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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1750**

02/15/2023

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The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; making changes to data practices; establishing the
1.3 Office of Collaboration and Dispute Resolution; establishing the Office of
1.4 Enterprise Sustainability; removing an expired report on state government use of
1.5 eligible contractors; modifying provisions for historic properties and fair campaign
1.6 practices; amending Minnesota Statutes 2022, sections 13.04, subdivision 4;
1.7 16B.58, by adding a subdivision; 16C.36; 138.081, subdivision 3; 138.665,
1.8 subdivision 2; 211B.20, subdivision 1; proposing coding for new law in Minnesota
1.9 Statutes, chapter 16B; repealing Minnesota Statutes 2022, sections 179.90; 179.91.

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

1.11 Section 1. Minnesota Statutes 2022, section 13.04, subdivision 4, is amended to read:

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

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

1.17 (2) Upon receiving notification from the data subject, the responsible authority shall
1.18 within 30 days either:

1.19 ~~(1)~~ (i) correct the data found to be inaccurate or incomplete and attempt to notify past
1.20 recipients of inaccurate or incomplete data, including recipients named by the individual;
1.21 or

1.22 ~~(2)~~ (ii) notify the individual that the responsible authority believes has determined the
1.23 data to be correct. If the challenged data are determined to be accurate or complete, the
1.24 responsible authority shall inform the individual of the right to appeal the determination to

2.1 the commissioner under this section. Data in dispute shall be disclosed only if the individual's
 2.2 statement of disagreement is included with the disclosed data.

2.3 (b) A data subject may appeal the determination of the responsible authority ~~may be~~
 2.4 ~~appealed~~ pursuant to the provisions of the Administrative Procedure Act relating to contested
 2.5 cases. An individual must submit an appeal to the commissioner within 60 days of the
 2.6 responsible authority's determination that the challenged data are accurate or complete.
 2.7 Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order
 2.8 and notice of a contested case hearing required by chapter 14, try to resolve the dispute
 2.9 through education, conference, conciliation, or persuasion. If the parties consent, the
 2.10 commissioner may refer the matter to mediation. Following these efforts, the commissioner
 2.11 shall dismiss the appeal or issue the order and notice of hearing.

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

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

2.15 (2) an appeal concerns data previously presented as evidence in court; or

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

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

2.20 (e) After completing, correcting, or destroying successfully challenged data, a government
 2.21 entity may retain a copy of the commissioner of administration's order issued under chapter
 2.22 14 or, if no order were issued, a summary of the dispute between the parties that does not
 2.23 contain any particulars of the successfully challenged data.

2.24 **Sec. 2. [16B.361] OFFICE OF COLLABORATION AND DISPUTE RESOLUTION.**

2.25 Subdivision 1. Duties of the office. The commissioner of administration shall maintain
 2.26 the Office of Collaboration and Dispute Resolution within the Department of Administration.

2.27 The office must:

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

3.1 (2) promote and utilize collaborative dispute resolution models and processes based on
3.2 documented best practices to foster trust, relationships, mutual understanding,
3.3 consensus-based resolutions, and wise and durable solutions, including but not limited to:

3.4 (i) using established criteria and procedures for identifying and assessing collaborative
3.5 dispute resolution projects;

3.6 (ii) designing collaborative dispute resolution processes;

3.7 (iii) preparing and training participants; and

3.8 (iv) facilitating meetings and group processes using collaborative techniques and
3.9 approaches;

3.10 (3) support collaboration and dispute resolution in the public and private sectors by
3.11 providing technical assistance and information on best practices and new developments in
3.12 dispute resolution fields;

3.13 (4) build capacity and educate the public and government entities on collaboration,
3.14 dispute resolution approaches, and public engagement;

3.15 (5) promote the broad use of community mediation in the state; and

3.16 (6) ensure that all areas of the state have access to services by providing grants to private
3.17 nonprofit entities certified by the state court administrator under chapter 494 that assist in
3.18 resolution of disputes.

