

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2726

(SENATE AUTHORS: KIFFMEYER)

DATE
03/28/2019

D-PG

OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act
1.2 relating to the operation of state government; appropriating money for the
1.3 legislature, the governor's office, state auditor, attorney general, secretary of state,
1.4 certain agencies, boards, and councils; changing provisions for administrative law
1.5 judge salaries, revolving loan fund, cemeteries, and MERF; amending Minnesota
1.6 Statutes 2018, sections 15A.083, subdivision 6a; 16A.28, subdivision 1; 16B.86;
1.7 16B.87; 307.08; 353.27, subdivision 3c; 353.505.

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

1.9 **ARTICLE 1**
1.10 **STATE GOVERNMENT APPROPRIATIONS**

1.11 Section 1. **APPROPRIATIONS.**

1.12 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.13 and for the purposes specified in this article. The appropriations are from the general fund,
1.14 or another named fund, and are available for the fiscal years indicated for each purpose.
1.15 The figures "2020" and "2021" used in this article mean that the appropriations listed under
1.16 them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.
1.17 "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"
1.18 is fiscal years 2020 and 2021.

1.19		<u>APPROPRIATIONS</u>	
1.20		<u>Available for the Year</u>	
1.21		<u>Ending June 30</u>	
1.22		<u>2020</u>	<u>2021</u>

1.23 Sec. 2. **LEGISLATURE**

1.24	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>82,123,000</u>	<u>\$</u>	<u>82,123,000</u>
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2.1 Appropriations by Fund

2.2		<u>2020</u>	<u>2021</u>
2.3	<u>General</u>	<u>81,995,000</u>	<u>81,995,000</u>
2.4	<u>Health Care Access</u>	<u>128,000</u>	<u>128,000</u>

2.5 The amounts that may be spent for each
 2.6 purpose are specified in the following
 2.7 subdivisions.

2.8	<u>Subd. 2. Senate</u>	<u>32,105,000</u>	<u>32,105,000</u>
2.9	<u>Subd. 3. House of Representatives</u>	<u>32,383,000</u>	<u>32,383,000</u>
2.10	<u>Subd. 4. Legislative Coordinating Commission</u>	<u>17,635,000</u>	<u>17,635,000</u>

2.11 Appropriations by Fund

2.12	<u>General</u>	<u>17,507,000</u>	<u>17,507,000</u>
2.13	<u>Health Care Access</u>	<u>128,000</u>	<u>128,000</u>

2.14 Appropriations provided by this subdivision
 2.15 may be used for designated staff to support
 2.16 the following offices and commissions: Office
 2.17 of the Legislative Auditor; Office of the
 2.18 Revisor of Statutes; Legislative Reference
 2.19 Library; Geographic Information Services;
 2.20 Legislative Budget Office; Legislative-Citizen
 2.21 Commission on Minnesota Resources;
 2.22 Legislative Commission on Pensions and
 2.23 Retirement; Legislative Water Commission;
 2.24 Mississippi River Parkway Commission;
 2.25 Legislative Energy Commission; and the
 2.26 Lessard-Sams Outdoor Heritage Council. The
 2.27 operation of all other joint offices and
 2.28 commissions must be supported by the central
 2.29 administrative staff of the Legislative
 2.30 Coordinating Commission. This appropriation
 2.31 may additionally be used for central
 2.32 administrative staff to support the work of the
 2.33 Economic Status of Women Advisory
 2.34 Committee.

3.1 From its funds, \$10,000 each year is for
 3.2 purposes of the legislators' forum, through
 3.3 which Minnesota legislators meet with
 3.4 counterparts from South Dakota, North
 3.5 Dakota, and Manitoba to discuss issues of
 3.6 mutual concern.

3.7 From its funds, \$818,000 each year is for the
 3.8 Legislative Budget Office.

3.9 **Legislative Auditor.** \$6,564,000 the first year
 3.10 and \$6,564,000 the second year are for the
 3.11 Office of the Legislative Auditor.

3.12 **Revisor of Statutes.** \$6,093,000 the first year
 3.13 and \$6,093,000 the second year are for the
 3.14 Office of the Revisor of Statutes.

3.15 **Legislative Reference Library.** \$1,445,000
 3.16 the first year and \$1,445,000 the second year
 3.17 are for the Legislative Reference Library.

3.18 **Sec. 3. GOVERNOR AND LIEUTENANT**
 3.19 **GOVERNOR**

<u>\$</u>	<u>3,972,000</u>	<u>\$</u>	<u>3,972,000</u>
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3.20 (a) This appropriation is to fund the Office of
 3.21 the Governor and Lieutenant Governor.

3.22 (b) Up to \$19,000 the first year and up to
 3.23 \$19,000 the second year are for necessary
 3.24 expenses in the normal performance of the
 3.25 Governor's and Lieutenant Governor's duties
 3.26 for which no other reimbursement is provided.

