

1.1 moves to amend H.F. No. 1826 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **STATE GOVERNMENT OPERATIONS**

1.5 Section 1. **[1.1471] STATE FIRE MUSEUM.**

1.6 The Bill and Bonnie Daniels Firefighters Hall and Museum in Minneapolis is designated
1.7 as the official state fire museum.

1.8 Sec. 2. Minnesota Statutes 2022, section 3.195, subdivision 1, is amended to read:

1.9 Subdivision 1. **Distribution of reports.** (a) Except as provided in subdivision 4, a report
1.10 to the legislature required of a department or agency shall be made, unless otherwise
1.11 specifically required by law, by filing ~~two copies~~ one copy with the Legislative Reference
1.12 Library, and by making the report available electronically to the Legislative Reference
1.13 Library. The same distribution procedure shall be followed for other reports and publications
1.14 unless otherwise requested by a legislator or the Legislative Reference Library.

1.15 (b) A public entity as defined in section 16C.073 shall not distribute a report or
1.16 publication to a member or employee of the legislature, except the Legislative Reference
1.17 Library, unless the entity has determined that the member or employee wants the reports
1.18 or publications published by that entity or the member or employee has requested the report
1.19 or publication. This prohibition applies to both mandatory and voluntary reports and
1.20 publications. A report or publication may be summarized in an executive summary and
1.21 distributed as the entity chooses. Distribution of a report to legislative committee or
1.22 commission members during a committee or commission hearing is not prohibited by this
1.23 section.

(c) A report or publication produced by a public entity may not be sent to both the home address and the office address of a representative or senator unless mailing to both addresses is requested by the representative or senator.

(d) Reports, publications, periodicals, and summaries under this subdivision must be printed in a manner consistent with section 16C.073.

Sec. 3. Minnesota Statutes 2022, section 3.303, subdivision 6, is amended to read:

Subd. 6. **Grants; staff; space; equipment; contracts.** (a) The commission may make grants, employ an executive director and other staff, and obtain office space, equipment, and supplies necessary to perform its duties.

(b) The executive director may enter into contracts in compliance with section 3.225 to provide necessary services and supplies for the house of representatives and the senate, and for legislative commissions and joint legislative offices. A contract for professional or technical services that is valued at more than \$50,000 may be made only after the executive director has consulted with the chair and vice-chair of the commission.

Sec. 4. Minnesota Statutes 2022, section 9.031, subdivision 3, is amended to read:

Subd. 3. **Collateral.** (a) In lieu of the corporate bond required in subdivision 2, a depository may deposit with the commissioner of management and budget collateral to secure state funds that are to be deposited with it. The Executive Council must approve the collateral.

(b) The Executive Council shall not approve any collateral except:

~~(1) bonds and certificates of indebtedness, other than bonds secured by real estate, that are legal investments for savings banks under any law of the state; and~~

~~(2) bonds of any insular possession of the United States, of any state, or of any agency of this state, the payment of the principal and interest of which is provided for by other than direct taxation.~~

(1) United States government treasury bills, treasury notes, and treasury bonds;

(2) issues of United States government agencies and instrumentalities, as quoted by a recognized industry quotation service available to the state;

(3) general obligation securities of any state other than the state and its agencies or local government with taxing powers that is rated "A" or better by a national bond rating service, or revenue obligation securities of any state other than the state and its agencies or local

3.1 government with taxing powers which is rated "AA" or better by a national bond rating
3.2 service;

3.3 (4) irrevocable standby letters of credit issued by Federal Home Loan Banks to the state
3.4 accompanied by written evidence that the bank's public debt is rated "AA" or better by
3.5 Moody's Investors Service, Inc., or Standard & Poor's Corporation; and

3.6 (5) time deposits that are fully insured by any federal agency.

3.7 (c) The collateral deposited shall be accompanied by an assignment thereof to the state,
3.8 which assignment shall recite that:

3.9 (1) the depository will pay all the state funds deposited with it to the commissioner of
3.10 management and budget, free of exchange or other charge, at any place in this state
3.11 designated by the commissioner of management and budget; if the deposit is a time deposit
3.12 it shall be paid, together with interest, only when due; and

3.13 (2) in case of default by the depository the state may sell the collateral, or as much of it
3.14 as is necessary to realize the full amount due from the depository, and pay any surplus to
3.15 the depository or its assigns.

3.16 (d) Upon the direction of the Executive Council, the commissioner of management and
3.17 budget, on behalf of the state, may reassign in writing to the depository any registered
3.18 collateral pledged to the state by assignment thereon.

3.19 (e) A depository may deposit collateral of less value than the total designation and may,
3.20 at any time during the period of its designation, deposit additional collateral, withdraw
3.21 excess collateral, and substitute other collateral for all or part of that on deposit. Approval
3.22 of the Executive Council is not necessary for the withdrawal of excess collateral.

3.23 (f) If the depository is not in default the commissioner of management and budget shall
3.24 pay the interest collected on the deposited collateral to the depository.

3.25 (g) In lieu of depositing collateral with the commissioner of management and budget,
3.26 collateral may also be placed in safekeeping in a restricted account at a Federal Reserve
3.27 bank, or in an account at a trust department of a commercial bank or other financial institution
3.28 that is not owned or controlled by the financial institution furnishing the collateral. The
3.29 selection shall be approved by the commissioner.

Sec. 5. Minnesota Statutes 2022, section 13.04, subdivision 4, is amended to read:

Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual subject of the data may contest the accuracy or completeness of public or private data about themselves.

(b) To exercise this right, an individual shall notify in writing the responsible authority of the government entity that maintains the data, describing the nature of the disagreement.

(c) Upon receiving the notification from the data subject, the responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. If the challenged data are determined to be accurate or complete, the responsible authority shall inform the individual of the right to appeal the determination to the commissioner under this section. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

(d) A data subject may appeal the determination of the responsible authority ~~may be appealed~~ pursuant to the provisions of the Administrative Procedure Act relating to contested cases. An individual must submit an appeal to the commissioner within 60 days of the responsible authority's notice of the right to appeal or as otherwise provided by the rules of the commissioner. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(e) The commissioner may dismiss an appeal without first attempting to resolve the dispute or before issuing an order and notice of a contested case hearing if:

(1) an appeal to the commissioner is not timely;

(2) an appeal concerns data previously admitted as evidence in a court proceeding in which the data subject was a party; or

(3) an individual is not the subject of the data challenged as inaccurate or incomplete.

~~(b)~~ (f) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of section 138.17.

(g) After completing, correcting, or destroying successfully challenged data, a government entity may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Sec. 6. Minnesota Statutes 2022, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms shall have the meanings given them.

(b) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, a group created by executive order of the governor, or other similar multimember agency created by law and having statewide jurisdiction; and (2) the Metropolitan Council, metropolitan agency, Capitol Area Architectural and Planning Board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(c) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position. ~~Vacancy includes a position that is to be filled through appointment of a nonlegislator by a legislator or group of legislators;~~ Vacancy does not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, ~~or~~ (2) a vacancy to be filled by a person required to have a specific title or position, (3) a vacancy that is to be filled through appointment of a legislator by a legislator or group of legislators, or (4) a position appointed by a private entity or individual, in the manner specified in the document creating the agency, unless otherwise provided.

(d) "Secretary" means the secretary of state.

(e) "Appointing authority" means the individual or entity with the specific authority to appoint open or direct appointment positions. This includes, but is not limited to, the governor, state agency commissioners, indigenous Tribal leaders, designated legislative leaders and local agency heads, persons who have been specifically delegated the authority to make those appointments, or private entities or persons as designated by the document creating the agency. Appointments should be evidenced by a document signed by the appointing authority's most senior official. Appointments that do not specify an appointing authority shall be made in the manner provided in section 4.04.

(f) "Direct appointments" refers to: (1) the appointment of members to an agency, pursuant to a process not subject to this section; and (2) those members of an agency

appointed through a process not subject to this section. Direct appointments must be provided for specifically in the documents creating the agency, whether enabling law, executive order, commissioner's order, or otherwise.

Sec. 7. Minnesota Statutes 2022, section 15.0597, subdivision 4, is amended to read:

Subd. 4. **Notice of vacancies.** The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency ~~shall give electronic notification to~~ must notify the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The chair may submit vacancy notices by posting seat openings on the secretary of state's boards and commissions website.

(b) If a vacancy is to be appointed by the governor, the chair must first notify the governor and receive permission to post the vacancy. Where a vacancy is created by resignation, the vacancy may not be posted until receipt and acceptance of the resignation of the incumbent as provided by section 351.01, subdivision 1, clause (2), is confirmed by the governor.

(c) The appointing authority for newly created agencies shall give electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may require the submission of notices required by this subdivision by electronic means.

(d) The secretary shall publish monthly on the website of the secretary of state a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons.

(e) The listing for all vacancies scheduled to occur in the month of January shall be published on the website of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

(f) If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to

the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 8. Minnesota Statutes 2022, section 15.0597, subdivision 5, is amended to read:

Subd. 5. **Nominations for vacancies.** Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, ~~a statement whether the applicant has ever been convicted of a felony~~, and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, veteran status, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy on the website of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. ~~If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority.~~ Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 9. Minnesota Statutes 2022, section 15.0597, subdivision 6, is amended to read:

Subd. 6. **Appointments.** (a) In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until ~~(1) ten~~ five days after receipt of the applications for positions in that agency from the secretary ~~or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency~~ as provided for in subdivision 5. At least five days before

the date of appointment, the appointing authority shall issue a public announcement and inform the secretary by electronic means of the name of the person the appointing authority ~~intends to appoint~~ has appointed to fill the agency vacancy and the expiration date of that person's term.

(b) No person may serve in a position until the appointing authority has submitted either (1) a signed notice of appointment or (2) the documents required by paragraph (e) to the secretary of state, and the term of the appointee may not commence on a date preceding the date of the signature on the notice of appointment or the paragraph (e) submission.

(c) An oath of office for each appointee to an agency must be submitted to the secretary of state under section 358.05.

(d) If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

(e) An appointing authority making a direct appointment must submit a letter to the secretary of state stating the name of the person appointed, the agency and the specific seat to which they are appointed, contact information, the date on which the term begins, and length of the term.

(f) No person may simultaneously occupy more than one position on the same agency board. Appointment or designation of a member as chair of an agency does not constitute a violation of this paragraph.

Sec. 10. Minnesota Statutes 2022, section 15.066, is amended by adding a subdivision to read:

Subd. 3. **Advice and consent time limit.** If the senate does not reject an appointment within 60 legislative days of the day of receipt of the letter of appointment by the president of the senate, the senate has consented to the appointment. No person shall serve as a permanent commissioner or acting commissioner for an agency after the senate has voted to refuse to consent to the person's appointment as permanent commissioner of that agency during the same senate term in which the senate refused its consent.

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

9.1 Sec. 11. Minnesota Statutes 2022, section 15A.0825, subdivision 1, is amended to read:

9.2 Subdivision 1. **Membership.** (a) The Legislative Salary Council consists of the following
9.3 members:

9.4 (1) one person, who is not a judge, from each congressional district, appointed by the
9.5 chief justice of the supreme court; and

9.6 (2) one person from each congressional district, appointed by the governor.

9.7 (b) If Minnesota has an odd number of congressional districts, the governor and the chief
9.8 justice must each appoint an at-large member, in addition to a member from each
9.9 congressional district.

9.10 (c) One-half of the members appointed by the governor and one-half of the members
9.11 appointed by the chief justice must belong to the political party that has the most members
9.12 in the legislature. One-half of the members appointed by the governor and one-half of the
9.13 members appointed by the chief justice must belong to the political party that has the second
9.14 most members in the legislature.

9.15 (d) None of the members of the council may be:

9.16 (1) a current or former legislator, or the spouse of a current legislator;

9.17 (2) a current or former lobbyist registered under Minnesota law;

9.18 (3) a current employee of the legislature;

9.19 (4) a current or former judge; ~~or~~

9.20 (5) a current or former governor, lieutenant governor, attorney general, secretary of state,
9.21 or state auditor; or

9.22 (6) a current employee of an entity in the executive or judicial branch.

9.23 Sec. 12. Minnesota Statutes 2022, section 15A.0825, subdivision 2, is amended to read:

9.24 Subd. 2. ~~Initial appointment~~ **Appointments; convening authority; first meeting in**
9.25 **odd-numbered year.** Appointing authorities must make their ~~initial~~ appointments ~~by January~~
9.26 ~~2, 2017~~ after the first Monday in January and before January 15 in each odd-numbered year.
9.27 Appointing authorities who determine that a vacancy exists under subdivision 3, paragraph
9.28 (b), must make an appointment to fill that vacancy by January 15 in each odd-numbered
9.29 year. The governor shall designate one member to convene and chair the first meeting of
9.30 the council which must occur by February 15 of each odd-numbered year. ~~The first meeting~~
9.31 ~~must be before January 15, 2017.~~ At its first meeting, the council must elect a chair from

10.1 among its members. ~~Members that reside in an even-numbered congressional district serve~~
10.2 ~~a first term ending January 15, 2019. Members residing in an odd-numbered congressional~~
10.3 ~~district serve a first term ending January 15, 2021.~~

10.4 Sec. 13. Minnesota Statutes 2022, section 15A.0825, subdivision 3, is amended to read:

10.5 Subd. 3. **Terms.** (a) ~~Except for initial terms and~~ for the first term following redistricting,
10.6 a term is four years or until new appointments are made after congressional redistricting as
10.7 provided in subdivision 4. Members may serve no more than two full terms or portions of
10.8 two consecutive terms.

10.9 (b) If a member ceases to reside in the congressional district that the member resided in
10.10 at the time of appointment as a result of moving or redistricting, the appointing authority
10.11 who appointed the member must appoint a replacement who resides in the congressional
10.12 district to serve the unexpired term.

10.13 Sec. 14. Minnesota Statutes 2022, section 15A.0825, subdivision 4, is amended to read:

10.14 Subd. 4. **Appointments following redistricting.** Appointing authorities shall make
10.15 appointments ~~within three months~~ after a congressional redistricting plan is adopted.
10.16 Appointing authorities shall make appointments in accordance with the timing requirements
10.17 in subdivision 2. Members that reside in an even-numbered district shall be appointed to a
10.18 term of two years following redistricting. Members that reside in an odd-numbered district
10.19 shall be appointed to a term of four years following redistricting.

10.20 Sec. 15. Minnesota Statutes 2022, section 16A.055, is amended by adding a subdivision
10.21 to read:

10.22 Subd. 7. **Grant acceptance.** The commissioner may apply for and receive grants from
10.23 any source for the purpose of fulfilling any of the duties of the department. All funds received
10.24 under this subdivision are appropriated to the commissioner for the purposes for which the
10.25 funds are received.

10.26 Sec. 16. Minnesota Statutes 2022, section 16A.15, subdivision 3, is amended to read:

10.27 Subd. 3. **Allotment and encumbrance.** (a) A payment may not be made without prior
10.28 obligation. An obligation may not be incurred against any fund, allotment, or appropriation
10.29 unless the commissioner has certified a sufficient unencumbered balance or the accounting
10.30 system shows sufficient allotment or encumbrance balance in the fund, allotment, or
10.31 appropriation to meet it. The commissioner shall determine when the accounting system

may be used to incur obligations without the commissioner's certification of a sufficient unencumbered balance. An expenditure or obligation authorized or incurred in violation of this chapter is invalid and ineligible for payment until made valid. A payment made in violation of this chapter is illegal. An employee authorizing or making the payment, or taking part in it, and a person receiving any part of the payment, are jointly and severally liable to the state for the amount paid or received. If an employee knowingly incurs an obligation or authorizes or makes an expenditure in violation of this chapter or takes part in the violation, the violation is just cause for the employee's removal by the appointing authority or by the governor if an appointing authority other than the governor fails to do so. In the latter case, the governor shall give notice of the violation and an opportunity to be heard on it to the employee and to the appointing authority. A claim presented against an appropriation without prior allotment or encumbrance may be made valid on investigation, review, and approval by the agency head in accordance with the commissioner's policy, if the services, materials, or supplies to be paid for were actually furnished in good faith without collusion and without intent to defraud. The commissioner may then pay the claim just as properly allotted and encumbered claims are paid.