3.19 Subd. 2. **Awarding grants to assist in resolution of disputes.** (a) The commissioner
3.20 shall, to the extent funds are appropriated for this purpose, make grants to private nonprofit
3.21 community mediation entities certified by the state court administrator under chapter 494
3.22 that assist in resolution of disputes under subdivision 1, clause (6). The commissioner shall
3.23 establish a grant review committee to assist in the review of grant applications and the
3.24 allocation of grants under this section.

3.25 (b) To be eligible for a grant under this section, a nonprofit organization must meet the
3.26 requirements of section 494.05, subdivision 1, clauses (1), (2), (4), and (5).

3.27 (c) A nonprofit entity receiving a grant must agree to comply with guidelines adopted
3.28 by the state court administrator under section 494.015, subdivision 1. Policies adopted under
3.29 sections 16B.97 and 16B.98 apply to grants under this section. The exclusions in section
3.30 494.03 apply to grants under this section.

3.31 (d) Grantees must report data required under chapter 494 to evaluate quality and
3.32 outcomes.

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

4.5 Sec. 3. **[16B.372] ENVIRONMENTAL SUSTAINABILITY GOVERNMENT**
 4.6 **OPERATIONS; OFFICE CREATED.**

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

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

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

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

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

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

4.27 Sec. 4. Minnesota Statutes 2022, section 16B.58, is amended by adding a subdivision to
 4.28 read:

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

5.1 Sec. 5. Minnesota Statutes 2022, section 16C.36, is amended to read:

5.2 **16C.36 REORGANIZATION SERVICES UNDER MASTER CONTRACT.**

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

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

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

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

5.15 Sec. 6. Minnesota Statutes 2022, section 138.081, subdivision 3, is amended to read:

5.16 Subd. 3. **Administration of federal act.** ~~The Department of Administration~~ Minnesota
5.17 Historical Society is designated as the state agency to administer the provisions of the federal
5.18 act providing for the preservation of historical and archaeological data, United States Code,
5.19 title ~~16~~ 54, ~~sections 469 to 469C~~ section 312501, as amended, insofar as the provisions of
5.20 the act provide for implementation by the state.

5.21 Sec. 7. Minnesota Statutes 2022, section 138.665, subdivision 2, is amended to read:

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

6.1 agree, any one of the parties may request that the governor appoint and convene a mediation
 6.2 task force consisting of five members, two appointed by the governor, the chair of the State
 6.3 Review Board of the State Historic Preservation Office, the commissioner of administration
 6.4 or the commissioner's designee, and one member ~~who is not an employee of the Minnesota~~
 6.5 ~~Historical Society~~ appointed by the director of the Minnesota Historical Society. The two
 6.6 appointees of the governor and ~~the one~~ of the director of the society shall be qualified by
 6.7 training or experience in one or more of the following disciplines: (1) history; (2)
 6.8 archaeology; and (3) architectural history. The mediation task force is not subject to the
 6.9 conditions of section 15.059. This subdivision does not apply to section 138.662, subdivision
 6.10 24, and section 138.664, subdivisions 8 and 111.

6.11 Sec. 8. Minnesota Statutes 2022, section 211B.20, subdivision 1, is amended to read:

6.12 Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly,
 6.13 to deny access to an apartment house, dormitory, nursing home, manufactured home park,
 6.14 other multiple unit facility used as a residence, or an area in which two or more single-family
 6.15 dwellings are located on private roadways to ~~a candidate~~ an individual who ~~has~~:

6.16 (1) has organized a campaign committee under applicable federal or state law;

6.17 (2) has filed a financial report as required by section 211A.02; ~~or~~

6.18 (3) has filed an affidavit of candidacy for elected office; or

6.19 (4) is a United States Census Bureau employee.

6.20 A candidate granted access under this section must be allowed to be accompanied by
 6.21 campaign volunteers.

6.22 (b) For candidates, access to a facility or area is only required if it is located within the
 6.23 district or territory that will be represented by the office to which the candidate seeks election,
 6.24 and the candidate and any accompanying campaign volunteers seek access exclusively for
 6.25 the purpose of campaigning for a candidate or registering voters. The candidate must be
 6.26 seeking election to office at the next general or special election to be held for that office.