3.27 **Sec. 4. STATE AUDITOR**

<u>\$</u>	<u>10,745,000</u>	<u>\$</u>	<u>11,022,000</u>
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<u>\$</u>	<u>27,262,000</u>	<u>\$</u>	<u>28,559,000</u>
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3.30 Appropriations by Fund

	<u>2020</u>	<u>2021</u>
3.31 <u>General</u>	<u>24,403,000</u>	<u>25,643,000</u>

4.1	<u>State Government</u>				
4.2	<u>Special Revenue</u>	<u>2,464,000</u>	<u>2,521,000</u>		
4.3	<u>Environmental</u>	<u>145,000</u>	<u>145,000</u>		
4.4	<u>Remediation</u>	<u>250,000</u>	<u>250,000</u>		
4.5	Sec. 6. <u>SECRETARY OF STATE</u>				
4.6	<u>Subdivision 1. Total Appropriation</u>			\$ <u>7,588,000</u>	\$ <u>7,502,000</u>
4.7	<u>\$220,000 in fiscal year 2020 is transferred</u>				
4.8	<u>from the general fund to the Help America</u>				
4.9	<u>Vote Act account under Minnesota Statutes,</u>				
4.10	<u>section 5.30, and is credited to the state match</u>				
4.11	<u>requirement of the Omnibus Appropriations</u>				
4.12	<u>Act of 2018, Public Law 115-1410, and the</u>				
4.13	<u>Help America Vote Act of 2002, Public Law</u>				
4.14	<u>107-252, section 101. This is a onetime</u>				
4.15	<u>appropriation.</u>				
4.16	Sec. 7. <u>CAMPAIGN FINANCE AND PUBLIC</u>				
4.17	<u>DISCLOSURE BOARD</u>			\$ <u>1,173,000</u>	\$ <u>1,123,000</u>
4.18	<u>\$50,000 the first year is for updates to the</u>				
4.19	<u>Campaign Finance Reporter application. This</u>				
4.20	<u>is a onetime appropriation.</u>				
4.21	Sec. 8. <u>STATE BOARD OF INVESTMENT</u>			\$ <u>139,000</u>	\$ <u>139,000</u>
4.22	Sec. 9. <u>ADMINISTRATIVE HEARINGS</u>				
4.23	<u>Subdivision 1. Total Appropriation</u>			\$ <u>8,231,000</u>	\$ <u>8,231,000</u>
4.24	<u>Appropriations by Fund</u>				
4.25		<u>2020</u>	<u>2021</u>		
4.26	<u>General</u>	<u>400,000</u>	<u>400,000</u>		
4.27	<u>Workers'</u>				
4.28	<u>Compensation</u>	<u>7,831,000</u>	<u>7,831,000</u>		
4.29	<u>\$263,000 the first year and \$263,000 the</u>				
4.30	<u>second year are for municipal boundary</u>				
4.31	<u>adjustments.</u>				
4.32	Sec. 10. <u>OFFICE OF MN.IT SERVICES</u>				

5.1	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>20,141,000</u>	<u>\$</u>	<u>13,463,000</u>
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5.2 (a) \$15,412,000 the first year and \$8,734,000
 5.3 the second year are for enhancements to
 5.4 cybersecurity across state government. The
 5.5 base for this appropriation in fiscal years 2022
 5.6 and 2023 is \$8,234,000 each year.

5.7 (b) \$2,050,000 the first year and \$2,050,000
 5.8 the second year are to expand the state
 5.9 information technology project portfolio and
 5.10 project management oversight across state
 5.11 government. The base for this appropriation
 5.12 in fiscal years 2022 and 2023 is \$1,200,000
 5.13 each year.

5.14 (c) The commissioner of management and
 5.15 budget is authorized to provide cash flow
 5.16 assistance of up to \$50,000,000 from the
 5.17 special revenue fund or other statutory general
 5.18 funds as defined in Minnesota Statutes, section
 5.19 16A.671, subdivision 3, paragraph (a), to the
 5.20 Office of MN.IT Services for the purpose of
 5.21 managing revenue and expenditure
 5.22 differences. These funds shall be repaid with
 5.23 interest by the end of the fiscal year 2021
 5.24 closing period.

5.25 **Sec. 11. ADMINISTRATION**

5.26	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>31,526,000</u>	<u>\$</u>	<u>25,406,000</u>
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5.27 The amounts that may be spent for each
 5.28 purpose are specified in the following
 5.29 subdivisions.

5.30	<u>Subd. 2. Government and Citizen Services</u>		<u>17,010,000</u>		<u>10,410,000</u>
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5.31 **Council on Developmental Disabilities.**
 5.32 \$74,000 the first year and \$74,000 the second
 5.33 year are for the Council on Developmental
 5.34 Disabilities.

6.1 **Office of State Procurement.** \$2,862,000 the
 6.2 first year and \$2,862,000 the second year are
 6.3 for the Office of State Procurement.

6.4 Of this amount, \$441,000 each year is for the
 6.5 state match to the Procurement Technical
 6.6 Assistance Center. This is a onetime
 6.7 appropriation. The base for the Office of State
 6.8 Procurement is \$2,421,000 in fiscal year 2022
 6.9 and each year thereafter.

6.10 **Real Estate and Construction Services.**
 6.11 \$7,825,000 the first year and \$2,825,000 the
 6.12 second year are for real estate and construction
 6.13 services.

6.14 Of this amount, \$5,000,000 the first year is
 6.15 for transfer to the special revenue fund to
 6.16 establish the Building Efficiency Revolving
 6.17 Loan Fund in Minnesota Statutes, section
 6.18 16B.86.