(b) The commissioner may approve payment for materials and supplies in excess of the obligation amount when increases are authorized by section 16C.03, subdivision 3.

(c) To minimize potential construction delay claims, an agency with a project funded by a building appropriation may allow a consultant or contractor to proceed with supplemental work within the limits of the appropriation before money is encumbered. Under this circumstance, the agency may requisition funds and allow consultants or contractors to expeditiously proceed with services or a construction sequence. While the consultant or contractor is proceeding, the agency shall immediately act to encumber the required funds.

Sec. 17. Minnesota Statutes 2022, section 16A.632, subdivision 2, is amended to read:

Subd. 2. **Standards.** (a) Article XI, section 5, clause (a), of the constitution states general obligation bonds may be issued to finance only the acquisition or betterment of state land, buildings, and improvements of a capital nature. In interpreting this and applying it to the purposes of the program contemplated in this section, the following standards are adopted for the disbursement of money from the capital asset preservation and replacement account:.

(b) ~~No~~ An appropriation under this section may not be used to acquire new land, or buildings, ~~or major new improvements will be acquired. These projects, including all capital expenditures required to permit their effective use for the intended purpose on completion,~~

12.1 ~~will be estimated and provided for individually through a direct appropriation for each~~
12.2 ~~project.~~ or to construct new buildings or additions.

12.3 (c) An expenditure will be made from the account only when it is a capital expenditure
12.4 on a capital asset previously owned by the state, within the meaning of accepted accounting
12.5 principles as applied to public expenditures. The commissioner of administration will consult
12.6 with the commissioner of management and budget to the extent necessary to ensure this
12.7 and will furnish the commissioner of management and budget a list of projects to be financed
12.8 from the account in order of their priority. The commissioner shall also furnish each revision
12.9 of the list. The legislature assumes that many provisions for preservation and replacement
12.10 of portions of existing capital assets will constitute betterments and capital improvements
12.11 within the meaning of the constitution and capital expenditures under correct accounting
12.12 principles, and will be financed more efficiently and economically under the program than
12.13 by direct appropriations for specific projects. However, the purpose of the program is to
12.14 accumulate data showing how additional costs may be saved by appropriating money from
12.15 the general fund for preservation measures, the necessity of which is predictable over short
12.16 periods.

12.17 (d) The commissioner of administration will furnish instructions to agencies to apply
12.18 for funding of capital expenditures for preservation and replacement from the account, will
12.19 review applications, will make initial allocations among types of eligible projects enumerated
12.20 below, will determine priorities, and will allocate money in priority order until the available
12.21 appropriation has been committed. An appropriation under this section may not be used to
12.22 make minor emergency repairs.

12.23 (e) Categories of projects considered likely to be most needed and appropriate for
12.24 financing are the following:

12.25 (1) ~~unanticipated emergencies of all kinds, for which a relatively small amount should~~
12.26 ~~be initially reserved, replaced from money allocated to low priority projects, if possible, as~~
12.27 ~~emergencies occur, and used for stabilization rather than replacement if the cost would~~
12.28 ~~exhaust the account and should be specially appropriated~~ involving impacts to state-owned
12.29 property;

12.30 (2) major projects to remove address life safety hazards, like for existing buildings and
12.31 sites, including but not limited to security, replacement of mechanical and other building
12.32 systems, building code violations, or structural defects, ~~at costs not large enough to require~~
12.33 ~~major capital requests to the legislature;~~

12.34 (3) ~~elimination~~ removal or containment of hazardous substances like asbestos or PCBs;

13.1 (4) ~~moderate-cost replacement~~ major projects to replace and repair of roofs, windows,
13.2 tuckpointing, and structural members necessary to preserve the exterior and interior of
13.3 existing buildings; and

13.4 (5) up to ten percent of an appropriation awarded under this section may be used for
13.5 design costs for projects eligible to be funded from this account in anticipation of future
13.6 funding from the account.

13.7 Sec. 18. Minnesota Statutes 2022, section 16B.307, subdivision 1, is amended to read:

13.8 Subdivision 1. **Standards.** (a) Article XI, section 5, clause (a), of the constitution requires
13.9 that state general obligation bonds be issued to finance only the acquisition or betterment
13.10 of public land, buildings, and other public improvements of a capital nature. Money
13.11 appropriated for asset preservation, whether from state bond proceeds or from other revenue,
13.12 is subject to the following additional limitations:

13.13 (b) An appropriation for asset preservation may not be used to acquire new land nor to
13.14 acquire or construct new buildings; or additions to buildings, ~~or major new improvements.~~

13.15 (c) An appropriation for asset preservation may be used only for a capital expenditure
13.16 on a capital asset previously owned by the state, within the meaning of generally accepted
13.17 accounting principles as applied to public expenditures. The commissioner of administration
13.18 will consult with the commissioner of management and budget to the extent necessary to
13.19 ensure this and will furnish the commissioner of management and budget a list of projects
13.20 to be financed from the account in order of their priority. The legislature assumes that many
13.21 projects for preservation and replacement of portions of existing capital assets will constitute
13.22 betterments and capital improvements within the meaning of the constitution and capital
13.23 expenditures under generally accepted accounting principles, and will be financed more
13.24 efficiently and economically under this section than by direct appropriations for specific
13.25 projects.

13.26 (d) Categories of projects considered likely to be most needed and appropriate for asset
13.27 preservation appropriations are the following:

13.28 (1) major projects to remove address life safety hazards, like for existing buildings and
13.29 sites, including but not limited to security, building code violations, or structural defects.

13.30 Notwithstanding paragraph (b), a project in this category may include an addition to an
13.31 existing building if it is a required component of the hazard ~~removal~~ abatement project;

13.32 (2) projects to eliminate or contain hazardous substances like asbestos or lead paint;

14.1 (3) major projects to address accessibility and building code violations; replace or repair
14.2 roofs, windows, tuckpointing, mechanical ~~or~~, electrical, plumbing or other building systems,
14.3 utility infrastructure, and tunnels; make site renovations improvements necessary to support
14.4 building use; and repair structural components necessary to preserve the exterior and interior
14.5 of existing buildings; and

14.6 (4) major projects to renovate repair parking structures facilities and surface lots.

14.7 (e) Up to ten percent of an appropriation subject to this section may be used for design
14.8 costs for projects eligible to be funded under this section in anticipation of future asset
14.9 preservation appropriations.

14.10 Sec. 19. Minnesota Statutes 2022, section 16B.33, subdivision 1, is amended to read:

14.11 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
14.12 meanings given them:

14.13 (b) "Agency" has the meaning given in section 16B.01.

14.14 (c) "Architect" means an architect or landscape architect registered to practice under
14.15 sections 326.02 to 326.15.

14.16 (d) "Board" means the state Designer Selection Board.

14.17 (e) "Design-build" means the process of entering into and managing a single contract
14.18 between the commissioner and the design-builder in which the design-builder agrees to
14.19 both design and construct a project as specified in the contract at a guaranteed maximum
14.20 or a fixed price.

14.21 (f) "Design-builder" means a person who proposes to design and construct a project in
14.22 accordance with the requirements of section 16C.33.

14.23 (g) "Designer" means an architect or engineer, or a partnership, association, or corporation
14.24 comprised primarily of architects or engineers or of both architects and engineers.

14.25 (h) "Engineer" means an engineer registered to practice under sections 326.02 to 326.15.

14.26 (i) "Person" includes an individual, corporation, partnership, association, or any other
14.27 legal entity.

14.28 (j) "Primary designer" means the designer who is to have primary design responsibility
14.29 for a project, and does not include designers who are merely consulted by the user agency
14.30 and do not have substantial design responsibility, or designers who will or may be employed
14.31 or consulted by the primary designer.

(k) "Project" means an undertaking to construct, erect, or remodel a building by or for the state or an agency. Capital projects exempt from the requirements of this section include demolition or decommissioning of state assets; hazardous materials abatement; repair and replacement of utility infrastructure, parking lots, and parking structures; security upgrades; building systems replacement or repair including alterations to building interiors needed to accommodate the systems; and other asset preservation work not involving remodeling of occupied space.

(l) "User agency" means the agency undertaking a specific project. For projects undertaken by the state of Minnesota, "user agency" means the Department of Administration or a state agency with an appropriate delegation to act on behalf of the Department of Administration.

Sec. 20. Minnesota Statutes 2022, section 16B.33, subdivision 3, is amended to read:

Subd. 3. **Agencies must request designer.** (a) **Application.** Upon undertaking a project with an estimated cost greater than ~~\$2,000,000~~ \$4,000,000 or a planning project with estimated fees greater than ~~\$200,000~~ \$400,000, every user agency, except the Capitol Area Architectural and Planning Board, shall submit a written request for a primary designer for its project to the commissioner, who shall forward the request to the board. The University of Minnesota and the Minnesota State Colleges and Universities shall follow the process in subdivision 3a to select designers for their projects. The written request must include a description of the project, the estimated cost of completing the project, a description of any special requirements or unique features of the proposed project, and other information which will assist the board in carrying out its duties and responsibilities set forth in this section.

(b) **Reactivated project.** If a project for which a designer has been selected by the board becomes inactive, lapses, or changes as a result of project phasing, insufficient appropriations, or other reasons, the commissioner, the Minnesota State Colleges and Universities, or the University of Minnesota may, if the project is reactivated, retain the same designer to complete the project.

(c) **Fee limit reached after designer selected.** If a project initially estimated to be below the cost and planning fee limits of this subdivision has its cost or planning fees revised so that the limits are exceeded, the project must be referred to the board for designer selection even if a primary designer has already been selected. In this event, the board may, without conducting interviews, elect to retain the previously selected designer if it determines that the interests of the state are best served by that decision and shall notify the commissioner of its determination.

16.1 Sec. 21. Minnesota Statutes 2022, section 16B.33, subdivision 3a, is amended to read:

16.2 Subd. 3a. **Higher education projects.** (a) When the University of Minnesota or the
16.3 Minnesota State Colleges and Universities undertakes a project involving construction or
16.4 major remodeling, as defined in section 16B.335, subdivision 1, with an estimated cost
16.5 greater than ~~\$2,000,000~~ \$4,000,000 or a planning project with estimated fees greater than
16.6 ~~\$200,000~~ \$400,000, the system shall submit a written request for a primary designer to the
16.7 commissioner, as provided in subdivision 3.

16.8 (b) When the University of Minnesota or the Minnesota State Colleges and Universities
16.9 undertakes a project involving renovation, repair, replacement, or rehabilitation, the system
16.10 office may submit a written request for a primary designer to the commissioner as provided
16.11 in subdivision 3.

16.12 (c) For projects at the University of Minnesota or the State Colleges and Universities,
16.13 the board shall select at least two primary designers under subdivision 4 for recommendation
16.14 to the Board of Regents or the Board of Trustees. Meeting records or written evaluations
16.15 that document the final selection are public records. The Board of Regents or the Board of
16.16 Trustees shall notify the commissioner of the designer selected from the recommendations.

16.17 Sec. 22. Minnesota Statutes 2022, section 16B.33, is amended by adding a subdivision to
16.18 read:

16.19 Subd. 6. **Rate of inflation.** No later than December 31 of every fifth year starting in
16.20 2025, the commissioner shall determine the percentage increase in the rate of inflation, as
16.21 measured by the Means Quarterly Construction Cost Index, during the four-year period
16.22 preceding that year. The thresholds in subdivisions 3, paragraph (a); and 3a, paragraph (a),
16.23 shall be increased by the percentage calculated by the commissioner to the nearest
16.24 ten-thousandth dollar.

16.25 Sec. 23. **[16B.361] OFFICE OF COLLABORATION AND DISPUTE RESOLUTION.**

16.26 Subdivision 1. **Duties of the office.** The commissioner of administration shall maintain
16.27 the Office of Collaboration and Dispute Resolution within the Department of Administration.
16.28 The office must:

16.29 (1) assist state agencies; offices of the executive, legislative, and judicial branches; Tribal
16.30 governments; and units of local government in improving collaboration, dispute resolution,
16.31 and public engagement;

- 17.1 (2) promote and utilize collaborative dispute resolution models and processes based on
17.2 documented best practices to foster trust, relationships, mutual understanding,
17.3 consensus-based resolutions, and wise and durable solutions, including but not limited to:
- 17.4 (i) using established criteria and procedures for identifying and assessing collaborative
17.5 dispute resolution projects;
- 17.6 (ii) designing collaborative dispute resolution processes;
- 17.7 (iii) preparing and training participants; and
- 17.8 (iv) facilitating meetings and group processes using collaborative techniques and
17.9 approaches;
- 17.10 (3) support collaboration and dispute resolution in the public and private sectors by
17.11 providing technical assistance and information on best practices and new developments in
17.12 dispute resolution fields;
- 17.13 (4) build capacity and educate the public and government entities on collaboration,
17.14 dispute resolution approaches, and public engagement;
- 17.15 (5) promote the broad use of community mediation in the state; and
- 17.16 (6) ensure that all areas of the state have access to services by providing grants to private
17.17 nonprofit entities certified by the state court administrator under chapter 494 that assist in
17.18 resolution of disputes.
- 17.19 Subd. 2. **Awarding grants to assist in resolution of disputes.** (a) The commissioner
17.20 shall, to the extent funds are appropriated for this purpose, make grants to private nonprofit
17.21 community mediation entities certified by the state court administrator under chapter 494
17.22 that assist in resolution of disputes under subdivision 1, clause (6). The commissioner shall
17.23 establish a grant review committee to assist in the review of grant applications and the
17.24 allocation of grants under this section.
- 17.25 (b) To be eligible for a grant under this section, a nonprofit organization must meet the
17.26 requirements of section 494.05, subdivision 1, clauses (1), (2), (4), and (5).
- 17.27 (c) A nonprofit entity receiving a grant must agree to comply with guidelines adopted
17.28 by the state court administrator under section 494.015, subdivision 1. Policies adopted under
17.29 sections 16B.97 and 16B.98 apply to grants under this section. The exclusions in section
17.30 494.03 apply to grants under this section.
- 17.31 (d) Grantees must report data required under chapter 494 to evaluate quality and
17.32 outcomes.

Subd. 3. **Accepting funds.** The commissioner may apply for and receive money made available from federal, state, or other sources for the purposes of carrying out the mission of the Office of Collaboration and Dispute Resolution. Funds received under this subdivision are appropriated to the commissioner for their intended purpose.

Sec. 24. **[16B.372] ENVIRONMENTAL SUSTAINABILITY GOVERNMENT OPERATIONS; OFFICE CREATED.**

Subdivision 1. **Enterprise sustainability.** (a) The Office of Enterprise Sustainability is established to assist all state agencies in making measurable progress toward improving the sustainability of government operations by reducing the impact on the environment, controlling unnecessary waste of natural resources and public funds, and spurring innovation. The office shall create new tools and share best practices, assist state agencies to plan for and implement improvements, and monitor progress toward achieving intended outcomes. Specific duties include but are not limited to:

(1) managing a sustainability metrics and reporting system, including a public dashboard that allows Minnesotans to track progress and is updated annually;

(2) assisting agencies in developing and executing sustainability plans; and

(3) implementing the state building energy conservation improvement revolving loan in Minnesota Statutes, sections 16B.86 and 16B.87.

Subd. 2. **State agency responsibilities.** Each cabinet-level agency is required to participate in the sustainability effort by developing a sustainability plan and by making measurable progress toward improving associated sustainability outcomes. State agencies and boards that are not members of the cabinet shall take steps toward improving sustainability outcomes; however, they are not required to participate at the level of cabinet-level agencies.

