates \$750,000 annually to the Amateur Sports Commission for agreements relating to use of the Target Center.

Article 3

Secretary of State

The summary of this article is based on a summary provided by the Office of the Secretary of State.

- 1 Definitions.** Defines terms used in this article.
- 2 E-mail addresses.** Provides that the forms and screens for filings made with the office may collect the email addresses at which notices can be provided, and also provides that if requested by a business entity, the email address provided to the Secretary of State is not to be provided as bulk data.
- 3 Fees.** Allows the secretary of state to provide an image of a filed document instead of a hard copy and to charge a fee for that image. Provides that the fee for an amendment, instead of being \$3 for all amendments, would now be \$3 for each amendment. It also provides that the fee for documents other than business entity filings (that is, for official documents or other similar filings) is \$3 per document as opposed to \$1 per page. The section also has the first of a number of effective dates that are coordinated with the completion of the computer rewrite of the business systems of the Office of the Secretary of State. This language recurs frequently in the bill and provides 30 days notice to the public before the law change becomes effective.

- 4 Global filings.** Removes cap on filing fees for global filings. Provides that filings must pay the full filing fee. Requires that global filings be filed online. Adds UCC secured party or debtor name and address information to that which can be filed as a global filing.
- 5 Temporary technology surcharge.** Extends the temporary technology surcharge for an additional biennium.
- 6 Annual renewal filings.** Codifies in one section, all the annual renewal requirements for all business entity types. Numerous other sections of this article reference this new section. In general, this section does not contain substantive changes that have not already been in law, except for clause 11 which is consistent with section 2 of this article.
- 7 Complaints.** Authorizes the Secretary of State to investigate complaints about student exchange organizations. Provides that an organization's registration automatically terminates if the organization fails to remain in compliance with local, state, and federal statutes and regulations.
- 8 Lien search fees.** Provides that the fee for copies of tax lien filings will now be coordinated with the current fee charged in Minnesota Statutes, section 5.12 for copies, and with the amended section 5.12 fee when that change is implemented, under section 3 of this article.
- 9 Minnesota corporate renewal.** This is the first of several sections regarding annual renewals. The annual registration is renamed the annual renewal, and the required elements are moved to section 6. The amendment provides flexibility to the Office of the Secretary of State in whether and to whom to provide notice to the corporation to file the annual renewal.
- 10 Annual renewal.** Changes the annual renewal for a non-Minnesota corporation.
- 11 Approval; filing.** Allows a non-Minnesota corporation to withdraw even if the annual renewal for that calendar year has not yet been filed.
- 12 Annual renewal.** Changes the annual renewal for a Minnesota cooperative (308A).
- 13 Annual renewal.** Changes the annual renewal for a Minnesota cooperative (308B).
- 14 Annual renewal.** Changes the annual renewal for a Minnesota cooperative (308B).
- 15 Nonprofit renewal.** Changes Minnesota non-profit annual renewal.
- 16 Delivery to and filing of records.** Clarifies fees for limited partnership name reservations as \$35. Changes references to annual renewal, instead of registration. Changes fees for miscellaneous filings not otherwise specifically covered to be the same as the amendment fee, and changes fee for filing a non-Minnesota limited partnership to the same fee as filing a Minnesota limited partnership.
- 17 Annual renewal.** Changes annual renewal for limited partnership references to renewal and refers to section 5.34 (section 6 of this article) for the content.
- 18 Reinstatement following administrative dissolution.** Technical change to include reinstatement of a foreign limited partnership by filing the renewal and paying the \$25

reinstatement fee that other entity types pay.

- 19 **Annual renewal.** Changes Minnesota limited liability company annual renewal.
- 20 **Annual renewal.** Changes Minnesota limited liability partnership annual renewal. Also provides that a limited liability partnership that is reinstating pay the reinstatement fee of \$25 when filing the annual renewal.
- 21 **Term of certificate.** Changes the assumed name certificate filing to be more like the other filings made on behalf of businesses. Provides for perpetual duration, like other filings, if free annual renewals are filed in a timely manner. Provides for reinstatement if the renewal is not filed timely, with a \$25 reinstatement fee, same as other business filings. Removes current renewal fee of \$25 and increases original filing fee from \$25 to \$30. Provides for phase-in so that currently filed assumed names do not have to file renewals until the expiration of their current term. Effective 30 days after certification that computer systems can implement this section.
- 22 **Fees.** Amends the Farm Lien Central Notification System to delete the fee for terminations, while increasing the original fee from \$20 to \$25 to recoup revenue lost from the termination fee reduction.
- 23 **Searches; fees.** Amends the Farm Lien Central Notification System to change the fee to the same fee charged by the Office of the Secretary of State for all other copies.
- 24 **Fees.** Amends the notary public law to allow for automatic refunds to applicants for a notary commission when they pay more than the actual fee.