6.19 **State Demographer.** \$2,339,000 the first year
 6.20 and \$739,000 the second year are for the state
 6.21 demographer. Of this amount, \$1,600,000 is
 6.22 for the 2020 census outreach and engagement.

6.23 **State Historic Preservation Office.** \$527,000
 6.24 the first year and \$527,000 the second year
 6.25 are for the State Historic Preservation Office.

6.26 Subd. 3. **Strategic Management Services** 2,144,000 2,124,000

6.27 Subd. 4. **Fiscal Agent** 12,372,000 12,872,000

6.28 **In-Lieu of Rent.** \$9,391,000 the first year and
 6.29 \$9,891,000 the second year are for space costs
 6.30 of the legislature and veterans organizations,
 6.31 ceremonial space, and statutorily free space.

- 7.1 **Public Television.** (a) \$1,550,000 the first
7.2 year and \$1,550,000 the second year are for
7.3 matching grants for public television.
- 7.4 (b) \$250,000 the first year and \$250,000 the
7.5 second year are for public television
7.6 equipment grants under Minnesota Statutes,
7.7 section 129D.13.
- 7.8 (c) The commissioner of administration must
7.9 consider the recommendations of the
7.10 Minnesota Public Television Association
7.11 before allocating the amounts appropriated in
7.12 paragraphs (a) and (b) for equipment or
7.13 matching grants.
- 7.14 **Public Radio.** (a) \$392,000 the first year and
7.15 \$392,000 the second year are for community
7.16 service grants to public educational radio
7.17 stations. This appropriation may be used to
7.18 disseminate emergency information in foreign
7.19 languages.
- 7.20 (b) \$117,000 the first year and \$117,000 the
7.21 second year are for equipment grants to public
7.22 educational radio stations. This appropriation
7.23 may be used for the repair, rental, and
7.24 purchase of equipment including equipment
7.25 under \$500.
- 7.26 (c) \$510,000 the first year and \$510,000 the
7.27 second year are for equipment grants to
7.28 Minnesota Public Radio, Inc., including
7.29 upgrades to Minnesota's Emergency Alert and
7.30 AMBER Alert Systems.
- 7.31 (d) The appropriations in paragraphs (a) to (c)
7.32 may not be used for indirect costs claimed by
7.33 an institution or governing body.

8.1 (e) The commissioner of administration must
 8.2 consider the recommendations of the
 8.3 Association of Minnesota Public Educational
 8.4 Radio Stations before awarding grants under
 8.5 Minnesota Statutes, section 129D.14, using
 8.6 the appropriations in paragraphs (a) and (b).
 8.7 No grantee is eligible for a grant unless they
 8.8 are a member of the Association of Minnesota
 8.9 Public Educational Radio Stations on or before
 8.10 July 1, 2019.

8.11 (f) Any unencumbered balance remaining the
 8.12 first year for grants to public television or
 8.13 public radio stations does not cancel and is
 8.14 available for the second year.

8.15 (g) \$162,000 each year is for transfer to the
 8.16 Minnesota Film and TV Board. The
 8.17 appropriation in each year is available only
 8.18 upon receipt by the board of \$1 in matching
 8.19 contributions of money or in-kind
 8.20 contributions from nonstate sources for every
 8.21 \$3 provided by this appropriation, except that
 8.22 each year up to \$50,000 is available on July
 8.23 1, even if the required matching contribution
 8.24 has not been received by that date.

8.25 **Sec. 12. CAPITOL AREA ARCHITECTURAL**
 8.26 **AND PLANNING BOARD** \$ 351,000 \$ 351,000

8.27 **Sec. 13. MINNESOTA MANAGEMENT AND**
 8.28 **BUDGET** \$ 36,021,000 \$ 30,406,000

8.29 **Subdivision 1. Appropriations**

8.30	<u>Appropriations by Fund</u>	
8.31	<u>2020</u>	<u>2021</u>
8.32	<u>General</u>	<u>36,021,000</u> <u>29,908,000</u>
8.33	<u>Opioid Stewardship</u>	<u>-0-</u> <u>498,000</u>

8.34 (a) \$3,766,000 the first year and \$3,185,000
 8.35 the second year are for efforts to support