Subd. 3. **Local governments.** The Office of Enterprise Sustainability shall make reasonable attempts to share tools and best practices with local governments.

Sec. 25. Minnesota Statutes 2022, section 16B.58, is amended by adding a subdivision to read:

Subd. 9. **Electric vehicle charging.** The commissioner shall require that a user of a charging station located on the State Capitol complex used to charge an electric vehicle pay an electric service fee as determined by the commissioner.

19.1 Sec. 26. Minnesota Statutes 2022, section 16C.10, subdivision 2, is amended to read:

19.2 Subd. 2. **Emergency acquisition.** The solicitation process described in this chapter and
19.3 chapter 16B is not required in emergencies. In emergencies, the commissioner may make
19.4 or authorize any purchases necessary for the design, construction, repair, rehabilitation, and
19.5 improvement of a ~~state-owned~~ publicly owned structure or may make or authorize an agency
19.6 to do so and may purchase, or may authorize an agency to purchase, any goods, services,
19.7 or utility services directly for immediate use. This provision applies to projects conducted
19.8 by Minnesota State Colleges and Universities.

19.9 Sec. 27. Minnesota Statutes 2022, section 16C.251, is amended to read:

19.10 **16C.251 BEST AND FINAL OFFER.**

19.11 A "best and final offer" solicitation process may not be used for building and construction
19.12 contracts awarded based on competitive bids.

19.13 Sec. 28. Minnesota Statutes 2022, section 16C.32, subdivision 1, is amended to read:

19.14 Subdivision 1. **Definitions.** As used in sections 16C.32 to 16C.35, the following terms
19.15 have the meanings given them, unless the context clearly indicates otherwise:

19.16 (1) "acceptance" means a formal resolution of the commissioner authorizing the execution
19.17 of a design-build, construction manager at risk, or job order contracting contract;

19.18 (2) "agency" means any state officer, employee, board, commission, authority,
19.19 department, or other agency of the executive branch of state government. Unless specifically
19.20 indicated otherwise, as used in sections 16C.32 to 16C.35, agency also includes the Minnesota
19.21 State Colleges and Universities;

19.22 (3) "architect" means an architect or landscape architect registered to practice under
19.23 sections 326.02 to 326.15;

19.24 (4) "board" means the state Designer Selection Board, unless the estimated cost of the
19.25 project is less than ~~\$2,000,000~~ the amount specified in section 16B.33, subdivision 3, in
19.26 which case the commissioner may act as the board;

19.27 (5) "Capitol Area Architectural and Planning Board" means the board established to
19.28 govern the Capitol Area under chapter 15B;

19.29 (6) "commissioner" means the commissioner of administration or the Board of Trustees
19.30 of the Minnesota State Colleges and Universities, whichever controls a project;

20.1 (7) "construction manager at risk" means a person who is selected by the commissioner
20.2 to act as a construction manager to manage the construction process, which includes, but
20.3 is not limited to, responsibility for the price, schedule, and workmanship of the construction
20.4 performed in accordance with the procedures of section 16C.34;

20.5 (8) "construction manager at risk contract" means a contract for construction of a project
20.6 between a construction manager at risk and the commissioner, which contract shall include
20.7 a guaranteed maximum price, construction schedule, and workmanship of the construction
20.8 performed;

20.9 (9) "design-build contract" means a contract between the commissioner and a
20.10 design-builder to furnish the architectural, engineering, and related design services as well
20.11 as the labor, materials, supplies, equipment, and construction services for a project;

20.12 (10) "design and price-based proposal" means the proposal to be submitted by a
20.13 design-builder in the design and price-based selection process, as described in section
20.14 16C.33, which proposal meets the requirements of section 16C.33, subdivision 7, paragraph
20.15 (c), in such detail as required in the request for proposals;

20.16 (11) "design and price-based selection" means the selection of a design-builder as
20.17 described in section 16C.33, subdivision 8;

20.18 (12) "design criteria package" means performance criteria prepared by a design criteria
20.19 professional who shall be either an employee of the commissioner or shall be selected in
20.20 compliance with section 16B.33, 16C.08, or 16C.087;

20.21 (13) "design criteria professional" means a person licensed under chapter 326, or a person
20.22 who employs an individual or individuals licensed under chapter 326, required to design a
20.23 project, and who is employed by or under contract to the commissioner to provide
20.24 professional, architectural, or engineering services in connection with the preparation of
20.25 the design criteria package;

20.26 (14) "guaranteed maximum price" means the maximum amount that a design-builder,
20.27 construction manager at risk, or subcontractor will be paid pursuant to a contract to perform
20.28 a defined scope of work;

20.29 (15) "guaranteed maximum price contract" means a contract under which a design-builder,
20.30 construction manager, or subcontractor is paid on the basis of their actual cost to perform
20.31 the work specified in the contract plus an amount for overhead and profit, the sum of which
20.32 must not exceed the guaranteed maximum price set forth in the contract;

21.1 (16) "job order contracting" means a project delivery method that requests a limited
21.2 number of bids from a list of qualified contractors, selected from a registry of qualified
21.3 contractors who have been prescreened and who have entered into master contracts with
21.4 the commissioner, as provided in section 16C.35;

21.5 (17) "past performance" or "experience" does not include the exercise or assertion of a
21.6 person's legal rights;

21.7 (18) "person" includes an individual, corporation, partnership, association, or any other
21.8 legal entity;

21.9 (19) "project" means an undertaking to construct, alter, or enlarge a building, structure,
21.10 or other improvements, except highways and bridges, by or for the state or an agency;

21.11 (20) "qualifications-based selection" means the selection of a design-builder as provided
21.12 in section 16C.33;

21.13 (21) "request for qualifications" means the document or publication soliciting
21.14 qualifications for a design-build, construction manager at risk, or job order contracting
21.15 contract as provided in sections 16C.33 to 16C.35;

21.16 (22) "request for proposals" means the document or publication soliciting proposals for
21.17 a design-build or construction manager at risk contract as provided in sections 16C.33 and
21.18 16C.34; and

21.19 (23) "trade contract work" means the furnishing of labor, materials, or equipment by
21.20 contractors or vendors that are incorporated into the completed project or are major
21.21 components of the means of construction. Work performed by trade contractors involves
21.22 specific portions of the project, but not the entire project.

21.23 Sec. 29. Minnesota Statutes 2022, section 16C.36, is amended to read:

21.24 **16C.36 REORGANIZATION SERVICES UNDER MASTER CONTRACT.**

21.25 The commissioner of administration must make available under a master contract program
21.26 a list of eligible contractors who can assist state agencies in using data analytics to:

21.27 (1) accomplish agency reorganization along service rather than functional lines in order
21.28 to provide more efficient and effective service; and

21.29 (2) bring about internal reorganization of management functions in order to flatten the
21.30 organizational structure by requiring that decisions are made closer to the service needed,
21.31 eliminating redundancies, and optimizing the span of control ratios to public and private
21.32 sector industry benchmarks.

22.1 ~~The commissioner of administration must report to the legislature by January 15, 2013,~~
22.2 ~~and January 15, 2014, on state agency use of eligible contractors under this section, and on~~
22.3 ~~improvements in efficiency and effectiveness, including the contract oversight process, of~~
22.4 ~~state services as a result of services provided by contractors.~~

22.5 Sec. 30. Minnesota Statutes 2022, section 43A.01, subdivision 2, is amended to read:

22.6 Subd. 2. **Precedence of merit principles and nondiscrimination.** It is the policy of
22.7 this state to provide for equal employment opportunity consistent with chapter 363A by
22.8 ensuring that all personnel actions be based on the ability to perform the duties and
22.9 responsibilities assigned to the position without regard to age, race, creed or religion, color,
22.10 disability, sex, national origin, marital status, status with regard to public assistance, or
22.11 political affiliation. It is the policy of this state to take affirmative action to eliminate the
22.12 underutilization of qualified members of protected groups in the civil service, where such
22.13 action is not in conflict with other provisions of this chapter or chapter 179, in order to
22.14 correct imbalances and eliminate the ~~present~~ effects of ~~past~~ discrimination and support full
22.15 and equal participation in the social and economic life in the state. Managers and supervisors
22.16 that are responsible for hiring must be made aware of bias that can be present in the hiring
22.17 process.

22.18 No contract executed pursuant to chapter 179A shall modify, waive or abridge this
22.19 section and sections 43A.07 to 43A.121, 43A.15, and 43A.17 to 43A.21, except to the extent
22.20 expressly permitted in those sections.

22.21 Sec. 31. Minnesota Statutes 2022, section 43A.02, is amended by adding a subdivision to
22.22 read:

22.23 Subd. 1a. **Accommodation fund.** "Accommodation fund" means the fund created under
22.24 section 16B.4805 for reimbursing state agencies for eligible expenses incurred in providing
22.25 reasonable accommodations to state employees with disabilities.

22.26 Sec. 32. Minnesota Statutes 2022, section 43A.02, is amended by adding a subdivision to
22.27 read:

22.28 Subd. 3a. **Americans with Disabilities Act.** "Americans With Disabilities Act" or
22.29 "ADA" means the Americans with Disabilities Act of 1990, as amended, United States
22.30 Code title 42, sections 12101 to 12117.

23.1 Sec. 33. Minnesota Statutes 2022, section 43A.02, is amended by adding a subdivision to
23.2 read:

23.3 Subd. 18a. **Digital accessibility.** "Digital accessibility" means information and
23.4 communication technology, including products, devices, services, and content that are
23.5 designed and built so people with disabilities can use or participate in them, as defined by
23.6 the accessibility standard adopted under section 16E.03, subdivision 9. Any statutory
23.7 reference to accessible or accessibility in the context of information and communication
23.8 technology includes digital accessibility.

23.9 Sec. 34. Minnesota Statutes 2022, section 43A.02, is amended by adding a subdivision to
23.10 read:

23.11 Subd. 35a. **Reasonable accommodation.** "Reasonable accommodation" has the meaning
23.12 given under section 363A.08, subdivision 6.

23.13 Sec. 35. Minnesota Statutes 2022, section 43A.04, subdivision 1a, is amended to read:

23.14 Subd. 1a. **Mission; efficiency.** It is part of the department's mission that within the
23.15 department's resources the commissioner shall endeavor to:

23.16 (1) prevent the waste or unnecessary spending of public money;

23.17 (2) use innovative fiscal and human resource practices to manage the state's resources
23.18 and operate the department as efficiently as possible;

23.19 (3) coordinate the department's activities wherever appropriate with the activities of
23.20 other governmental agencies;

23.21 (4) use technology where appropriate to increase agency productivity, improve customer
23.22 service, increase public access to information about government, and increase public
23.23 participation in the business of government;

23.24 (5) ensure that all technology utilized is accessible to employees and provided in a timely
23.25 manner as described in sections 363A.42 and 363A.43 and the accessibility standards under
23.26 section 16E.03, subdivisions 2, clause (3), and 9;

23.27 ~~(5)~~ (6) utilize constructive and cooperative labor-management practices to the extent
23.28 otherwise required by chapters 43A and 179A;

23.29 ~~(6)~~ (7) report to the legislature on the performance of agency operations and the
23.30 accomplishment of agency goals in the agency's biennial budget according to section 16A.10,
23.31 subdivision 1; and

24.1 ~~(7)~~ (8) recommend to the legislature appropriate changes in law necessary to carry out
24.2 the mission and improve the performance of the department; and

24.3 (9) endeavor to use equitable and inclusive practices to attract and recruit protected class
24.4 employees; actively eliminate discrimination against protected group employees; and ensure
24.5 equitable access to development and training, advancement, and promotional opportunities.

24.6 Sec. 36. Minnesota Statutes 2022, section 43A.04, subdivision 4, is amended to read:

24.7 Subd. 4. **Administrative procedures.** The commissioner shall develop administrative
24.8 procedures, which are not subject to the rulemaking provisions of the Administrative
24.9 Procedure Act, to effect provisions of chapter 43A which do not directly affect the rights
24.10 of or processes available to the general public. The commissioner may also adopt
24.11 administrative procedures, not subject to the Administrative Procedure Act, which concern
24.12 topics affecting the general public if those procedures concern only the internal management
24.13 of the department or other agencies and if those elements of the topics which affect the
24.14 general public are the subject of department rules.

24.15 Administrative procedures shall be reproduced and made available for comment in
24.16 accessible digital formats under section 16E.03 to agencies, employees, and appropriate
24.17 exclusive representatives certified pursuant to sections 179A.01 to 179A.25, for at least 15
24.18 days prior to implementation and shall include but are not limited to:

24.19 (1) maintenance and administration of a plan of classification for all positions in the
24.20 classified service and for comparisons of unclassified positions with positions in the classified
24.21 service;

24.22 (2) procedures for administration of collective bargaining agreements and plans
24.23 established pursuant to section 43A.18 concerning total compensation and the terms and
24.24 conditions of employment for employees;

24.25 (3) procedures for effecting all personnel actions internal to the state service such as
24.26 processes and requirements for agencies to publicize job openings and consider applicants
24.27 who are referred or nominate themselves, conduct of selection procedures limited to
24.28 employees, noncompetitive and qualifying appointments of employees and leaves of absence;

24.29 (4) maintenance and administration of employee performance appraisal, training and
24.30 other programs; and

24.31 (5) procedures for pilots of the reengineered employee selection process. Employment
24.32 provisions of this chapter, associated personnel rules adopted under subdivision 3, and
24.33 administrative procedures established under clauses (1) and (3) may be waived for the

purposes of these pilots. The pilots may affect the rights of and processes available to members of the general public seeking employment in the classified service. The commissioner will provide public notice of any pilot directly affecting the rights of and processes available to the general public and make the administrative procedures available for comment to the general public, agencies, employees, and appropriate exclusive representatives certified pursuant to sections 179A.01 to 179A.25 for at least 30 days prior to implementation. The public notice must be provided in an accessible digital format under section 16E.03. The process for providing comment shall include multiple formats to ensure equal access, including via telephone, digital content, and email.

Sec. 37. Minnesota Statutes 2022, section 43A.04, subdivision 7, is amended to read:

Subd. 7. **Reporting.** The commissioner shall issue a written report by February 1 and August 1 of each year to the chair of the Legislative Coordinating Commission. The report must list the number of appointments made under each of the categories in section 43A.15, the number made to the classified service other than under section 43A.15, and the number made under section 43A.08, subdivision 2a, during the six-month periods ending June 30 and December 31, respectively. The report must be posted online and must be accessible under section 16E.03. The commissioner shall advertise these reports in multiple formats to ensure broad dissemination.

Sec. 38. Minnesota Statutes 2022, section 43A.09, is amended to read:

43A.09 RECRUITMENT.

The commissioner in cooperation with appointing authorities of all state agencies shall maintain an active recruiting program publicly conducted and designed to attract sufficient numbers of well-qualified people to meet the needs of the civil service, and to enhance the image and public esteem of state service employment. Special emphasis shall be given to recruitment of veterans and protected group members, including qualified individuals with disabilities, to assist state agencies in meeting affirmative action goals to achieve a balanced work force. All technology and digital content related to recruiting and hiring shall be accessible to people with disabilities.

Sec. 39. Minnesota Statutes 2022, section 43A.10, subdivision 2a, is amended to read:

Subd. 2a. **Application requirements.** (a) The commissioner shall establish and maintain a database of applicants for state employment. The commissioner shall establish, publicize, and enforce minimum requirements for ~~application.~~ applications, and shall ensure that:

26.1 (1) all postings shall be written so as to be relevant to the duties of the job and be
26.2 nondiscriminatory;

26.3 (2) the appointing authority ~~shall enforce~~ enforces the established minimum requirements
26.4 for application;

26.5 (3) the 700-hour on-the-job demonstration experience is considered an alternative,
26.6 noncompetitive hiring process for classified positions for qualified individuals who express
26.7 interest directly to the appointing authority. with disabilities; and

26.8 (4) hiring managers and others involved in the selection process are aware of the
26.9 accommodation fund under section 16B.4805 to ensure that people with disabilities obtain
26.10 timely and appropriate accommodations within the hiring process and the state agency can
26.11 request reimbursement.

