

1.1 A bill for an act

1.2 relating to counties; giving counties authority to provide for the general welfare;
1.3 establishing an alternative service delivery pilot program for waivers; amending
1.4 Minnesota Statutes 2010, section 375.18, by adding a subdivision; proposing
1.5 coding for new law in Minnesota Statutes, chapter 402A.

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

1.7 **ARTICLE 1**

1.8 **COUNTIES AUTHORIZED TO ACT ON MATTERS OF COUNTY CONCERN**

1.9 Section 1. Minnesota Statutes 2010, section 375.18, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 16. **General welfare.** A county may exercise all powers necessary or fairly
1.12 implied by an express delegation by the state of a duty or a grant of power, incident or
1.13 essential to the exercise of an express delegation of a duty or a grant of power, and not
1.14 expressly denied by or inconsistent with the laws and regulations of the state or the United
1.15 States. A county may adopt reasonable ordinances, resolutions, and regulations relating to
1.16 its property, affairs and operations, and provide for the general health, safety, and welfare
1.17 of the county. In exercising these powers, a county must not act in conflict or inconsistent
1.18 with the powers and duties of other political subdivisions within the county.

1.19 **ARTICLE 2**

1.20 **MAGIC ACT**

1.21 Section 1. **[402A.60] MINNESOTA ACCOUNTABLE GOVERNMENT**
1.22 **INNOVATION AND COLLABORATION (MAGIC) ACT.**

2.1 Sections 402A.60 to 402A.xx may be cited as the Minnesota Accountable
2.2 Government Innovation and Collaboration (MAGIC) act. It is established to develop and
2.3 test alternative models for service delivery by counties, that are focused on performance
2.4 measures and outcomes rather than processes for delivering services.

2.5 Sec. 2. **[402A.70] DEFINITIONS.**

2.6 Subdivision 1. **Application.** The terms defined in this section apply to sections
2.7 402A.60 to 402A.xx.

2.8 Subd. 2. **County.** "County" includes a joint powers board of which a county is a
2.9 member, and a service delivery authority as defined in section 402A.10, subdivision 5.

2.10 Subd. 3. **Pilot project.** "Pilot project" means a service that a county is providing by
2.11 an alternative service delivery method that requires a waiver of or exemption from a law,
2.12 rule or procedure and that is approved under this article.

2.13 Subd. 4. **Pilot project coordinator.** "Pilot project coordinator" or "coordinator"
2.14 means a member of the governor's staff or a state agency who is designated by the
2.15 governor to coordinate pilot projects among the state agencies.

2.16 Sec. 3. **[402A.70] PILOT PROJECT SELECTION PROCESS.**

2.17 Subdivision 1. **Scope of pilot project program.** The maximum number of pilot
2.18 projects in operation at any time is ten per state agency and two per county. Each pilot
2.19 project must be substantively different from any other pilot project.

2.20 Subd. 2. **Coordinator's duties.** The pilot project coordinator is responsible for
2.21 general oversight of the pilot project program. Among the coordinator's duties are
2.22 ensuring that the maximum number and type of pilot projects is not exceeded. The
2.23 coordinator must develop, or assist state agencies in developing, any useful application
2.24 forms and procedures for use by applicants and state agencies.

2.25 Subd. 3. **County initiation; notice.** A county may apply to the pilot project
2.26 coordinator for permission to implement an alternative service delivery pilot project. The
2.27 coordinator must work in conjunction with the commissioner of the appropriate state
2.28 agency or agencies. The application at a minimum must include a resolution adopted at a
2.29 regular meeting of the county board held after at least two weeks published notice. The
2.30 county must notify the collective bargaining units with which the county has agreements
2.31 for advice and comment on the pilot project proposal. The county board must permit
2.32 interested parties to provide comments on the proposal before the county board takes
2.33 action on the proposed resolution to submit a pilot project for implementation.