10.1	Sec. 15. <u>GAMBLING CONTROL</u>	<u>\$</u>	<u>3,472,000</u>	<u>\$</u>	<u>3,472,000</u>
10.2	<u>These appropriations are from the lawful</u>				
10.3	<u>gambling regulation account in the special</u>				
10.4	<u>revenue fund.</u>				
10.5	Sec. 16. <u>RACING COMMISSION</u>	<u>\$</u>	<u>913,000</u>	<u>\$</u>	<u>913,000</u>
10.6	<u>These appropriations are from the racing and</u>				
10.7	<u>card playing regulation accounts in the special</u>				
10.8	<u>revenue fund.</u>				
10.9	Sec. 17. <u>STATE LOTTERY</u>				
10.10	<u>Notwithstanding Minnesota Statutes, section</u>				
10.11	<u>349A.10, subdivision 3, the State Lottery's</u>				
10.12	<u>operating budget must not exceed \$35,000,000</u>				
10.13	<u>in fiscal year 2020 and \$36,500,000 in fiscal</u>				
10.14	<u>year 2021.</u>				
10.15	Sec. 18. <u>AMATEUR SPORTS COMMISSION</u>	<u>\$</u>	<u>341,000</u>	<u>\$</u>	<u>306,000</u>
10.16	Sec. 19. <u>COUNCIL FOR MINNESOTANS OF</u>				
10.17	<u>AFRICAN HERITAGE</u>	<u>\$</u>	<u>531,000</u>	<u>\$</u>	<u>532,000</u>
10.18	Sec. 20. <u>COUNCIL ON LATINO AFFAIRS</u>	<u>\$</u>	<u>679,000</u>	<u>\$</u>	<u>685,000</u>
10.19	Sec. 21. <u>COUNCIL ON ASIAN-PACIFIC</u>				
10.20	<u>MINNESOTANS</u>	<u>\$</u>	<u>609,000</u>	<u>\$</u>	<u>616,000</u>
10.21	Sec. 22. <u>INDIAN AFFAIRS COUNCIL</u>	<u>\$</u>	<u>1,119,000</u>	<u>\$</u>	<u>1,106,000</u>
10.22	Sec. 23. <u>MINNESOTA HISTORICAL</u>				
10.23	<u>SOCIETY</u>				
10.24	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>23,418,000</u>	<u>\$</u>	<u>24,043,000</u>
10.25	<u>The amounts that may be spent for each</u>				
10.26	<u>purpose are specified in the following</u>				
10.27	<u>subdivisions.</u>				
10.28	Subd. 2. <u>Operations and Programs</u>		<u>23,097,000</u>		<u>23,722,000</u>
10.29	<u>\$150,000 the first year and \$225,000 the</u>				
10.30	<u>second year are to create a museum</u>				
10.31	<u>professionals development program.</u>				
10.32	Subd. 3. <u>Fiscal Agent</u>				

11.1	<u>(a) Global Minnesota</u>		<u>39,000</u>	<u>39,000</u>
11.2	<u>(b) Minnesota Air National Guard Museum</u>		<u>17,000</u>	<u>17,000</u>
11.3	<u>(c) Minnesota Military Museum</u>		<u>50,000</u>	<u>50,000</u>
11.4	<u>(d) Farmamerica</u>		<u>115,000</u>	<u>115,000</u>
11.5	<u>(e) Hockey Hall of Fame</u>		<u>100,000</u>	<u>100,000</u>
11.6	<u>Any unencumbered balance remaining in this</u>			
11.7	<u>subdivision the first year does not cancel but</u>			
11.8	<u>is available for the second year of the</u>			
11.9	<u>biennium.</u>			
11.10	Sec. 24. <u>BOARD OF THE ARTS</u>			
11.11	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>8,241,000</u>	<u>\$</u> <u>7,541,000</u>
11.12	<u>The amounts that may be spent for each</u>			
11.13	<u>purpose are specified in the following</u>			
11.14	<u>subdivisions.</u>			
11.15	Subd. 2. <u>Operations and Services</u>		<u>1,302,000</u>	<u>602,000</u>
11.16	<u>\$700,000 in the first year is for moving and</u>			
11.17	<u>relocation expenses for the board.</u>			
11.18	Subd. 3. <u>Grants Program</u>		<u>4,800,000</u>	<u>4,800,000</u>
11.19	Subd. 4. <u>Regional Arts Councils</u>		<u>2,139,000</u>	<u>2,139,000</u>
11.20	<u>Any unencumbered balance remaining in this</u>			
11.21	<u>section the first year does not cancel, but is</u>			
11.22	<u>available for the second year.</u>			
11.23	<u>Money appropriated in this section and</u>			
11.24	<u>distributed as grants may only be spent on</u>			
11.25	<u>projects located in Minnesota. A recipient of</u>			
11.26	<u>a grant funded by an appropriation in this</u>			
11.27	<u>section must not use more than ten percent of</u>			
11.28	<u>the total grant for costs related to travel outside</u>			
11.29	<u>the state of Minnesota.</u>			
11.30	Sec. 25. <u>MINNESOTA HUMANITIES</u>			
11.31	<u>CENTER</u>	<u>\$</u>	<u>700,000</u>	<u>\$</u> <u>700,000</u>

14.1 of administration to make loans to finance agency projects that will result in either ~~reduced~~
 14.2 energy savings or other operating costs or increased revenues, or both, cost reductions for
 14.3 a state agency.

14.4 Sec. 4. Minnesota Statutes 2018, section 16B.87, is amended to read:

14.5 **16B.87 AWARD AND REPAYMENT OF PRODUCTIVITY BUILDING**
 14.6 **EFFICIENCY LOANS.**

14.7 Subdivision 1. **Committee.** The ~~Productivity Building~~ Productivity Building Efficiency Revolving Loan
 14.8 Committee consists of the commissioners of administration, ~~management and budget,~~
 14.9 commerce, and revenue the Pollution Control Agency. The commissioner of administration
 14.10 serves as chair of the committee. The members serve without compensation or reimbursement
 14.11 for expenses.