26.12 (b) The commissioner shall ensure that all online application processes and all digital
26.13 content relating to the database referenced in paragraph (a) shall be accessible for people
26.14 with disabilities.

26.15 Sec. 40. Minnesota Statutes 2022, section 43A.10, subdivision 7, is amended to read:

26.16 Subd. 7. **Selection process accommodations.** Upon request, the commissioner or
26.17 appointing authority shall provide ~~selection process~~ reasonable accommodations to an
26.18 ~~applicant with a disability that does not prevent performance of the duties of the position.~~
26.19 ~~The accommodations must provide an opportunity to fairly assess the ability of the applicant~~
26.20 ~~to perform the duties of the position notwithstanding the disability but must preserve, to the~~
26.21 ~~extent feasible, the validity of the selection process and equitable comparison of results~~
26.22 ~~with the results of competitors without~~ qualified applicants with disabilities; to ensure full
26.23 participation in the selection process, including use of the accommodation fund under section
26.24 16B.4805 during the selection process. The commissioner must ensure that agencies are
26.25 made aware of the accommodation fund and its critical function of removing cost
26.26 considerations from interview selection decisions.

26.27 Sec. 41. Minnesota Statutes 2022, section 43A.14, is amended to read:

26.28 **43A.14 APPOINTMENTS.**

26.29 All appointments to the classified service shall be based upon merit and ability to perform
26.30 the duties of the position and the needs of the employing agency, including the need to
26.31 achieve and maintain a representative work force, including representation of people with

27.1 disabilities. For employees in a bargaining unit as defined in section 179A.10 appointments
27.2 shall be subject to applicable provisions of collective bargaining agreements.

27.3 Sec. 42. Minnesota Statutes 2022, section 43A.15, subdivision 14, is amended to read:

27.4 Subd. 14. **700-hour on-the-job demonstration process and appointment**
27.5 **experience.** (a) The commissioner shall ~~establish~~ consult with the Department of Employment
27.6 and Economic Development's Vocational Rehabilitation Services and State Services for the
27.7 Blind and other disability experts in establishing, reviewing, and modifying the qualifying
27.8 procedures for applicants whose disabilities are of such a significant nature that the applicants
27.9 are unable to demonstrate their abilities in the selection process. The qualifying procedures
27.10 must consist of up to 700 hours of on-the-job ~~trial work~~ demonstration experience. ~~Up to~~
27.11 ~~three persons with significant disabilities and their job coach may be allowed to demonstrate~~
27.12 ~~their job competence as a unit through the on-the-job trial work experience selection~~
27.13 ~~procedure. This~~ The 700-hour on-the-job demonstration process must be limited to applicants
27.14 ~~for whom there is no reasonable accommodation in the selection process~~ experience is an
27.15 alternative, noncompetitive hiring process for qualified applicants with disabilities. All
27.16 permanent executive branch classified positions are eligible for a 700-hour on-the-job
27.17 demonstration experience, and all permanent classified job postings must provide information
27.18 regarding the on-the-job demonstration overview and certification process.

27.19 (b) The commissioner may authorize the probationary appointment of an applicant based
27.20 on the request of the appointing authority that documents that the applicant has successfully
27.21 demonstrated qualifications for the position through completion of an on-the-job ~~trial work~~
27.22 demonstration experience. Qualified applicants should be converted to permanent,
27.23 probationary appointments at the point in the 700-hour on-the-job experience at which they
27.24 have demonstrated the ability to perform the essential functions of the job with or without
27.25 reasonable accommodation. The implementation of this subdivision may not be deemed a
27.26 violation of chapter 43A or 363A.

27.27 (c) The commissioner and the ADA and disability employment director, described in
27.28 section 43A.19, subdivision 1, paragraph (e), are responsible for the administration and
27.29 oversight of the 700-hour on-the-job demonstration experience, including the establishment
27.30 of policies and procedures, data collection and reporting requirements, and compliance.

27.31 (d) The commissioner or the commissioner's designee shall design and implement a
27.32 training curriculum for the 700-hour on-the-job demonstration experience. All executive
27.33 leaders, managers, supervisors, human resources professionals, affirmative action officers,
27.34 and ADA coordinators must receive annual training on the program.

28.1 (e) The commissioner or the commissioner's designee shall develop, administer, and
28.2 make public a formal grievance process for individuals in the 700-hour on-the-job
28.3 demonstration experience under this subdivision and supported work program under section
28.4 43A.421, subdivision 2.

28.5 (f) Appointing agencies shall ensure that reasonable accommodation requests, including
28.6 accessible technology or alternative formats, are provided in a timely manner during the
28.7 application and hiring process and throughout the 700-hour on-the-job demonstration
28.8 experience period pursuant to sections 363A.42 and 363A.43 and the accessibility standards
28.9 under section 16E.03, subdivisions 2, clause (3), and 9.

28.10 Sec. 43. Minnesota Statutes 2022, section 43A.15, is amended by adding a subdivision to
28.11 read:

28.12 Subd. 14a. **Report and survey.** (a) The commissioner shall annually collect
28.13 enterprise-wide statistics on the 700-hour on-the-job demonstration experience under
28.14 subdivision 14. The statistics collected and reported annually must include:

28.15 (1) the number of certifications submitted, granted, and rejected;

28.16 (2) the number of applicants interviewed, appointed, and converted to probationary
28.17 status;

28.18 (3) the number of employees retained after one year in state employment;

28.19 (4) the number of employees with terminated appointments and the reason for termination;

28.20 (5) the average length of time in an on-the-job demonstration appointment;

28.21 (6) the number and category of entity certifications; and

28.22 (7) by department or agency, the number of appointments and hires and the number of
28.23 managers and supervisors trained.

28.24 (b) The commissioner shall develop and administer an annual survey of participants in
28.25 the 700-hour on-the-job demonstration experience who are hired and those who are not
28.26 hired, as well as the managers of participants in the 700-hour on-the-job demonstration
28.27 experience.

28.28 (c) The commissioner must consult at least annually with the Department of Employment
28.29 and Economic Development's Vocational Rehabilitation Services and State Services for the
28.30 Blind and other disability experts to review the survey results, assess program satisfaction,
28.31 and recommend areas for continuous improvement.

(d) The commissioner shall annually develop and publish a report on the department's website that includes the data described in paragraph (a), survey results described in paragraph (b), and recommendations for continuous improvement described in paragraph (c).

Sec. 44. Minnesota Statutes 2022, section 43A.17, is amended by adding a subdivision to read:

Subd. 13. Compensation for law enforcement officers. (a) For purposes of this subdivision, the term "law enforcement officers" means Minnesota State Patrol troopers, Bureau of Criminal Apprehension agents, special agents in the gambling enforcement division of the Department of Public Safety, conservation officers, Department of Corrections fugitive specialists, and Department of Commerce insurance fraud specialists.

(b) When the commissioner of management and budget negotiates a collective bargaining agreement establishing compensation for law enforcement officers, the commissioner must use compensation based on compensation data from the most recent salary and benefits survey conducted pursuant to section 299D.03, subdivision 2a. It is the legislature's intent that the information in this study be used to compare salaries between the identified police departments and the State Patrol and to make appropriate increases to patrol trooper salaries.

EFFECTIVE DATE; APPLICATION. This section is effective the day following final enactment and expires January 1, 2032. This section applies to contracts entered into on or after the effective date but before January 1, 2032.

Sec. 45. Minnesota Statutes 2022, section 43A.19, subdivision 1, is amended to read:

Subdivision 1. **Statewide affirmative action program.** (a) To assure that positions in the executive branch of the civil service are equally accessible to all qualified persons, and to eliminate the ~~underutilization of qualified members of protected groups~~ effects of past and present discrimination, intended or unintended, on the basis of protected group status, the commissioner shall adopt and periodically revise, if necessary, a statewide affirmative action program. The statewide affirmative action program must consist of at least the following:

(1) objectives, goals, and policies;

(2) procedures, standards, and assumptions to be used by agencies in the preparation of agency affirmative action plans, including methods by which goals and timetables are established;

30.1 (3) the analysis of separation patterns to determine the impact on protected group
30.2 members; and

30.3 (4) requirements for annual objectives and submission of affirmative action progress
30.4 reports from heads of agencies.

30.5 Agency heads must report the data in clause (3) to the state Director of Recruitment,
30.6 Retention and Affirmative Action and the state ADA coordinator, in addition to being
30.7 available to anyone upon request. The commissioner of management and budget must
30.8 annually post the aggregate and agency-level reports under clause (4) on the agency's website.

30.9 (b) The commissioner shall establish statewide affirmative action goals for each of the
30.10 federal Equal Employment Opportunity (EEO) occupational categories applicable to state
30.11 employment, using at least the following factors:

30.12 (1) the percentage of members of each protected class in the recruiting area population
30.13 who have the necessary skills; and

30.14 (2) the availability for promotion or transfer of current employees who are members of
30.15 protected classes.

30.16 (c) The commissioner may use any of the following factors in addition to the factors
30.17 required under paragraph (b):

30.18 (1) the extent of unemployment of members of protected classes in the recruiting area
30.19 population;

30.20 (2) the existence of training programs in needed skill areas offered by employing agencies
30.21 and other institutions; and

30.22 (3) the expected number of available positions to be filled.

30.23 (d) The commissioner shall designate a state director of diversity and equal employment
30.24 opportunity who may be delegated the preparation, revision, implementation, and
30.25 administration of the program. The commissioner of management and budget may place
30.26 the director's position in the unclassified service if the position meets the criteria established
30.27 in section 43A.08, subdivision 1a.

30.28 (e) The commissioner shall designate a statewide ADA and disability employment
30.29 director who may be delegated the preparation, revision, implementation, evaluation, and
30.30 administration of the program. This position must administer the 700-hour on-the-job
30.31 demonstration experience under the supported work program and disabled veteran's
30.32 employment programs. The ADA and disability employment director shall have education,

31.1 knowledge, and skills in disability policy, employment, and the ADA. The commissioner
31.2 may place the director's position in the unclassified service if the position meets the criteria
31.3 established in section 43A.08, subdivision 1a.

31.4 (f) Agency affirmative action plans, including reports and progress, must be posted on
31.5 the agency's public and internal websites within 30 days of being approved. The
31.6 commissioner of management and budget shall post a link to all executive branch
31.7 agency-approved affirmative action plans on its public website. Accessible copies of the
31.8 affirmative action plan must be available to all employees and members of the general public
31.9 upon request.

31.10 Sec. 46. Minnesota Statutes 2022, section 43A.191, is amended to read:

31.11 **43A.191 AGENCY AFFIRMATIVE ACTION PROGRAMS.**

31.12 Subdivision 1. **Affirmative action officers.** (a) Each agency with 1,000 employees or
31.13 more shall have at least one full-time affirmative action officer, who shall have primary
31.14 responsibility for developing and maintaining the agency's affirmative action plan. The
31.15 officer shall devote full time to affirmative action activities. The affirmative action officer
31.16 shall report administratively and on policy issues directly to the agency head. Pursuant to
31.17 section 43A.08, subdivision 1a, clause (4), the affirmative action officer must not be an
31.18 unclassified employee.

31.19 (b) The agency heads shall assign affirmative action officers or designees for agencies
31.20 with fewer than 1,000 employees. The designees shall report administratively and on policy
31.21 issues directly to the agency head.

31.22 (c) An agency may not use authority under section 43A.08, subdivision 1a, to place the
31.23 position of an agency affirmative action officer or designee in the unclassified service.

31.24 Subd. 2. **Agency affirmative action plans.** (a) The head of each agency in the executive
31.25 branch shall prepare and implement an agency affirmative action plan consistent with this
31.26 section and rules issued under section 43A.04, subdivision 3.

31.27 (b) The agency plan must include a plan for the provision of reasonable accommodation
31.28 in the hiring and promotion of qualified ~~disabled~~ persons with disabilities. The reasonable
31.29 accommodation plan must consist of at least the following:

31.30 (1) procedures for compliance with sections 16E.03, subdivision 9, 363A.08 to 363A.19,
31.31 and 363A.28, subdivision 10, and, where appropriate, regulations implementing United
31.32 States Code, title 29, section 794, as amended through December 31, 1984, which is section
31.33 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act,

32.1 United States Code, title 42, sections 101 to 108, 201 to 231, 241 to 246, 401, 402, and 501
32.2 to 514;

32.3 (2) methods and procedures for providing timely access to reasonable accommodation
32.4 ~~for disabled job applicants, current employees, and employees~~ accommodations during the
32.5 application process, throughout current employment, and when seeking promotion;

32.6 (3) provisions for funding reasonable accommodations; and

32.7 (4) the number of requests made, the number of requests approved, and the number of
32.8 requests reimbursed from the state accommodation account under section 16B.4805.

32.9 (c) The agency plan must be prepared by the agency head with the assistance of the
32.10 agency affirmative action officer and the director of diversity and equal employment
32.11 opportunity. The agency may consult with the Council on Disability, vocational rehabilitation
32.12 services, state services for the blind, and other disability experts to review and make
32.13 recommendations on recruitment and retention of people with disabilities.

32.14 (d) The agency plan must identify any positions in the agency that can be used for
32.15 supported employment as defined in section 268A.01, subdivision 13, of persons with ~~severe~~
32.16 significant disabilities. The agency shall report this information to the commissioner. An
32.17 agency that hires more than one supported worker in the identified positions must receive
32.18 recognition for each supported worker toward meeting the agency's affirmative action goals
32.19 and objectives.

32.20 (e) An agency affirmative action plan may not be implemented without the
32.21 commissioner's approval.

32.22 Subd. 2a. **Disability recruitment, hiring, and advancement.** (a) Each agency affirmative
32.23 action plan must include a section that provides sufficient assurances, procedures, and
32.24 commitments to provide adequate hiring, placement, and advancement opportunities for
32.25 individuals with disabilities at all levels of state employment. The criteria for this section
32.26 of the agency affirmative action plan must include a section on disability hiring and
32.27 advancement, including the provisions in this subdivision.

32.28 (b) The plan must describe specific actions to ensure that a broad range of individuals
32.29 with disabilities will be aware of and be encouraged to apply for job vacancies when eligible.
32.30 The actions must include, at a minimum:

32.31 (1) the use of programs and resources that identify job applicants with disabilities who
32.32 are eligible to be appointed under a hiring authority that takes disability into account,
32.33 consistent with the demonstration program under section 43A.15, subdivision 14. The

33.1 programs may include the Department of Employment and Economic Development's
33.2 Vocational Rehabilitation Services and State Services for the Blind that provide the
33.3 qualifications necessary for positions within the agency to individuals with disabilities.
33.4 Resources may include databases of individuals with disabilities who previously applied to
33.5 the agency but were not hired for the positions they applied for, and training and internship
33.6 programs that lead directly to employment for individuals with disabilities; and

33.7 (2) establishment and maintenance of contacts, which may include formal agreements,
33.8 with organizations that specialize in providing assistance to individuals with disabilities in
33.9 securing and maintaining employment, such as the Department of Employment and Economic
33.10 Development's Vocational Rehabilitation Services, State Services for the Blind, community
33.11 rehabilitation programs, day training and habilitation programs, and employment network
33.12 service providers.