6.27 (c) A candidate and any accompanying campaign volunteers granted access under this
 6.28 section must be permitted to leave campaign materials for residents at their doors, except
 6.29 that the manager of a nursing home may direct that the campaign materials be left at a central
 6.30 location within the facility. The campaign materials must be left in an orderly manner.

6.31 ~~(d) If a facility or area contains multiple buildings, a candidate and accompanying~~
 6.32 ~~volunteers must be permitted to access more than one building on a single visit, but access~~

7.1 ~~is limited to only one building at a time. If multiple candidates are traveling together, each~~
7.2 ~~candidate and that candidate's accompanying volunteers is limited to one building at a time,~~
7.3 ~~but all of the candidates and accompanying volunteers traveling together must not be~~
7.4 ~~restricted to accessing the same building at the same time.~~

7.5 (d) If a facility or area contains multiple buildings, a candidate and accompanying
7.6 volunteers must be permitted to access more than one building on a single visit, but access
7.7 is limited to only one building at a time. If multiple candidates are traveling together, each
7.8 candidate and that candidate's accompanying volunteers are limited to one building at a
7.9 time, but all of the candidates and accompanying volunteers traveling together must not be
7.10 restricted to accessing the same building at the same time.

7.11 (e) For a United States Census Bureau employee, access to a facility or area is only
7.12 required if access is necessary to complete the employee's official duties on a decennial
7.13 census of population. United States Census Bureau employees working on other surveys
7.14 and censuses are not granted access under this section.

7.15 (f) A United States Census Bureau employee must be permitted to leave census materials
7.16 for residents at their doors. The census materials must be left in an orderly manner.

7.17 (g) If a facility or area contains multiple buildings, a United States Census Bureau
7.18 employee must be permitted to access more than one building on a single visit. If multiple
7.19 employees are traveling together, they must not be restricted to accessing the same building
7.20 at the same time.

7.21 ~~(e)~~ (h) A violation of this section is a petty misdemeanor.

7.22 Sec. 9. **REPEALER.**

7.23 Minnesota Statutes 2022, sections 179.90; and 179.91, are repealed.

179.90 OFFICE OF COLLABORATION AND DISPUTE RESOLUTION.

The commissioner of mediation services shall establish an Office of Collaboration and Dispute Resolution within the bureau. The office must:

- (1) promote the broad use of community mediation in the state, ensuring that all areas of the state have access to services by providing grants to private nonprofit entities certified by the state court administrator under chapter 494 that assist in resolution of disputes;
- (2) assist state agencies, offices of the executive, legislative, and judicial branches, and units of local government in improving collaboration and dispute resolution;
- (3) support collaboration and dispute resolution in the public and private sector by providing technical assistance and information on best practices and new developments in dispute resolution options;
- (4) educate the public and governmental entities on dispute resolution options; and
- (5) promote and utilize collaborative dispute resolution models and processes based on documented best practices including, but not limited to, the Minnesota Solutions model:
 - (i) establishing criteria and procedures for identification and assessment of dispute resolution projects;
 - (ii) designating projects and appointing impartial convenors by the commissioner or the commissioner's designee;
 - (iii) forming multidisciplinary conflict resolution teams; and
 - (iv) utilizing collaborative techniques, processes, and standards through facilitated meetings until consensus among parties is reached in resolving a dispute.

179.91 GRANTS.

Subdivision 1. **Authority.** The commissioner of mediation services shall to the extent funds are appropriated for this purpose, make grants to private nonprofit community mediation entities certified by the state court administrator under chapter 494 that assist in resolution of disputes. The commissioner shall establish a grant review committee to assist in the review of grant applications and the allocation of grants under this section.

Subd. 2. **Eligibility.** To be eligible for a grant under this section, a nonprofit organization must meet the requirements of section 494.05, subdivision 1, clauses (1), (2), (4), and (5).

Subd. 3. **Conditions and exclusions.** A nonprofit entity receiving a grant must agree to comply with guidelines adopted by the state court administrator under section 494.015, subdivision 1. Sections 16B.97 and 16B.98 and policies adopted under those sections apply to grants under this section. The exclusions in section 494.03 apply to grants under this section.

Subd. 4. **Reporting.** Grantees must report data required under chapter 494 to evaluate quality and outcomes.