14.12 Subd. 2. **Award and terms of loans.** An agency shall apply for a loan on a form provided
 14.13 by the commissioner of administration. The committee shall review applications for loans
 14.14 and shall award a loan based upon criteria adopted by the committee. The committee shall
 14.15 determine the amount, interest, and other terms of the loan. The time for repayment of a
 14.16 loan may not exceed five years.

14.17 Subd. 3. **Repayment.** An agency receiving a loan under this section shall repay the loan
 14.18 according to the terms of the loan agreement. The principal and interest must be paid to the
 14.19 commissioner of administration who shall deposit it in the ~~productivity building efficiency~~
 14.20 loan fund.

14.21 Sec. 5. Minnesota Statutes 2018, section 307.08, is amended to read:

14.22 **307.08 DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS;**
 14.23 **BURIALS; CEMETERIES; PENALTY; ~~AUTHENTICATION~~ ASSESSMENT.**

14.24 Subdivision 1. **Legislative intent; scope.** It is a declaration and statement of legislative
 14.25 intent that all human burials, human remains, and ~~human burial grounds~~ cemeteries shall
 14.26 be accorded equal treatment and respect for human dignity without reference to their ethnic
 14.27 origins, cultural backgrounds, or religious affiliations. The provisions of this section shall
 14.28 apply to all human burials, human remains, or ~~human burial grounds~~ cemeteries found on
 14.29 or in all public or private lands or waters in Minnesota.

14.30 Subd. 2. **Felony; gross misdemeanor.** (a) A person who intentionally, willfully, and
 14.31 knowingly does any of the following is guilty of a felony:

15.1 (1) destroys, mutilates, or injures human burials or ~~human burial grounds~~ cemetery, or
 15.2 associated grave goods; or

15.3 (2) without the consent of the appropriate authority, disturbs ~~human burial grounds~~ a
 15.4 cemetery or removes human remains or associated grave goods.

15.5 (b) A person who, without the consent of the appropriate authority and the landowner,
 15.6 intentionally, willfully, and knowingly does any of the following is guilty of a gross
 15.7 misdemeanor:

15.8 (1) removes any tombstone, monument, or structure placed in any public or private
 15.9 cemetery or ~~authenticated human burial ground~~ assessed cemetery; or

15.10 (2) removes any fence, railing, or other work erected for protection or ornament, or any
 15.11 tree, shrub, or plant or grave goods and artifacts within the limits of a ~~public or private~~
 15.12 ~~cemetery or authenticated human burial ground~~; or

15.13 (3) discharges any firearms upon or over the grounds of any ~~public or private~~ cemetery
 15.14 ~~or authenticated burial ground~~.

15.15 Subd. 3. **Protective posting.** Upon the agreement of the appropriate authority and the
 15.16 landowner, ~~an authenticated or recorded human burial ground~~ a cemetery may be posted
 15.17 for protective purposes every 75 feet around its perimeter with signs listing the activities
 15.18 prohibited by subdivision 2 and the penalty for violation of it. Posting is at the discretion
 15.19 of the Indian affairs council in the case of American Indian burials cemeteries or at the
 15.20 discretion of the state archaeologist in the case of ~~non-Indian burials~~ non-American Indian
 15.21 cemeteries. This subdivision does not require posting of a ~~burial ground~~ cemetery. The size,
 15.22 description, location, and information on the signs used for protective posting must be
 15.23 approved by the appropriate authority and the landowner.

15.24 Subd. 3a. **Authentication Cemeteries; records and condition assessments.** The state
 15.25 archaeologist shall ~~authenticate all burial grounds for purposes of this section. The state~~
 15.26 ~~archaeologist may retain the services of a qualified professional archaeologist, a qualified~~
 15.27 ~~physical anthropologist, or other appropriate experts for the purpose of gathering information~~
 15.28 ~~that the state archaeologist can use to authenticate or identify burial grounds. If probable~~
 15.29 ~~Indian burial grounds are to be disturbed or probable Indian remains analyzed, the Indian~~
 15.30 ~~Affairs Council must approve the professional archaeologist, qualified anthropologist, or~~
 15.31 ~~other appropriate expert. Authentication is at the discretion of the state archaeologist based~~
 15.32 ~~on the needs identified in this section or upon request by an agency, a landowner, or other~~
 15.33 ~~appropriate authority.~~ (a) Cemeteries shall be assessed according to this subdivision.

16.1 (b) The state archaeologist shall implement and maintain a system of records identifying
16.2 the location of known, recorded, or suspected cemeteries. The state archaeologist shall
16.3 provide access to the records as provided in subdivision 11.

16.4 (c) The cemetery condition assessment of non-American Indian cemeteries is at the
16.5 discretion of the state archaeologist based on the needs identified in this section or upon
16.6 request by an agency, a landowner, or other appropriate authority.

16.7 (d) The cemetery condition assessment of American Indian cemeteries is at the discretion
16.8 of the Indian Affairs Council based on the needs identified in this section or upon request
16.9 by an agency, a landowner, or other appropriate authority.

16.10 (e) The cemetery condition assessment of cemeteries that include American Indian and
16.11 non-American Indian remains or include remains whose ancestry cannot be determined
16.12 shall be assessed at the discretion of the state archaeologist in collaboration with the Indian
16.13 Affairs Council based on the needs identified in this section or upon request by an agency,
16.14 a landowner, or other appropriate authority.