33.13 (c) The plan must ensure that the agency has designated sufficient staff to handle any
33.14 disability-related issues that arise during the application and selection process, and shall
33.15 require the agency to provide staff with sufficient training, support, and other resources to
33.16 carry out the responsibilities under this section. Responsibilities include, at a minimum:

33.17 (1) ensuring that disability-related questions from members of the public regarding the
33.18 agency's application and selection processes are answered promptly and correctly, including
33.19 questions about reasonable accommodations needed by job applicants during the application
33.20 and selection process and questions about how individuals may apply for positions under
33.21 hiring authorities that take disability into account;

33.22 (2) processing requests for reasonable accommodations needed by job applicants during
33.23 the application and placement process and ensuring that the agency provides such
33.24 accommodations when required;

33.25 (3) accepting applications for a position under hiring authorities that take disability into
33.26 account;

33.27 (4) if an individual has applied for appointment to a particular position under a hiring
33.28 authority that takes disability into account, determining whether the individual is eligible
33.29 for appointment under such authority and, if so, forwarding the individual's application to
33.30 the relevant hiring officials with an explanation of how and when the individual may be
33.31 appointed, consistent with all applicable laws; and

33.32 (5) overseeing any other agency programs designed to increase hiring of individuals
33.33 with disabilities.

Subd. 3. **Audits; sanctions and incentives.** (a) The commissioner shall annually audit the record of each agency to determine the rate of compliance with affirmative action requirements. The department must report all audit findings to the governor's office if a state agency fails to meet any of its affirmative action requirements for two consecutive years.

(b) By March 1 of each odd-numbered year, the commissioner shall submit a report on affirmative action progress of each agency and the state as a whole to the governor and to the Finance Committee of the senate, the Ways and Means Committee of the house of representatives, the Governmental Operations Committees of both houses of the legislature, and the Legislative Coordinating Commission. The report must include noncompetitive appointments made under section 43A.08, subdivision 2a, or 43A.15, subdivisions 3 to 7, 10, and 12, and cover each agency's rate of compliance with affirmative action requirements. The report must be made available to the public on the department's website.

(c) An agency that does not meet its hiring goals must justify its nonaffirmative action hires in competitive appointments and noncompetitive appointments made under section 43A.08, subdivisions 1, clauses (9), (11), and (16), and 2a; and section 43A.15, subdivisions 3, 10, 12, and 13, according to criteria issued by the department of Management and Budget. In addition, an agency shall:

(1) demonstrate a good faith effort to recruit protected group members by following an active recruitment plan;

(2) implement a coordinated retention plan; and

(3) have an established complaint resolution procedure.

(d) The commissioner shall develop reporting standards and procedures for measuring compliance.

(e) An agency is encouraged to develop other innovative ways to promote awareness, acceptance, and appreciation for diversity and affirmative action. These innovations will be considered when evaluating an agency's compliance with this section.

(f) An agency not in compliance with affirmative action requirements of this section must identify methods and programs to improve performance, to reallocate resources internally in order to increase support for affirmative action programs, and to submit program and resource reallocation proposals to the commissioner for approval. An agency must submit these proposals within 120 days of being notified by the commissioner that it is out

of compliance with affirmative action requirements. The commissioner shall monitor quarterly the affirmative action programs of an agency found to be out of compliance.

(g) The commissioner shall establish a program to recognize an agency that has made significant and measurable progress in implementing an affirmative action plan.

(h) The commissioner must maintain and make available, on an annual basis, summary data as defined in section 13.02, subdivision 19, on the percentage of members of each protected group as defined in section 43A.02, subdivision 33, that were hired in the executive branch in each of the federal Equal Employment Opportunity (EEO) occupational categories applicable to state employment. Nothing in this provision, however, shall require any person to disclose their protected group status, nor shall it require the commissioner or any appointing authority to determine the protected group status of any person.

Sec. 47. Minnesota Statutes 2022, section 43A.21, subdivision 1, is amended to read:

Subdivision 1. **Authority; purpose.** The commissioner, in coordination with the statewide ADA and disability employment director and chief inclusion officer, shall develop and interpret policy and administer and, to the extent possible, conduct programs in training and development for employees to, at a minimum:

(1) promote individual, group and agency efficiency and effectiveness;

(2) build employee capacity to deliver accessible and inclusive services to the public, including people with disabilities; and

(3) support an inclusive work environment for employees with disabilities and employees of other protected classes.

Sec. 48. Minnesota Statutes 2022, section 43A.21, subdivision 2, is amended to read:

Subd. 2. **Responsibilities.** (a) The commissioner is responsible for developing and coordinating consistent training policy which shall be binding on all state agencies in the executive branch. The policies shall include conditions under which employees may receive or be assigned to training; internships and work-training programs; minimum and maximum training standards for employee participation and agency reporting requirements. At a minimum, state employees must receive annual training on statutes or policies related to:

(1) Title II of the Americans with Disabilities Act;

(2) the state's affirmative action policy;

(3) equal opportunity employment; and

36.1 (4) digital accessibility standards.

36.2 (b) Career development training is a permissive subject of collective bargaining. Each
36.3 appointing authority in the executive branch, including the Minnesota State Retirement
36.4 System and the Teachers Retirement Association, is primarily responsible for planning,
36.5 budgeting, conducting and evaluating training programs.

36.6 Sec. 49. Minnesota Statutes 2022, section 43A.21, subdivision 3, is amended to read:

36.7 Subd. 3. **Programs.** (a) The commissioner or the commissioner's designee shall design
36.8 and implement management training and development programs for the state service. The
36.9 programs shall include but not be limited to mandatory training and development
36.10 requirements for managers and supervisors. No person shall acquire permanent status in a
36.11 management or supervisory position in the classified service until training and development
36.12 requirements have been met.

36.13 (b) All managers and supervisors must receive training on inclusive work environments,
36.14 disability awareness, cultural competence, and other equity and diversity areas.

36.15 (c) Agencies shall conduct an annual Americans with Disabilities Act self-assessment
36.16 to ensure training programs meet the standards for universal design in learning.

36.17 Sec. 50. Minnesota Statutes 2022, section 43A.21, is amended by adding a subdivision to
36.18 read:

36.19 Subd. 6. **Accessibility.** The commissioner is responsible for ensuring that all training
36.20 content and platforms meet the accessibility standards under section 16E.03, subdivisions
36.21 2, clause (3), and 9. Reasonable accommodations must be implemented in a timely and
36.22 appropriate manner to ensure that all state employees can participate in state-offered trainings.
36.23 All state employees, including ADA coordinators and human resources staff, must have the
36.24 training and resources to implement an accessible and inclusive workplace.

36.25 Sec. 51. Minnesota Statutes 2022, section 43A.36, subdivision 1, is amended to read:

36.26 Subdivision 1. **Cooperation; state agencies.** (a) The commissioner may delegate
36.27 administrative functions associated with the duties of the commissioner to appointing
36.28 authorities who have the capability to perform such functions when the commissioner
36.29 determines that it is in the best interests of the state civil service. The commissioner shall
36.30 consult with agencies and agencies shall cooperate as appropriate in implementation of this
36.31 chapter.

(b) The commissioner, in conjunction with appointing authorities, shall analyze and assess current and future human resource requirements of the civil service and coordinate personnel actions throughout the civil service to meet the requirements. The commissioner shall provide recruiting assistance and make the applicant database available to appointing authorities to use in making appointments to positions in the unclassified service.

(c) The head of each agency in the executive branch shall designate an agency personnel officer. The agency personnel officer shall be accountable to the agency head for all personnel functions prescribed by laws, rules, collective bargaining agreements, the commissioner and the agency head. Except when otherwise prescribed by the agency head in a specific instance, the personnel officer shall be assumed to be the authority accountable to the agency head over any other officer or employee in the agency for personnel functions.

(d) The head of each agency in the executive branch shall designate an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. The officer shall report directly to the head of the agency on affirmative action matters.

(e) Pursuant to section 43A.431, the head of each agency in the executive branch shall designate an ADA coordinator who shall have primary responsibility for the administration of ADA policies, procedures, trainings, requests, and arbitration. The coordinator shall report directly to the commissioner.

Sec. 52. Minnesota Statutes 2022, section 43A.421, is amended to read:

43A.421 SUPPORTED WORK PROGRAM.

Subdivision 1. Program established. ~~A total of 50 full-time~~ Active positions within agencies of state government may be selected for inclusion for a supported work program for persons with ~~severe~~ significant disabilities. A full-time position may be shared by up to three persons with ~~severe~~ significant disabilities and their job coach. The job coach is not a state employee within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14, unless the job coach holds another position within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14. All classified supported work job postings need to link to the overview and application process for the supported work program.

Subd. 2. Responsibilities. (a) The commissioner is responsible for the administration and oversight of the supported work program, including the establishment of policies and procedures, data collection and reporting requirements, and compliance.

(b) The commissioner or the commissioner's designee shall design and implement a training curriculum for the supported work program. All executive leaders, managers, supervisors, human resources professionals, affirmative action officers, and Americans with Disabilities Act coordinators must receive annual training regarding the program.

(c) The commissioner or the commissioner's designee shall develop, administer, and make public a formal grievance process for individuals in the program.

Sec. 53. **[43A.431] AMERICANS WITH DISABILITIES ACT COORDINATORS.**

(a) Each state agency shall designate at least one ADA coordinator who is responsible for implementation of Title I of the ADA, to advance the prohibition on discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions, and privileges of employment. The ADA coordinator must have demonstrated knowledge and experience in:

(1) the recruitment, selection, development, and retention of people with disabilities;

(2) workforce data analysis;

(3) disability employment laws and regulations; and

(4) strategy development for universal and inclusive workplaces.

(b) The ADA coordinator is responsible for overseeing the development, implementation, monitoring, and evaluation of effective strategies to attract, engage, and advance people with disabilities. This includes assisting employees with identifying, acquiring, and maintaining effective accommodations and submitting reimbursement requests to the statewide accommodation fund under section 16B.4805.

(c) The ADA coordinator is responsible for collecting data and preparing reports to ensure transparency and accountability and must serve as a key liaison for disability employment and training initiatives.

Sec. 54. Minnesota Statutes 2022, section 137.0245, subdivision 2, is amended to read:

Subd. 2. **Membership.** The Regent Candidate Advisory Council shall consist of 24 members. Twelve members shall be appointed by the ~~Subcommittee on Committees of the Committee on Rules and Administration~~ majority leader of the senate. Twelve members shall be appointed by the speaker of the house. Each appointing authority must appoint one member who is a student enrolled in a degree program at the University of Minnesota at the time of appointment. No more than one-third of the members appointed by each

39.1 appointing authority may be current or former legislators. No more than two-thirds of the
39.2 members appointed by each appointing authority may belong to the same political party;
39.3 however, political activity or affiliation is not required for the appointment of any member.
39.4 Geographical representation must be taken into consideration when making appointments.
39.5 Section 15.0575 shall govern the advisory council, except that:

39.6 (1) the members shall be appointed to six-year terms with one-third appointed each
39.7 even-numbered year; and

39.8 (2) student members are appointed to two-year terms with two students appointed each
39.9 even-numbered year.

39.10 A member may not serve more than two full terms.

39.11 Sec. 55. Minnesota Statutes 2022, section 137.0245, is amended by adding a subdivision
39.12 to read:

39.13 Subd. 6. **Public meetings.** Meetings of the council or subcommittees of the council must
39.14 be open to the public and are subject to section 3.055.

39.15 Sec. 56. Minnesota Statutes 2022, section 138.081, subdivision 3, is amended to read:

39.16 Subd. 3. **Administration of federal act.** ~~The Department of Administration~~ Minnesota
39.17 Historical Society is designated as the state agency to administer the provisions of the federal
39.18 act providing for the preservation of historical and archaeological data, United States Code,
39.19 title 46 54, sections 469 to 469C section 312501, as amended, insofar as the provisions of
39.20 the act provide for implementation by the state.

39.21 Sec. 57. Minnesota Statutes 2022, section 138.665, subdivision 2, is amended to read:

39.22 Subd. 2. ~~**Mediation**~~ **Consultation.** The state, state departments, agencies, and political
39.23 subdivisions, including the Board of Regents of the University of Minnesota, have a
39.24 responsibility to protect the physical features and historic character of properties designated
39.25 in sections 138.662 and 138.664 or listed on the National Register of Historic Places created
39.26 by Public Law 89-665. Before carrying out any undertaking that will affect designated or
39.27 listed properties, or funding or licensing an undertaking by other parties, the state department
39.28 or agency shall consult with the State Historic Preservation Office pursuant to ~~the society's~~
39.29 the State Historic Preservation Office's established procedures to determine appropriate
39.30 treatments and to seek ways to avoid and mitigate any adverse effects on designated or
39.31 listed properties. If the state department or agency and the State Historic Preservation Office
39.32 agree in writing on a suitable course of action, the project may proceed. If the parties cannot

agree, any one of the parties may request that the governor appoint and convene a mediation task force consisting of five members, two appointed by the governor, the chair of the State Review Board of the State Historic Preservation Office, the commissioner of administration or the commissioner's designee, and one member ~~who is not an employee of the Minnesota Historical Society~~ appointed by the director of the Minnesota Historical Society. The two appointees of the governor and ~~the one~~ of the director of the society shall be qualified by training or experience in one or more of the following disciplines: (1) history; (2) archaeology; and (3) architectural history. The mediation task force is not subject to the conditions of section 15.059. This subdivision does not apply to section 138.662, subdivision 24, and section 138.664, subdivisions 8 and 111.

Sec. 58. Minnesota Statutes 2022, section 161.1419, subdivision 2, is amended to read:

Subd. 2. **Members.** (a) The commission shall be composed of 15 members of whom:

(1) one shall be appointed by the commissioner of transportation;

(2) one shall be appointed by the commissioner of natural resources;

(3) one shall be appointed by the director of Explore Minnesota Tourism;

(4) one shall be appointed by the commissioner of agriculture;

(5) one shall be appointed by the director of the Minnesota Historical Society;

(6) two shall be members of the senate to be appointed by the Committee on Committees;

(7) two shall be members of the house of representatives to be appointed by the speaker;

(8) one shall be the secretary appointed pursuant to subdivision 3; and

(9) five shall be citizen members appointed to staggered four-year terms by the commission after receiving recommendations from five citizen committees established by the members appointed under clauses (1) to (8), with each citizen committee established within and representing each of the following geographic segments along the Mississippi River:

(i) Lake Itasca to but not including the city of Grand Rapids;

(ii) Grand Rapids to but not including the city of Brainerd;

(iii) Brainerd to but not including the city of Elk River;

(iv) Elk River to but not including the city of Hastings; and

(v) Hastings to the Iowa border.

41.1 Each citizen ~~committee~~ member shall be a resident of the geographic segment that the
41.2 ~~committee~~ and member represents.

41.3 (b) The members of the commission appointed in paragraph (a), clauses (1) to (8), shall
41.4 serve for a term expiring at the close of each regular session of the legislature and until their
41.5 successors are appointed.

41.6 (c) Successor members shall be appointed by the same appointing authorities. Members
41.7 may be reappointed. Any vacancy shall be filled by the appointing authority. The
41.8 commissioner of transportation, the commissioner of natural resources, and the director of
41.9 the Minnesota Historical Society shall be ex officio members, and shall be in addition to
41.10 the 15 members heretofore provided for. Immediately upon making the appointments to the
41.11 commission the appointing authorities shall so notify the Mississippi River Parkway
41.12 Commission, hereinafter called the National Commission, giving the names and addresses
41.13 of the members so appointed.

41.14 Sec. 59. Minnesota Statutes 2022, section 351.01, subdivision 2, is amended to read:

41.15 Subd. 2. **When effective.** Except as provided by subdivision 3 or other express provision
41.16 of law or charter to the contrary, a resignation is effective when it is received by the officer,
41.17 body, or board authorized to receive it. In the case of a position appointed by the governor
41.18 under section 15.0597, the resignation must be submitted to the governor.

41.19 Sec. 60. Minnesota Statutes 2022, section 357.17, is amended to read:

41.20 **357.17 NOTARIES PUBLIC.**

41.21 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

41.22 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
41.23 bill; where protest is legally necessary, and copy thereof, \$5;

41.24 (2) for every other protest and copy, \$5;

41.25 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
41.26 and copy thereof, \$5;

41.27 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
41.28 \$1 per folio for copies;

41.29 (5) for each oath administered, \$5;

41.30 (6) for acknowledgments of deeds and for other services authorized by law, the legal
41.31 fees allowed other officers for like services;

42.1 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
42.2 folio.