3.1 Subd. 4. **County business plan.** The county alternative service delivery business
3.2 plan must:

3.3 (1) identify the service, program, process or structure at issue;

3.4 (2) identify the statute, administrative rule, or the law imposing a requirement with
3.5 respect to which the waiver or exemption is requested;

3.6 (3) include a description of the performance measures developed under section 6.91
3.7 or other method and outcomes sought, including an explanation of the effect of the waiver
3.8 or exemption in accomplishing that outcome;

3.9 (4) include a description of the means by which the attainment of the outcome
3.10 will be measured;

3.11 (5) specify the proposed date of implementation and expiration for the alternative
3.12 service delivery model over a time period not less than 12 months and not more than
3.13 36 months;

3.14 (6) describe the consideration given to intergovernmental cooperation in providing
3.15 this service, and an explanation of why the county has elected to proceed independently if
3.16 the waiver or exemption is proposed by a single county; and

3.17 (7) include a contingency plan that allows the county to abandon the pilot project
3.18 voluntarily or due to the pilot project reaching its expiration date, and provide for the
3.19 service delivery under existing laws and procedures.

3.20 Subd. 5. **Review and approval of performance measures, outcome goals.** The
3.21 coordinator and the commissioner of the affected state agency have 60 days to review the
3.22 application. The coordinator and the commissioner of the affected state agency may
3.23 require changes to the county's performance measures and outcome goals. The coordinator
3.24 and the commissioner of the affected state agency must approve the performance measures
3.25 and outcome goals before the county may proceed with the pilot project.

3.26 Subd. 6. **Review and comment on alternative delivery.** After the coordinator and
3.27 the commissioner of the affected state agency have approved the performance measures
3.28 and outcome goals, they must review the county's plan to implement its alternative
3.29 service delivery pilot project. The coordinator and the commissioner of the affected state
3.30 agency may comment on the plan and recommend changes. The county may adopt the
3.31 recommended changes or explain in writing to the coordinator and the commissioner
3.32 of the affected state agency within 30 days why it is not adopting the changes in the
3.33 implementation.

3.34 Subd. 7. **No prejudice or violation of rights.** Before the coordinator and the
3.35 commissioner of the affected state agency approve an alternative service delivery pilot
3.36 project, they and the county must determine that any proposed waiver or suspension of

4.1 state laws, rules, or administrative procedures will not prejudice a substantial legal right of
4.2 any person, violate due process or any other state or federal law, or jeopardize state plan
4.3 agreements with the federal government and related federal funding.

4.4 Subd. 8. **Modifications.** At a county's request, the coordinator and commissioner
4.5 for each affected state agency may approve modifications to the county's pilot project.
4.6 The coordinator and commissioner may also submit recommended modifications in
4.7 writing during the term of the pilot project, but a county is not required to implement
4.8 the modifications.

4.9 **Sec. 4. [402A.80] CANCELLATION OF PILOT PROJECT.**

4.10 A county may abandon a pilot project if it determines it will not meet the outcomes
4.11 identified. It must follow procedures identified in its business plan to abandon the project
4.12 and provide for the service delivery under existing laws and procedures.

4.13 The coordinator, in consultation with the commissioner of any affected state agency,
4.14 may cancel a county's authority to continue operating its pilot project if the coordinator
4.15 determines that the county is not operating in compliance with its business plan.

4.16 **Sec. 5. [402A.90] EVALUATION AND REPORT.**

4.17 Subdivision 1. **County report.** Each county participating in the alternative service
4.18 delivery pilot project program must provide to the coordinator and the commissioner
4.19 of each affected state agency an annual report on its experience to date with the pilot
4.20 project. The report is due by December 15. The report must include information on
4.21 the services involved, the performance measures and outcome goals, what waivers or
4.22 exemptions were sought and granted, whether the pilot project was modified and why, the
4.23 successes and failures, costs, savings, and any other information the county, coordinator,
4.24 or commissioner determine is useful in evaluating the program. A final report is due
4.25 within three months of the county concluding its pilot project.

4.26 Subd. 2. **Report to the governor and legislature.** By January 15 each year, the
4.27 coordinator must compile the county reports into one report to the governor, legislative
4.28 leaders, and the chairs and ranking minority members of the legislative committees with
4.29 jurisdiction over policy and finance related to state government operations, taxes, and the
4.30 program areas in which pilot projects have been implemented. The report must also list all
4.31 active pilot projects and their expiration dates.

4.32 **Sec. 6. EFFECTIVE DATE.**

4.33 This act is effective the day following final enactment.