16.15 (f) The state archaeologist and the Indian Affairs Council shall have 90 days from the
16.16 date a request is received to conduct a cemetery condition assessment or provide notice to
16.17 the requester whether or not a condition assessment of a cemetery is needed.

16.18 (g) The state archaeologist and the Indian Affairs Council may retain the services of a
16.19 qualified professional archaeologist, a qualified forensic anthropologist, or other appropriate
16.20 experts for the purpose of gathering information that the state archaeologist or the Indian
16.21 Affairs Council can use to assess or identify cemeteries.

16.22 ~~Subd. 5. **Cost; use of data.** The cost of ~~authentication~~ condition assessment, recording,
16.23 surveying, and marking ~~burial grounds~~ cemeteries and the cost of identification, analysis,
16.24 rescue, and reburial of human remains on public lands or waters shall be the responsibility
16.25 of the state or political subdivision controlling the lands or waters. On private lands or waters
16.26 these costs shall be borne by the state, but may be borne by the landowner upon mutual
16.27 agreement with the state. ~~The state archaeologist must make the data collected for this~~
16.28 ~~activity available using standards adopted by the Office of MN.IT Services and geospatial~~
16.29 ~~technology standards and guidelines published by the Minnesota Geospatial Information~~
16.30 ~~Office. Costs associated with this data delivery must be borne by the state.~~~~

16.31 **Subd. 7. Remains found outside of recorded cemeteries.** (a) All unidentified human
16.32 remains or burials found outside of ~~recorded~~ cemeteries or unplatted graves or burials found
16.33 within recorded cemeteries and in contexts which indicate antiquity greater than 50 years

17.1 shall be treated with utmost respect for all human dignity and dealt with according to the
 17.2 provisions of this section.

17.3 (b) If deemed necessary for identification purposes by the Indian Affairs Council,
 17.4 removed remains shall be studied in a timely and respectful manner by appropriate experts
 17.5 designated by the Indian Affairs Council.

17.6 (c) If ~~such~~ the burials are not American Indian or their ethnic identity cannot be
 17.7 ascertained, as determined by the state archaeologist, they shall be dealt with in accordance
 17.8 with provisions established by the state archaeologist and other appropriate authority, as
 17.9 specified in subdivision 3a, paragraph (e).

17.10 (d) If ~~such~~ the burials ~~are~~ include American Indian remains, as determined by the state
 17.11 archaeologist, ~~efforts shall be made by~~ they must be dealt with as provided by the provisions
 17.12 of subdivision 3a, paragraph (d). The state archaeologist and the Indian Affairs Council ~~to~~
 17.13 shall ascertain their tribal identity. ~~If their probable tribal identity can be determined and~~
 17.14 ~~the remains have been removed from their original context, such remains shall be turned~~
 17.15 ~~over to contemporary tribal leaders for disposition.~~ of the remains in consultation with
 17.16 appropriate experts designated by the Indian Affairs Council.

17.17 (e) If tribal identity of the remains cannot be determined, the American Indian remains
 17.18 must be dealt with in accordance with provisions established by ~~the state archaeologist and~~
 17.19 the Indian Affairs Council ~~if they are from public land. If removed Indian remains are from~~
 17.20 ~~private land they shall be dealt with in accordance with provisions established by the Indian~~
 17.21 ~~Affairs Council.~~

17.22 ~~If it is deemed desirable by the state archaeologist or the Indian Affairs Council, removed~~
 17.23 ~~remains shall be studied in a timely and respectful manner by a qualified professional~~
 17.24 ~~archaeologist or a qualified physical anthropologist before being delivered to tribal leaders~~
 17.25 ~~or before being reburied.~~

17.26 Subd. 7a. **Landowner responsibilities.** (a) Application by a landowner for permission
 17.27 to develop or disturb nonburial areas within ~~authenticated~~ an assessed or recorded ~~burial~~
 17.28 ~~grounds~~ cemetery shall be made to the:

17.29 (1) ~~to the~~ state archaeologist and other appropriate authority in the case of ~~non-Indian~~
 17.30 ~~non-American~~ Indian burials; and

17.31 (2) ~~to the~~ Indian Affairs Council and other appropriate authority in the case of American
 17.32 Indian burials.

18.1 (b) Landowners with ~~authenticated~~ known or suspected human ~~burial grounds~~ cemeteries
 18.2 on their property are obligated to inform prospective buyers of the ~~burial ground~~ cemetery.

18.3 Subd. 8. **Burial ground Cemetery relocation.** No ~~non-Indian burial ground~~
 18.4 non-American Indian cemetery may be relocated without the consent of the appropriate
 18.5 authority. No American Indian burial ground cemetery may be relocated unless the request
 18.6 to relocate is approved by the Indian Affairs Council. When a ~~burial ground~~ cemetery is
 18.7 located on public lands or waters, any burial relocations must be duly licensed under section
 18.8 138.36 and the cost of removal is the responsibility of and shall be paid by the state or
 18.9 political subdivision controlling the lands or waters. If ~~burial grounds~~ cemeteries are
 18.10 ~~authenticated~~ assessed on private lands, efforts may be made by the state to purchase and
 18.11 protect them instead of removing them to another location.