42.3 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
42.4 paragraph (a) if the notary is a member, director, or partner of an entity organized under
42.5 the laws of this state.

42.6 Sec. 61. Minnesota Statutes 2022, section 359.04, is amended to read:

42.7 **359.04 POWERS.**

42.8 Every notary public so appointed, commissioned, and qualified shall have power
42.9 throughout this state to administer all oaths required or authorized to be administered in
42.10 this state; to take and certify all depositions to be used in any of the courts of this state; to
42.11 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and
42.12 other instruments in writing or electronic records; to receive, make out, and record notarial
42.13 protests; to perform civil marriages consistent with this chapter and chapter 517; and to
42.14 perform online remote notarial acts in compliance with the requirements of sections 358.645
42.15 and 358.646.

42.16 Sec. 62. **[359.115] CIVIL MARRIAGE OFFICIANT.**

42.17 (a) A notary public shall have the power to solemnize civil marriages throughout the
42.18 state if the notary public has filed a copy of the notary public's notary credentials with the
42.19 local registrar of a county in this state. When a local registrar records notary credentials for
42.20 a notary public, the local registrar shall provide a certificate of filing to the notary whose
42.21 credentials are recorded. A notary public shall endorse and record the county where the
42.22 notary public's credentials are recorded upon each certificate of civil marriage granted by
42.23 the notary.

42.24 (b) A past or current Minnesota elected official shall have the power to solemnize a civil
42.25 marriage throughout the state if the elected official has filed a copy of the elected official's
42.26 certificate of election with the local registrar of a county in this state. When a local registrar
42.27 records an elected official's credentials, the local registrar shall provide a certificate of filing
42.28 that the elected official's credentials are recorded, and the elected official shall endorse and
42.29 record the county where the elected official's credentials are recorded upon each certificate
42.30 of civil marriage granted by the elected official.

43.1 Sec. 63. Minnesota Statutes 2022, section 364.021, is amended to read:

43.2 **364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF**
43.3 **CRIMINAL RECORDS.**

43.4 (a) A public or private employer may not inquire into or consider or require disclosure
43.5 of the criminal record or criminal history of an applicant for employment until the applicant
43.6 has been selected for an interview by the employer or, if there is not an interview, before a
43.7 conditional offer of employment is made to the applicant.

43.8 (b) This section does not apply to the Department of Corrections or to employers who
43.9 have a statutory duty to conduct a criminal history background check or otherwise take into
43.10 consideration a potential employee's criminal history during the hiring process.

43.11 (c) This section does not prohibit an employer from notifying applicants that law or the
43.12 employer's policy will disqualify an individual with a particular criminal history background
43.13 from employment in particular positions.

43.14 (d) An appointing authority may not inquire into or consider or require disclosure of the
43.15 criminal record or criminal history of an applicant for appointment to multimember agencies,
43.16 including boards, commissions, agencies, committees, councils, authorities, advisory task
43.17 forces, and advisory councils, on an application form or, until the applicant has been selected
43.18 for an interview by the appointing authority or is otherwise selected as a final candidate for
43.19 appointment.

43.20 **EFFECTIVE DATE.** This section is effective August 1, 2023.

43.21 Sec. 64. Minnesota Statutes 2022, section 364.06, subdivision 1, is amended to read:

43.22 Subdivision 1. **Public employers.** Any complaints or grievances concerning violations
43.23 of sections 364.01 to 364.10 by public employers or violations of section 364.021 by public
43.24 appointing authorities shall be processed and adjudicated in accordance with the procedures
43.25 set forth in chapter 14, the Administrative Procedure Act.

43.26 Sec. 65. Minnesota Statutes 2022, section 507.0945, is amended to read:

43.27 **507.0945 ADMINISTRATION.**

43.28 (a) An Electronic Real Estate Recording Commission ~~administered by the Legislative~~
43.29 ~~Coordinating Commission~~ is created to evaluate and ~~must~~ then may adopt standards to
43.30 implement sections 507.0941 to 507.0948.

43.31 (b) The Electronic Real Estate Recording Commission shall consist of the following:

(1) three members appointed by the Minnesota Association of County Officials who are county employees, including one from within the seven-county metropolitan area, one from outside the seven-county metropolitan area, and at least one of whom is a county recorder and at least one of whom is a registrar of titles;

(2) one member appointed by the Minnesota Land Title Association;

(3) one member who represents the Minnesota Bankers Association;

(4) one member who represents the Section of Real Property Law of the Minnesota State Bar Association;

(5) one nonvoting member who is appointed by the other members of the commission and an expert in the technological aspects of electronic real estate recording; and

(6) one member who is the state archivist appointed pursuant to section 138.17.

(c) Members of the Electronic Real Estate Recording Commission shall serve four-year terms, except that (1) the initial appointments of county employees shall be for two years and (2) the expert in the technological aspects of electronic real estate recording shall serve at the pleasure of a majority of the other members of the commission. All initial terms shall commence on July 1, 2008. Members shall serve until their successors are appointed. Any member may be reappointed for successive terms.

(d) The state archivist shall call the first meeting of the Electronic Real Estate Recording Commission. At the first meeting and biennially thereafter, the commission shall elect from its membership a chair and vice-chair to serve two-year terms. Meetings may be called by the chair or the vice-chair ~~or the director of the Legislative Coordinating Commission~~. Meetings shall be held as often as necessary, but at least once a year.

(e) A majority of the voting members of the Electronic Real Estate Recording Commission constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the commission.

(f) As soon as practicable and as needed thereafter, the Electronic Real Estate Recording Commission shall identify the information technology and any other expertise it requires and report its needs to the ~~Legislative Coordinating Commission~~. ~~The Electronic Real Estate Recording Commission also shall report any other expertise it needs to fulfill its responsibilities. The Legislative Coordinating Commission shall provide support services, including meeting space, as needed for the Electronic Real Estate Recording Commission to carry out its duties in an effective manner.~~ committees of the Minnesota House of Representatives and the Minnesota Senate that have jurisdiction.

Sec. 66. Minnesota Statutes 2022, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record, a court administrator, a retired court administrator with the approval of the chief judge of the judicial district, a former court commissioner who is employed by the court system or is acting pursuant to an order of the chief judge of the commissioner's judicial district, a notary authorized by the Office of the Secretary of State, a past or current Minnesota elected official authorized by section 359.115, the residential school superintendent of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a licensed or ordained minister of any religious denomination, or by any mode recognized in section 517.18. For purposes of this section, a court of record includes the Office of Administrative Hearings under section 14.48.

Sec. 67. Minnesota Statutes 2022, section 645.44, subdivision 5, as amended by Laws 2023, chapter 5, section 2, is amended to read:

Subd. 5. **Holiday.** (a) "Holiday" includes New Year's Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Juneteenth, June 19; Independence Day, July 4; Labor Day, the first Monday in September; ~~Christopher Columbus~~ Indigenous Peoples Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25; provided, when New Year's Day, January 1; or Juneteenth, June 19; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and, provided, when New Year's Day, January 1; or Juneteenth, June 19; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. No public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon. However, for the executive branch of the state of Minnesota, "holiday" also includes the Friday after Thanksgiving but does not include ~~Christopher Columbus~~ Indigenous Peoples Day. Other branches of state government and political subdivisions shall have the option of determining whether ~~Christopher Columbus~~ Indigenous Peoples Day and the Friday after Thanksgiving shall be holidays. Where it is determined that ~~Columbus Day~~

46.1 Indigenous Peoples or the Friday after Thanksgiving is not a holiday, public business may
46.2 be conducted thereon.

46.3 (b) Any agreement between a public employer and an employee organization citing
46.4 Veterans Day as the fourth Monday in October shall be amended to cite Veterans Day as
46.5 November 11.

46.6 (c) Any agreement between a public employer and an employee organization citing
46.7 "Christopher Columbus Day" or "Columbus Day" shall be amended to cite "Indigenous
46.8 Peoples Day."

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

46.10 Sec. 68. **MISSISSIPPI RIVER PARKWAY COMMISSION; CITIZEN MEMBERS.**

46.11 Citizens currently appointed to the Mississippi River Parkway Commission under
46.12 Minnesota Statutes, section 161.1419, subdivision 2, for areas following the geographic
46.13 segments along the Mississippi River, serve terms as follows:

46.14 (1) citizen member representing Lake Itasca, to but not including the city of Grand
46.15 Rapids, for a term ending December 31, 2025;

46.16 (2) citizen member representing Grand Rapids, to but not including the city of Brainerd,
46.17 for a term ending December 31, 2025;

46.18 (3) citizen member representing Brainerd, to but not including the city of Elk River, for
46.19 a term ending December 31, 2025;

46.20 (4) citizen member representing Elk River, to but not including the city of Hastings, for
46.21 a term ending December 31, 2027; and

46.22 (5) citizen member representing Hastings, to the Iowa border, for a term ending December
46.23 31, 2027.

46.24 Sec. 69. **ADVISORY COMMITTEE ON SERVICE WORKER STANDARDS.**

46.25 The commissioner of management and budget shall convene an advisory committee to
46.26 review and make recommendations regarding updates and clarifications to the service worker
46.27 class specifications under Minnesota Statutes, section 43A.071. By January 15, 2023, the
46.28 commissioner shall report to the legislative committees with jurisdiction over state
46.29 government employees on recommendations for changes to Minnesota Statutes, section
46.30 43A.071.

47.1 **Sec. 70. REVISOR INSTRUCTION.**

47.2 In the next edition of Minnesota Statutes and Minnesota Rules and the online publication
47.3 of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall change references
47.4 to "Christopher Columbus Day" or "Columbus Day" to "Indigenous Peoples Day" wherever
47.5 the phrases appear in Minnesota Statutes and Minnesota Rules.

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

47.7 **Sec. 71. REPEALER.**

47.8 Subdivision 1. **Interagency transfer reports.** Minnesota Statutes 2022, section 15.0395,
47.9 is repealed.

47.10 Subd. 2. Office of Collaboration and Dispute Resolution. Minnesota Statutes 2022,
47.11 sections 16B.24, subdivision 13; 179.90; and 179.91, are repealed.

47.12 Subd. 3. **Trustee Candidate Advisory Council.** Minnesota Statutes 2022, section
47.13 136F.03, is repealed.

47.14 **Sec. 72. EFFECTIVE DATE; JUNETEENTH.**

47.15 Notwithstanding Minnesota Statutes, section 645.02, Laws 2023, chapter 5, sections 1
47.16 and 2 are effective June 19, 2023.

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

47.18 ARTICLE 2

47.19 INFORMATION TECHNOLOGY AND CYBERSECURITY

47.20 Section 1. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision
47.21 to read:

47.22 Subd. 1 a. **Definition.** (a) For purposes of this section, the following term has the meaning
47.23 given.

47.24 (b) "Security records" means data, documents, recordings, or similar that:

47.25 (1) were originally collected, created, received, maintained, or disseminated by a member
47.26 of the commission during a closed meeting, or a closed portion of a meeting; and

47.27 (2) are security information as defined by section 13.37, subdivision 1, or otherwise
47.28 pertain to cybersecurity briefings and reports, issues related to cybersecurity systems,
47.29 deficiencies in or recommendations regarding cybersecurity services, infrastructure, or

48.1 facilities, if disclosure of the records would pose a danger to or compromise cybersecurity
48.2 infrastructure, facilities, procedures, or responses.

48.3 Sec. 2. Minnesota Statutes 2022, section 3.888, subdivision 5, is amended to read:

48.4 Subd. 5. **Meetings.** The commission must meet at least three times per calendar year.
48.5 The meetings of the commission are subject to section 3.055, except that the commission
48.6 may close a meeting when necessary to safeguard the state's cybersecurity. ~~The minutes,~~
48.7 ~~recordings, and documents from a closed meeting under this subdivision~~ Security records
48.8 shall be maintained by the Legislative Coordinating Commission and shall not be made
48.9 available to the public until at least eight years but no more than 20 years after the date of
48.10 the closed meeting.

48.11 Sec. 3. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to
48.12 read:

48.13 Subd. 5a. **Closed meetings procedures.** The commission must adopt procedures for
48.14 conducting closed meetings before the commission's first closed meeting. At a minimum,
48.15 the procedures must include:

48.16 (1) a requirement to provide notice to the public, when practicable, before each closed
48.17 meeting of the commission's intent and authority to hold a closed meeting, or to hold a
48.18 closed session during an otherwise open meeting;

48.19 (2) a requirement that the commission minimize the number of people present at a closed
48.20 meeting to those necessary to conduct the meeting;

48.21 (3) a requirement that votes shall not be taken during a meeting, or a portion of a meeting,
48.22 of the commission closed pursuant to this section;

48.23 (4) steps the commission must take if a commission member is alleged to have violated
48.24 the confidentiality of a closed meeting; and

48.25 (5) guidance for the Legislative Coordinating Commission for the public release of
48.26 security records following the eight year record requirement in subdivision 5. The meetings
48.27 of the Legislative Coordinating Commission under this subdivision are exempt from section
48.28 3.055 when necessary to safeguard the confidentiality of security records.

49.1 Sec. 4. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to
49.2 read:

49.3 Subd. 5b. **Alleged member closed meeting confidentiality violations.** Notwithstanding
49.4 any law to the contrary, if a complaint alleging a member violated the confidentiality of a
49.5 closed meeting is brought to a legislative committee with jurisdiction over ethical conduct,
49.6 the committee with jurisdiction over ethical conduct must preserve the confidentiality of
49.7 the closed meeting at issue.

49.8 Sec. 5. Minnesota Statutes 2022, section 16E.01, subdivision 1a, is amended to read:

49.9 Subd. 1a. **Responsibilities.** The department shall provide oversight, leadership, and
49.10 direction for information and telecommunications technology policy and the management,
49.11 delivery, accessibility, and security of executive branch information and telecommunications
49.12 technology systems and services in Minnesota. The department shall partner with executive
49.13 branch state agencies to manage strategic investments in information and telecommunications
49.14 technology systems and services to ensure sufficient access to and efficient delivery of
49.15 accessible government services and to maximize benefits for the state government as an
49.16 enterprise.

49.17 Sec. 6. Minnesota Statutes 2022, section 16E.01, is amended by adding a subdivision to
49.18 read:

49.19 Subd. 1b. **Deputy; appointments.** The commissioner may appoint a deputy, assistant
49.20 commissioners, and a confidential secretary. Each serves at the commissioner's pleasure in
49.21 the unclassified service.

49.22 Sec. 7. Minnesota Statutes 2022, section 16E.01, subdivision 3, is amended to read:

49.23 Subd. 3. **Duties.** (a) The department shall:

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

49.27 (2) approve state agency and intergovernmental information and telecommunications
49.28 technology systems and services development efforts involving state or intergovernmental
49.29 funding, including federal funding, provide information to the legislature regarding projects
49.30 reviewed, and recommend projects for inclusion in the governor's budget under section
49.31 16A.11;

50.1 (3) promote cooperation and collaboration among state and local governments in
50.2 developing intergovernmental information and telecommunications technology systems
50.3 and services;

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

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

50.8 ~~(6)~~ (5) promote and coordinate public information access and network initiatives,
50.9 consistent with chapter 13, to connect Minnesota's citizens and communities to each other,
50.10 to their governments, and to the world;

50.11 ~~(7)~~ (6) manage and promote the regular and periodic reinvestment in the information
50.12 and telecommunications technology systems and services infrastructure so that state and
50.13 local government agencies can effectively and efficiently serve their customers;

50.14 ~~(8)~~ (7) facilitate the cooperative development of and ensure compliance with standards
50.15 and policies for information and telecommunications technology systems and services and
50.16 electronic data practices and privacy within the executive branch;

50.17 ~~(9)~~ (8) eliminate unnecessary duplication of existing information and telecommunications
50.18 technology systems and services provided by state agencies;

50.19 ~~(10)~~ (9) identify, sponsor, develop, and execute shared information and
50.20 telecommunications technology projects and ongoing operations;

50.21 ~~(11)~~ (10) ensure overall security of the state's information and technology systems and
50.22 services; and

50.23 ~~(12)~~ (11) manage and direct compliance with accessibility standards for informational
50.24 technology, including hardware, software, websites, online forms, and online surveys.

50.25 (b) The chief information officer, in consultation with the commissioner of management
50.26 and budget, must determine when it is cost-effective for agencies to develop and use shared
50.27 information and telecommunications technology systems, platforms, and services for the
50.28 delivery of ~~electronic~~ digital government services. The chief information officer may require
50.29 agencies to use shared information and telecommunications technology systems and services.
50.30 The chief information officer shall establish reimbursement rates in cooperation with the
50.31 commissioner of management and budget to be billed to agencies and other governmental
50.32 entities sufficient to cover the actual development, operating, maintenance, and administrative

51.1 costs of the shared systems. The methodology for billing may include the use of interagency
51.2 agreements, or other means as allowed by law.

51.3 (c) A state agency that has an information and telecommunications technology project,
51.4 whether funded as part of the biennial budget or by any other means, shall register with the
51.5 department by submitting basic project startup documentation as specified by the chief
51.6 information officer in both format and content. State agency project leaders, in accordance
51.7 with policies and standards set forth by the chief information officer, must demonstrate that
51.8 the project will be properly managed, provide updates to the project documentation as
51.9 changes are proposed, and regularly report on the current status of the project on a schedule
51.10 agreed to with the chief information officer. The chief information officer has the authority
51.11 to define a project for the purposes of this chapter.

51.12 (d) The chief information officer shall monitor progress on any active information and
51.13 telecommunications technology project with a total expected project cost of more than
51.14 \$5,000,000 and report on the performance of the project in comparison with the plans for
51.15 the project in terms of time, scope, and budget. The chief information officer may conduct
51.16 an independent project audit of the project. The audit analysis and evaluation of the projects
51.17 subject to paragraph (c) must be presented to agency executive sponsors, the project
51.18 governance bodies, and the chief information officer. All reports and responses must become
51.19 part of the project record.

51.20 (e) For any active information and telecommunications technology project with a total
51.21 expected project cost of more than \$10,000,000, the state agency must perform an annual
51.22 independent audit that conforms to published project audit principles adopted by the
51.23 department.

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

51.29 (1) each project in the IT portfolio whose status is either active or on hold;

51.30 (2) each project presented to the office for consultation in the time since the last report;

51.31 (3) the information technology cost associated with the project;

51.32 (4) the current status of the information technology project;

51.33 (5) the date the information technology project is expected to be completed; and

52.1 (6) the projected costs for ongoing support and maintenance after the project is complete.

52.2 Sec. 8. Minnesota Statutes 2022, section 16E.016, is amended to read:

52.3 **16E.016 RESPONSIBILITY FOR INFORMATION TECHNOLOGY SERVICES**
52.4 **AND EQUIPMENT.**

52.5 (a) The chief information officer is responsible for providing or entering into managed
52.6 services contracts for the provision, improvement, ~~and development~~, and lifecycle
52.7 management of the following information technology systems and services to state agencies:

52.8 (1) state data centers;

52.9 (2) mainframes including system software;

52.10 (3) servers including system software;

52.11 (4) desktops including system software;

52.12 (5) laptop computers including system software;

52.13 (6) a data network including system software;

52.14 (7) database, electronic mail, office systems, reporting, and other standard software
52.15 tools;

52.16 (8) business application software and related technical support services;

52.17 (9) help desk for the components listed in clauses (1) to (8);

52.18 (10) maintenance, problem resolution, and break-fix for the components listed in clauses
52.19 (1) to (8);

52.20 (11) regular upgrades ~~and~~, replacement, and lifecycle management for the components
52.21 listed in clauses (1) to (8); and

52.22 (12) network-connected output devices.

52.23 (b) All state agency employees whose work primarily involves functions specified in
52.24 paragraph (a) are employees of the Department of Information Technology Services. This
52.25 includes employees who directly perform the functions in paragraph (a), as well as employees
52.26 whose work primarily involves managing, supervising, or providing administrative services
52.27 or support services to employees who directly perform these functions. The chief information
52.28 officer may assign employees of the department to perform work exclusively for another
52.29 state agency.

(c) Subject to sections 16C.08 and 16C.09, the chief information officer may allow a state agency to obtain services specified in paragraph (a) through a contract with an outside vendor when the chief information officer and the agency head agree that a contract would provide best value, as defined in section 16C.02, under the service-level agreement. The chief information officer must require that agency contracts with outside vendors ensure that systems and services are compatible with standards established by the Department of Information Technology Services.

(d) The Minnesota State Retirement System, the Public Employees Retirement Association, the Teachers Retirement Association, the State Board of Investment, the Campaign Finance and Public Disclosure Board, the State Lottery, and the Statewide Radio Board are not state agencies for purposes of this section.

Sec. 9. Minnesota Statutes 2022, section 16E.03, subdivision 2, is amended to read:

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

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

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

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

(4) maintain a library of systems and programs developed by the state for use by agencies of government;

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

(6) establish and enforce standards and ensure acquisition of hardware ~~and~~ ^{and} software, and services necessary to protect data and systems in state agency networks connected to the Internet.

54.1 Sec. 10. **REPEALER.**

54.2 Minnesota Statutes 2022, section 16E.0466, subdivision 2, is repealed.

54.3 **ARTICLE 3**

54.4 **LOCAL GOVERNMENT POLICY**

54.5 Section 1. Minnesota Statutes 2022, section 13D.02, subdivision 1, is amended to read:

54.6 Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1,
54.7 2, 4, and 5, and this section may be conducted by interactive technology so long as:

54.8 (1) all members of the body participating in the meeting, wherever their physical location,
54.9 can hear and see one another and can hear and see all discussion and testimony presented
54.10 at any location at which at least one member is present;

54.11 (2) members of the public present at the regular meeting location of the body can hear
54.12 and see all discussion and testimony and all votes of members of the body;

54.13 (3) at least one member of the body is physically present at the regular meeting location;

54.14 (4) all votes are conducted by roll call so each member's vote on each issue can be
54.15 identified and recorded; and

54.16 (5) each location at which a member of the body is present is open and accessible to the
54.17 public.

54.18 (b) A meeting satisfies the requirements of paragraph (a), although a member of the
54.19 public body participates from a location that is not open or accessible to the public, if the
54.20 member has not participated more than three times in a calendar year from a location that
54.21 is not open or accessible to the public, and:

54.22 (1) the member is serving in the military and is at a required drill, deployed, or on active
54.23 duty; or

54.24 (2) the member has been advised by a health care professional against being in a public
54.25 place for personal or family medical reasons. ~~This clause only applies when a state of~~
54.26 ~~emergency has been declared under section 12.31, and expires 60 days after the removal of~~
54.27 ~~the state of emergency.~~

54.28 Sec. 2. Minnesota Statutes 2022, section 118A.09, subdivision 1, is amended to read:

54.29 Subdivision 1. **Definition; qualifying government.** (a) "Qualifying government" means:

55.1 (1) a county or statutory or home rule charter city with a population of more than 100,000;
55.2 or

55.3 (2) a county or statutory or home rule charter city ~~which had its most recently issued~~
55.4 ~~general obligation bonds rated in the highest category by a national bond rating agency; or~~
55.5 whose most recent long-term, senior, general obligation rating by one or more national
55.6 rating organizations in the prior 18-month period is AA or higher.

55.7 ~~(3) a self-insurance pool listed in section 471.982, subdivision 3.~~

55.8 (b) A county or statutory or home rule charter city with a population of 100,000 or less
55.9 that is a qualifying government, but is subsequently rated less than the highest category by
55.10 a national bond rating agency on a general obligation bond issue does not meet the threshold
55.11 under paragraph (a), clause (2), may not invest additional funds under this section during
55.12 any time period when it does not meet the threshold, but may continue to manage funds
55.13 previously invested under subdivision 2.

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

55.15 Sec. 3. Minnesota Statutes 2022, section 118A.09, subdivision 2, is amended to read:

55.16 Subd. 2. **Additional investment authority.** Qualifying governments may invest the
55.17 amount described in subdivision 3:

55.18 (1) in index mutual funds based in the United States and indexed to a broad market
55.19 United States equity index, on the condition that index mutual fund investments must be
55.20 made directly with the main sales office of the fund; or

55.21 (2) with the Minnesota State Board of Investment subject to such terms and minimum
55.22 amounts as may be adopted by the board. ~~Index mutual fund investments must be made~~
55.23 ~~directly with the main sales office of the fund.~~

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

55.25 Sec. 4. Minnesota Statutes 2022, section 118A.09, subdivision 3, is amended to read:

55.26 Subd. 3. **Funds.** (a) Qualifying governments may only invest under subdivision 2
55.27 according to the limitations in this subdivision. A qualifying government under subdivision
55.28 1, clause (1) or (2), may only invest its funds that are held for long-term capital plans
55.29 authorized by the city council or county board, or long-term obligations of the qualifying
55.30 government. Long-term obligations of the qualifying government include long-term capital
55.31 plan reserves, funds held to offset long-term environmental exposure, other postemployment

56.1 benefit liabilities, compensated absences, and other long-term obligations established by
56.2 applicable accounting standards.

56.3 (b) Qualifying governments under subdivision 1, clause (1) or (2), may invest up to 15
56.4 percent of the sum of:

56.5 (1) unassigned cash;

56.6 (2) cash equivalents;

56.7 (3) deposits; and

56.8 (4) investments.

56.9 ~~This~~ (c) The calculation in paragraph (b) must be based on the qualifying government's
56.10 most recent audited statement of net position, which must be compliant and audited pursuant
56.11 to governmental accounting and auditing standards. Once the amount invested reaches 15
56.12 percent of the sum of unassigned cash, cash equivalents, deposits, and investments, no
56.13 further funds may be invested under this section; however, a qualifying government may
56.14 continue to manage the funds previously invested under this section even if the total amount
56.15 subsequently exceeds 15 percent of the sum of unassigned cash, cash equivalents, deposits,
56.16 and investments.

56.17 ~~(e) A qualified government under subdivision 1, clause (3), may invest up to the lesser~~
56.18 ~~of:~~

56.19 ~~(1) 15 percent of the sum of its cash, cash equivalents, deposits, and investments; or~~

56.20 ~~(2) 25 percent of its net assets as reported on the pool's most recent audited statement~~
56.21 ~~of net position, which must be compliant and audited pursuant to governmental accounting~~
56.22 ~~and auditing standards.~~

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

56.24 Sec. 5. **[118A.10] SELF-INSURANCE POOLS; ADDITIONAL INVESTMENT**
56.25 **AUTHORITY.**

56.26 Subdivision 1. Definition. For the purposes of this section, "qualifying government"
56.27 means a self-insurance pool listed in section 471.982, subdivision 3.

56.28 Subd. 2. Additional investment authority. A qualifying government may invest in the
56.29 securities specified in section 11A.24.

Subd. 3. **Approval.** Before investing pursuant to this section, the governing body of a qualifying government must adopt an investment policy pursuant to a resolution that includes both of the following statements:

(1) the governing body understands that investments under this section have a risk of loss; and

(2) the governing body understands the type of funds that are being invested and the specific investment itself.

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

Sec. 6. **[134.114] RAMSEY COUNTY LIBRARY ADVISORY BOARD.**

Subdivision 1. **Appointment.** The Ramsey County Board of Commissioners shall direct, operate, and manage the suburban Ramsey County library system. The county board shall appoint seven members to a suburban Ramsey County Library Advisory Board. All members must reside in the suburban county library service area. The Ramsey County Library Advisory Board shall replace the existing Ramsey County Library Board upon the effective date of this section.

Subd. 2. **Powers and duties.** The Ramsey County Library Advisory Board shall provide advice and make recommendations on matters pertaining to county library services. The Ramsey County Library Advisory Board shall provide recommendations regarding integrated county service delivery that impacts or is enhanced by library services. The county board may delegate additional powers and duties to the Ramsey County Library Advisory Board.

EFFECTIVE DATE. This section is effective the day after the governing body of Ramsey County and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 7. **[134.115] ANOKA COUNTY LIBRARY ADVISORY BOARD.**

Subdivision 1. **Appointment.** The Anoka County Board of Commissioners shall direct, operate, and manage the suburban Anoka County library system. The county board shall appoint seven members to a suburban Anoka County Library Advisory Board. All members must reside in the suburban county library service area. The Anoka County Library Advisory Board shall replace the existing Anoka County Library Board upon the effective date of this section.

Subd. 2. **Powers and duties.** The Anoka County Library Advisory Board shall provide advice and make recommendations on matters pertaining to county library services. The

58.1 Anoka County Library Advisory Board shall provide recommendations regarding integrated
58.2 county service delivery that impacts or is enhanced by library services. The county board
58.3 may delegate additional powers and duties to the Anoka County Library Advisory Board.

58.4 **EFFECTIVE DATE.** This section is effective the day after the governing body of
58.5 Anoka County and its chief clerical officer comply with Minnesota Statutes, section 645.021,
58.6 subdivisions 2 and 3.

58.7 Sec. 8. Minnesota Statutes 2022, section 383B.145, is amended by adding a subdivision
58.8 to read:

58.9 Subd. 11. **Solicitations to small business enterprises or veteran-owned small**
58.10 **businesses.** Notwithstanding the contract threshold of section 471.345, subdivision 4, a
58.11 contract, as defined in section 471.345, subdivision 2, estimated not to exceed \$500,000
58.12 may be made pursuant to the provisions of section 471.345, subdivision 4, provided that a
58.13 business that is directly solicited is certified as either: (1) a small business enterprise; or (2)
58.14 a small business that is majority-owned and operated by a veteran or a service-disabled
58.15 veteran.

58.16 Sec. 9. **[383B.1587] CONSTRUCTION MANAGER AT RISK.**

58.17 Subdivision 1. **Definitions.** (a) For purposes of this section, the definitions in this
58.18 subdivision have the meanings given them.

58.19 (b) "Construction manager at risk" means a person who is selected by the county to act
58.20 as a construction manager to manage the construction process, including but not limited to
58.21 responsibility for the price, schedule, and workmanship of the construction performed
58.22 according to the procedures in this section.

58.23 (c) "Construction manager at risk contract" means a contract for construction of a project
58.24 between a construction manager at risk and the county, which shall include a guaranteed
58.25 maximum price, construction schedule, and workmanship of the construction performed.

58.26 (d) "Guaranteed maximum price" means the maximum amount that a construction
58.27 manager at risk is paid pursuant to a contract to perform a defined scope of work.

58.28 (e) "Guaranteed maximum price contract" means a contract under which a construction
58.29 manager or subcontractor is paid on the basis of the actual cost to perform the work specified
58.30 in the contract plus an amount for overhead and profit, the sum of which must not exceed
58.31 the guaranteed maximum price in the contract.

59.1 (f) "Past performance" or "experience" does not include the exercise or assertion of a
59.2 person's legal rights.

59.3 (g) "Person" means an individual, corporation, partnership, association, or other legal
59.4 entity.

59.5 (h) "Project" means an undertaking to construct, alter, or enlarge a building, structure,
59.6 or other improvement, except a highway or bridge, by or for the county.

59.7 (i) "Request for proposals" means the document or publication soliciting proposals for
59.8 a construction manager at risk contract as provided in this section.

59.9 (j) "Request for qualifications" means the document or publication soliciting qualifications
59.10 for a construction manager at risk contract as provided in this section.