18.12 Subd. 9. **Interagency cooperation.** (a) The state archaeologist and the Indian Affairs
 18.13 Council shall enter into a memorandum of understanding to coordinate their responsibilities
 18.14 under this section.

18.15 (b) The Department of Natural Resources, the Department of Transportation, and all
 18.16 other state agencies and local governmental units whose activities may be affected, shall
 18.17 cooperate with the state archaeologist and the Indian Affairs Council to carry out the
 18.18 provisions of this section.

18.19 Subd. 10. **Construction and development plan review.** When ~~human burials are known~~
 18.20 ~~or suspected to~~ cemeteries exist, on public lands or waters, the state or political subdivision
 18.21 controlling the lands or waters or, in the case of private lands, the landowner or developer,
 18.22 shall submit construction and development plans to the state archaeologist for review prior
 18.23 to the time bids are advertised and prior to any disturbance within the ~~burial area~~ cemetery.
 18.24 If ~~the known or suspected burials are~~ the cemetery is thought to be Indian American Indian,
 18.25 or the project is within 300 feet of American Indian cemeteries, American Indian burial
 18.26 features, historic American Indian villages, or historic American Indian cultural features,
 18.27 plans shall also be submitted to the Indian Affairs Council. The state archaeologist and the
 18.28 Indian Affairs Council shall review the plans within ~~30~~ 45 days of receipt and make
 18.29 recommendations for the preservation in place or removal of the ~~human burials~~ cemetery
 18.30 or remains, which may be endangered by construction or development activities.

18.31 Subd. 11. **Burial sites data.** (a) Burial sites locational and related data maintained by
 18.32 data under the authority of the Office of the State Archaeologist and accessible through the
 18.33 office's "Unplatted Burial Sites and Earthworks in Minnesota" website or Indian Affairs
 18.34 Council are security information for purposes of section 13.37. Persons who gain access to

19.1 ~~the data maintained on the site~~ this data are subject to liability under section 13.08 and the
 19.2 penalty established by section 13.09 if they improperly use or further disseminate the data.

19.3 (b) The Indian Affairs Council or state archaeologist may bring legal action to prosecute
 19.4 any violation of this subdivision. A violation may be prosecuted by the city or county
 19.5 attorney or by the attorney general.

19.6 Subd. 12. **Right of entry.** The state archaeologist or designee may enter on property for
 19.7 the purpose of ~~authenticating burial sites.~~ identifying or assessing cemetery sites. A
 19.8 designated representative of the Indian Affairs Council may enter on property, in
 19.9 collaboration with the state archaeologist, for the purpose of identifying or assessing
 19.10 American Indian cemeteries. Only after obtaining permission from the property owner or
 19.11 lessee, descendants of persons buried in ~~burial grounds~~ cemeteries covered by this section
 19.12 may enter the ~~burial grounds~~ cemetery for the purpose of conducting religious or
 19.13 commemorative ceremonies. This right of entry must not unreasonably burden property
 19.14 owners or unnecessarily restrict their use of the property. The right of entry cannot be denied
 19.15 unless an unreasonable burden can be shown by the property owners.

19.16 Subd. 13. **Definitions.** As used in this section, the following terms have the meanings
 19.17 given.

19.18 (a) "Abandoned cemetery" means a cemetery where the cemetery association has
 19.19 disbanded or the cemetery is neglected and contains marked graves older than 50 years.

19.20 (b) "Appropriate authority" means:

19.21 (1) the trustees when the trustees have been legally defined to administer ~~burial grounds~~
 19.22 cemetery sites;

19.23 (2) the Indian Affairs Council in the case of American Indian ~~burial grounds~~ cemetery
 19.24 sites lacking trustees;

19.25 (3) the county board in the case of abandoned cemeteries under section 306.243; and

19.26 (4) the state archaeologist in the case of ~~non-Indian burial grounds~~ non-American Indian
 19.27 cemetery sites lacking trustees or not officially defined as abandoned.

19.28 (c) "Artifacts" means natural or artificial articles, objects, implements, or other items of
 19.29 archaeological interest.

19.30 (d) ~~"Authenticate"~~ "Assess" means to establish the presence of or high potential of ~~human~~
 19.31 burials for a cemetery or human ~~skeletal~~ remains ~~being~~ located in a discrete area, delimit

20.1 the boundaries of ~~human burial grounds~~ the cemetery or graves, and attempt to determine
 20.2 the ethnic, cultural, or religious affiliation of individuals interred.

20.3 (e) "Burial" means the organic remnants of the human body that were intentionally
 20.4 interred as part of a mortuary process.

20.5 ~~(f) "Burial ground" means a discrete location that is known to contain or has high potential~~
 20.6 ~~to contain human remains based on physical evidence, historical records, or reliable informant~~
 20.7 ~~accounts.~~

20.8 ~~(g)~~ (f) "Cemetery" means a discrete location that is known to contain or intended to be
 20.9 used for the interment of human remains, or has high potential to contain human remains
 20.10 based on physical evidence, historical records, or reliable informant accounts.