59.11 (k) "Trade contract work" means labor, materials, or equipment furnished by contractors
59.12 or vendors that are incorporated into the completed project or are major components of the
59.13 means of construction. Work performed by trade contractors involves specific portions of
59.14 the project, but not the entire project.

59.15 Subd. 2. **Authority.** Notwithstanding any other law to the contrary, the county may use
59.16 a construction manager at risk method of project delivery and award a construction manager
59.17 at risk contract based on the selection criteria described in this section.

59.18 Subd. 3. **Solicitation of qualifications.** (a) A request for qualifications must be prepared
59.19 for each construction manager at risk contract as provided in this section. The request for
59.20 qualifications must contain, at a minimum, the following elements:

59.21 (1) procedures for submitting qualifications, the criteria and subcriteria for evaluating
59.22 the qualifications and the relative weight for each criteria and subcriteria, and the procedures
59.23 for making awards in an open, competitive, and objective manner, applying a scoring or
59.24 trade-off evaluation method, including a reference to the requirements of this section;

59.25 (2) the proposed terms and conditions for the contract;

59.26 (3) the desired qualifications of the construction manager at risk;

59.27 (4) the schedule for commencement and completion of the project;

59.28 (5) any applicable budget limits for the project;

59.29 (6) the requirements for insurance and statutorily required performance and payment
59.30 bonds; and

60.1 (7) the identification and location of any other information in the possession or control
60.2 of the county that the county determines is material, including surveys, soils reports, drawings
60.3 or models of existing structures, environmental studies, photographs, or references to public
60.4 records.

60.5 (b) The request for qualifications criteria must not impose unnecessary conditions beyond
60.6 reasonable requirements to ensure maximum participation of construction managers at risk.
60.7 The criteria must not consider the collective bargaining status of the construction manager
60.8 at risk.

60.9 (c) The request for qualifications criteria may include a requirement that the proposer
60.10 include the cost for the proposer's services.

60.11 (d) Notice of requests for qualifications must be advertised in a manner designated by
60.12 the county.

60.13 Subd. 4. **Construction manager at risk selection process.** (a) In a construction manager
60.14 at risk selection process, the following applies:

60.15 (1) upon determining to utilize a construction manager at risk for a project, the county
60.16 shall create a selection committee composed of a minimum of three persons, at least one of
60.17 whom has construction industry expertise; and

60.18 (2) the county shall establish procedures for determining the appropriate content of a
60.19 request for qualifications, as provided in subdivision 3.

60.20 (b) In accordance with the criteria and procedures set forth in the request for
60.21 qualifications, the selection committee shall evaluate the experience of a proposer as a
60.22 construction manager at risk, including but not limited to capacity of key personnel, technical
60.23 competence, capability to perform, past performance of the firm and its employees, safety
60.24 record and compliance with state and federal law, availability to and familiarity with the
60.25 project locale, and other appropriate facts submitted by the proposer in response to the
60.26 request for qualifications.

60.27 (c) If the county receives fewer than three proposals from construction managers, the
60.28 county may:

60.29 (1) proceed as described in paragraph (d);

60.30 (2) solicit new proposals;

60.31 (3) revise the request for qualifications and then solicit new proposals using the revised
60.32 request for qualifications;

61.1 (4) select another allowed procurement method;

61.2 (5) proceed with a sole proposer if the county determines the construction manager at
61.3 risk marketplace is limited and the benefit of issuing a new solicitation is not practicable;
61.4 or

61.5 (6) reject all proposals.

61.6 (d) The selection committee shall review the qualification of each proposer. If there is
61.7 more than one proposer, the selection committee shall create a short list of two to five
61.8 proposers.

61.9 (e) The county shall issue a request for proposals requiring cost and other information
61.10 as desired from the short-listed proposers.

61.11 (f) The selection committee may conduct formal interviews with the short-listed proposers
61.12 but shall not disclose any proprietary or confidential information contained in one proposal
61.13 to another proposer, and shall rank the proposers by applying a scoring or trade-off evaluation
61.14 method. The scoring or trade-off evaluation method must be described in the request for
61.15 proposals.

61.16 Subd. 5. **Construction manager at risk contract.** (a) The county shall conduct contract
61.17 negotiations with the highest ranked proposer to reach agreement on the cost and terms of
61.18 the contract. If an agreement cannot be reached with the highest ranked proposer, the county
61.19 may begin negotiations with the next highest ranked proposer. The negotiation process
61.20 continues until an agreement is reached with a proposer or the county rejects all proposals.

61.21 (b) The construction manager at risk shall competitively bid all trade contract work for
61.22 the project from a list of qualified firms. The list of qualified firms may be limited to qualified
61.23 Small Business Enterprise and/or Disadvantaged Business Enterprise (SBE/DBE) firms,
61.24 subject to availability of such qualified SBE/DBE firms for the specific work. The list of
61.25 qualified firms must be based on an open, competitive, and objective prequalification process
61.26 in which the selection criteria, approved by the county, may include but is not limited to
61.27 the firm's experience as a constructor, including capacity of key personnel, technical
61.28 competence, capability to perform, past performance of the firm and its employees, safety
61.29 record and compliance with state and federal law, availability to and familiarity with the
61.30 project locale, SBE/DBE certification, and other considerations as defined by the construction
61.31 manager at risk and the county. The construction manager at risk and the county shall jointly
61.32 determine the composition of the list of qualified firms. With the county's approval, upon
61.33 request, the construction manager at risk may also submit bids for trade contract work if

62.1 the construction manager at risk does not participate in the county's review of the bids or
62.2 selection decision.

62.3 (c) The construction manager at risk and the county shall enter into a guaranteed
62.4 maximum price contract for the project.

62.5 Sec. 10. [412.925] NATIVE LANDSCAPES.

62.6 (a) A statutory city or home rule charter city shall allow an owner, authorized agent, or
62.7 authorized occupant of any privately owned lands or premises, to install and maintain a
62.8 managed natural landscape. For purposes of this section, the terms are defined as follows:

62.9 (1) "managed natural landscape" means a planned, intentional, and maintained planting
62.10 of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not
62.11 limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural
62.12 landscapes does not include turf-grass lawns left unattended for the purpose of returning to
62.13 a natural state;

62.14 (2) "meadow vegetation" means grasses and flowering broad-leaf plants that are native
62.15 to, or adapted to, the state of Minnesota, and that are commonly found in meadow and
62.16 prairie plant communities, not including noxious weeds. Noxious weed shall have the
62.17 meaning assigned by section 18.77, subdivision 8;

62.18 (3) "ornamental plants" means grasses, perennials, annuals, and groundcovers
62.19 purposefully planted for aesthetic reasons;

62.20 (4) "rain garden" means a native plant garden that is designed not only to aesthetically
62.21 improve properties, but also to reduce the amount of stormwater and accompanying pollutants
62.22 from entering streams, lakes, and rivers; and

62.23 (5) "turf-grass lawn" means a lawn comprised mostly of grasses commonly used in
62.24 regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass
62.25 blends, intended to be maintained at a height of no more than eight inches.

62.26 (b) Managed natural landscapes may include plants and grasses in excess of eight inches
62.27 in height and that have gone to seed, but may not include any noxious weeds and must be
62.28 maintained.

62.29 (c) Except as part of a managed natural landscape as defined in this section, any weeds
62.30 or grasses growing upon any lot or parcel of land in a city to a greater height than eight
62.31 inches or that have gone or are about to go to seed are prohibited.

63.1 Sec. 11. Minnesota Statutes 2022, section 471.345, is amended by adding a subdivision
63.2 to read:

63.3 Subd. 3b. **Contracts over \$175,000; construction manager at risk alternative.** As an
63.4 alternative to the procurement methods described in subdivisions 3 and 3a, municipalities
63.5 may award a contract for construction, alteration, repair, or maintenance work to a
63.6 construction manager at risk as provided in section 471.463.

63.7 Sec. 12. **[471.463] CONSTRUCTION MANAGER AT RISK.**

63.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the definitions in this
63.9 subdivision have the meanings given them unless the context indicates otherwise.

63.10 (b) "Construction manager at risk" means a person who is selected by a municipality to
63.11 act as a construction manager to manage the construction process, including but not limited
63.12 to responsibility for the price, schedule, and workmanship of the construction performed
63.13 according to the procedures in this section.

63.14 (c) "Construction manager at risk contract" means a contract for construction of a project
63.15 between a construction manager at risk and a municipality, which shall include a guaranteed
63.16 maximum price, construction schedule, and workmanship of the construction performed.

63.17 Subd. 2. **Solicitation of qualifications.** (a) A municipality may accept written requests
63.18 for proposals for a construction manager at risk for its project. The written request for
63.19 proposals must include:

63.20 (1) a description of the project;

63.21 (2) the estimated cost of completing the project;

63.22 (3) a description of any special requirements or unique features of the proposed project;
63.23 and

63.24 (4) other information which will assist the municipality in carrying out its duties and
63.25 responsibilities set forth in this section.

63.26 (b) A municipality may include in the request for qualifications criteria a requirement
63.27 that the proposer include the overhead and fee that the construction manager at risk proposes
63.28 to charge for its services.

63.29 (c) A municipality shall prepare a request for qualifications for each construction manager
63.30 at risk contract as provided in this section. The request for qualifications shall contain, at a
63.31 minimum, the information described in section 16C.34, subdivision 1, paragraph (c), clauses
63.32 (2) to (7) and (9), and any other information the municipality determines is material.

64.1 (d) Notice of requests for qualifications must be advertised in a manner designated by
64.2 the municipality.

64.3 Subd. 3. **Construction manager at risk contract.** A municipality shall comply with
64.4 the same procedures as the commissioner of administration under section 16C.34, subdivision
64.5 3, in construction manager at risk contracts.

64.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and
64.7 applies to municipal construction manager at risk contracts solicited on or after that date.

64.8 Sec. 13. **[471.585] MUNICIPAL HOTEL LICENSING.**

64.9 (a) A statutory or home rule charter city or a town may adopt an ordinance requiring
64.10 hotels operating within the boundaries of the city or town to have a valid license issued by
64.11 the city or town. A fee for a license under this section may not exceed \$150.

64.12 (b) An ordinance adopted under this section is limited to requiring compliance with state
64.13 and local laws as a condition of licensure. No other licensing conditions or requirements
64.14 are permitted.

64.15 (c) A city or town that has adopted an ordinance under this section may refuse to issue
64.16 a license, or may revoke an existing license, if the hotel fails to comply with the conditions
64.17 of the license.

64.18 Sec. 14. Minnesota Statutes 2022, section 473.606, subdivision 5, is amended to read:

64.19 Subd. 5. **Employees, others, affirmative action; prevailing wage.** The corporation
64.20 shall have the power to appoint engineers and other consultants, attorneys, and such other
64.21 officers, agents, and employees as it may see fit, who shall perform such duties and receive
64.22 such compensation as the corporation may determine ~~notwithstanding the provisions of~~
64.23 ~~section 43A.17, subdivision 9,~~ and be removable at the pleasure of the corporation. The
64.24 corporation must adopt an affirmative action plan, which shall be submitted to the appropriate
64.25 agency or office of the state for review and approval. The plan must include a yearly progress
64.26 report to the agency or office. Whenever the corporation performs any work within the
64.27 limits of a city of the first class, or establishes a minimum wage for skilled or unskilled
64.28 labor in the specifications or any contract for work within one of the cities, the rate of pay
64.29 to such skilled and unskilled labor must be the prevailing rate of wage for such labor in that
64.30 city.

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

65.1 Sec. 15. Minnesota Statutes 2022, section 473.704, subdivision 3, is amended to read:

65.2 Subd. 3. ~~Director; to be entomologist.~~ It may employ and fix the duties and
65.3 compensation of a director who shall develop the control programs of the district and shall
65.4 supervise its execution; ~~such director shall be an entomologist.~~

65.5 Sec. 16. **REQUIRING CITIES TO REPORT BUILDINGS THAT DO NOT HAVE**
65.6 **SPRINKLER SYSTEMS.**

65.7 (a) A city of the first or second class shall provide to the state fire marshal a list by June
65.8 20, 2024, and an updated list by June 30, 2027, and June 30, 2032, of each residential
65.9 building in the city that:

65.10 (1) has at least one story used for human occupancy that is 75 feet or more above the
65.11 lowest level of fire department vehicle access;

65.12 (2) was not subject to a requirement to include a sprinkler system at the time the building
65.13 was constructed; and

65.14 (3) has not been retrofitted with a sprinkler system.

65.15 (b) The state fire marshal shall submit the lists within 60 days of the due dates under
65.16 paragraph (a) to the chairs and ranking minority members of the legislative committees with
65.17 jurisdiction over the State Building Code and the State Fire Code.

65.18 Sec. 17. **REPEALER.**

65.19 (a) Minnesota Statutes 2022, section 383B.143, subdivisions 2 and 3, are repealed.

65.20 (b) Minnesota Statutes 2022, section 43A.17, subdivision 9, is repealed.

65.21 **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment.

65.22 ARTICLE 4

65.23 MUNICIPAL BUILDING COMMISSION DISSOLUTION

65.24 Section 1. **PREEMPTION.**

65.25 This article supersedes any other law, home rule charter provision, and city ordinance
65.26 to the contrary.

65.27 Sec. 2. **DEFINITIONS.**

65.28 (a) For the purposes of this article, the terms defined in this section have the meanings
65.29 given unless the context indicates otherwise.

(b) "City hall and courthouse" means the city hall building and courthouse owned by the city of Minneapolis and Hennepin County and under the care and control of the Municipal Building Commission pursuant to Minnesota Statutes, sections 383B.75 to 383B.754.

(c) "Dissolution date" means the day after the Municipal Building Commission, the city of Minneapolis, and Hennepin County fully execute the transactional documents.

(d) "Municipal Building Commission" means the entity created by Minnesota Statutes, section 383B.75.

(e) "Transactional documents" means the agreements and documents, including any real estate ownership structure or joint powers agreement under Minnesota Statutes, section 471.59, needed to effectuate the efficient dissolution of the Municipal Building Commission pursuant to this act.

Sec. 3. **TRANSFER OF ASSETS.**

Notwithstanding any other law to the contrary, the transaction documents shall provide for the transfer of all assets of the Municipal Building Commission including but not limited to all furniture, fixtures, equipment, and other personal property of the Municipal Building Commission to the city of Minneapolis or other legal entity as necessary and appropriate for the use of the assets in the ongoing operation and management of the city hall and courthouse.

Sec. 4. **MUNICIPAL BUILDING COMMISSION DISSOLUTION.**

(a) Notwithstanding any other law or home rule charter provision to the contrary, the Municipal Building Commission and all its functions will be dissolved upon the dissolution date.

(b) The transactional documents must include how the city of Minneapolis and Hennepin County will manage the outstanding liabilities of the Municipal Building Commission that exist as of the dissolution date.

Sec. 5. **TRANSACTIONAL DOCUMENTS; AGREEMENTS.**

(a) The Municipal Building Commission, city of Minneapolis, and Hennepin County may execute transactional documents to effectuate the transfer of assets and dissolution provided for in this article.

67.1 (b) The Municipal Building Commission, city of Minneapolis, and the representatives
67.2 of the Municipal Building Commission employees must reach an agreement addressing the
67.3 impact of a dissolution on employees before fully executing the transactional documents.

67.4 (c) The Municipal Building Commission, city of Minneapolis, and Hennepin County
67.5 must fully execute the transactional documents before the filing of a certificate of local
67.6 approval of this article.

67.7 Sec. 6. **REPEALER.**

67.8 Minnesota Statutes 2022, sections 383B.75; 383B.751; 383B.752; 383B.753; and
67.9 383B.754, are repealed.

67.10 Sec. 7. **EFFECTIVE DATE.**

67.11 This article is effective the day after the governing body of the city of Minneapolis and
67.12 its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2
67.13 and 3."

67.14 Amend the title accordingly