20.11 ~~(h)~~ (g) "Disturb" means any activity that ~~significantly~~ harms the physical integrity or
 20.12 setting of a ~~human burial or human burial ground~~ cemetery.

20.13 ~~(i)~~ (h) "Grave goods" means objects or artifacts directly associated with human burials
 20.14 or ~~human burial grounds~~ cemeteries that were placed as part of a mortuary ritual at the time
 20.15 of interment.

20.16 ~~(j)~~ (i) "Human remains" means ~~the calcified portion of the human body~~ the body of a
 20.17 deceased person in whole or in parts, regardless of the state of decomposition, not including
 20.18 ~~isolated teeth, or cremated remains deposited in a container or discrete feature.~~

20.19 ~~(k)~~ (j) "Identification" means to analyze organic materials to attempt to determine if they
 20.20 represent human remains and to attempt to establish the ethnic, cultural, or religious
 20.21 affiliations of such remains.

20.22 (k) "American Indian cemetery" means a discrete location that is known to contain or
 20.23 has a high potential to contain American Indian human remains based on physical evidence,
 20.24 historical records, or reliable informant accounts.

20.25 (l) "Marked" means a burial that has a recognizable tombstone or obvious grave marker
 20.26 in place or a legible sign identifying an area as a ~~burial ground or~~ cemetery.

20.27 (m) "Qualified ~~physical~~ forensic anthropologist" means a specialist in identifying human
 20.28 remains who holds an advanced degree in forensic anthropology or a closely related field.

20.29 (n) "Qualified professional archaeologist" means an archaeologist who meets the United
 20.30 States Secretary of the Interior's professional qualification standards in Code of Federal
 20.31 Regulations, title 36, part 61, appendix A, or subsequent revisions.

21.1 (o) "Recorded cemetery" means a cemetery that has a surveyed plat filed in a county
21.2 recorder's office.

21.3 (p) "State" or "the state" means the state of Minnesota or an agency or official of the
21.4 state acting in an official capacity.

21.5 (q) "Trustees" means the recognized representatives of the original incorporators, board
21.6 of directors, or cemetery association.

21.7 Sec. 6. Minnesota Statutes 2018, section 353.27, subdivision 3c, is amended to read:

21.8 Subd. 3c. **Former MERF members; member and employer contributions.** (a) For
21.9 the period July 1, ~~2015~~ 2019, through December 31, 2031, the member contributions for
21.10 former members of the Minneapolis Employees Retirement Fund and by the former
21.11 Minneapolis Employees Retirement Fund-covered employing units are governed by this
21.12 subdivision.

21.13 (b) The member contribution for a public employee who was a member of the former
21.14 Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75 percent of the salary of
21.15 the employee.

21.16 (c) The employer regular contribution with respect to a public employee who was a
21.17 member of the former Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75
21.18 percent of the salary of the employee.

21.19 (d) The annual employer supplemental contribution is the employing unit's share of
21.20 ~~\$31,000,000. For calendar years 2017 and 2018, the employer supplemental contribution~~
21.21 ~~is the employing unit's share of \$21,000,000.~~

21.22 (e) Each employing unit's share under paragraph (d) is the amount determined from an
21.23 allocation between each employing unit in the portion equal to the unit's employer
21.24 supplemental contribution paid or payable under Minnesota Statutes 2012, section 353.50,
21.25 during calendar year 2014.

21.26 (f) The employer supplemental contribution amount under paragraph (d) for calendar
21.27 year ~~2015~~ 2019 must be invoiced by the executive director of the Public Employees
21.28 Retirement Association by July 1, ~~2015~~. ~~The calendar year 2015 payment is payable in a~~
21.29 ~~single amount on or before September 30, 2015~~ 2019. For subsequent calendar years, the
21.30 employer supplemental contribution under paragraph (d) must be invoiced on January 31
21.31 of each year ~~and~~. The employer supplemental contribution is payable in two parts, with the
21.32 first half payable on or before July 31 and with the second half payable on or before
21.33 December 15. Late payments are payable with interest, compounded annually, at the

22.1 applicable rate or rates specified in section 356.59, subdivision 3, per month for each month
22.2 or portion of a month that has elapsed after the due date.

22.3 (g) The employer supplemental contribution under paragraph (d) terminates on December
22.4 31, 2031.

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

22.6 Sec. 7. Minnesota Statutes 2018, section 353.505, is amended to read:

22.7 **353.505 STATE CONTRIBUTIONS; FORMER MERF DIVISION.**

22.8 (a) On September 15, 2019, and annually thereafter, the state shall pay to the general
22.9 employees retirement plan of the Public Employees Retirement Association, with respect
22.10 to the former MERF division, ~~\$6,000,000~~ \$16,000,000.

22.11 ~~(b) On September 15, 2017, and September 15, 2018, the state shall pay to the general~~
22.12 ~~employees retirement plan of the Public Employees Retirement Association, with respect~~
22.13 ~~to the former MERF division, \$16,000,000.~~

22.14 ~~(e)~~ (b) State contributions under this section end on September 15, 2031.

22.15 (c) The commissioner of management and budget shall pay the contribution specified
22.16 in this section. The amount required is appropriated annually from the general fund to the
22.17 commissioner of management and budget.

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