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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1340**

February 26, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

relating to state government; revising certain laws governing state boards and advisory groups; amending Minnesota Statutes 2006, sections 15.059, subdivision 5; 15.0597, by adding a subdivision; 16B.181, subdivision 2; 16C.17; 21.112; 43A.318, subdivision 1; 62J.693, subdivision 2; 92.35; 129D.04, subdivision 1; 240.18, subdivision 4; 245.71; 245.91, subdivision 1; 245.94, subdivision 1; 245.96; 252.282, subdivision 5; 299A.62, subdivision 2; 299A.63, subdivision 2; 353D.01, subdivision 1; 354C.12, subdivision 4; 356A.02, subdivision 1; Laws 1976, chapter 199, section 14, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 2006, sections 16B.055; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 127A.30; 145.9266, subdivisions 6, 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 245.97; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77, subdivision 23; 256C.28; 299A.293; 299A.331; 299M.02; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; 611A.361.

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

ARTICLE 1

GENERAL LAWS GOVERNING BOARDS AND ADVISORY GROUPS

Section 1. [15.0581] ASSISTANCE TO MULTIMEMBER GROUPS.

Unless a law assigns these duties to another person:

(1) the commissioner of administration must assist a multimember agency in the executive branch in obtaining office space, equipment, and support services needed for the organization to fulfill its responsibilities; and

(2) the commissioner of finance must assist a multimember agency in the executive branch in establishing accounting, banking, and other financial services, and must assist the agency in complying with all finance-related legal requirements.

2.1 Sec. 2. Minnesota Statutes 2006, section 15.059, subdivision 5, is amended to read:

2.2 Subd. 5. **Expiration date.** (a) Unless a different date is specified by law, the  
2.3 existence of each advisory council and committee expires on the date specified in the law  
2.4 establishing the group or on June 30, ~~2003~~ 2009, whichever is sooner. This subdivision  
2.5 applies whether or not the law establishing the group provides that the group is governed  
2.6 by this section. The secretary of state must notify the primary appointing authority or  
2.7 chair of an advisory council or committee of its scheduled expiration before the start of  
2.8 the annual legislative session immediately preceding the group's scheduled expiration.

2.9 (b) An advisory council or committee does not expire in accordance with paragraph  
2.10 (a) if it:

2.11 (1) is an occupational licensure advisory group to a licensing board or agency;

2.12 (2) administers and awards grants; or

2.13 (3) is required by federal law or regulation.

2.14 Sec. 3. Minnesota Statutes 2006, section 15.0597, is amended by adding a subdivision  
2.15 to read:

2.16 Subd. 6a. **Notice to appointees.** The appointing authority for a vacancy  
2.17 must provide the appointee a written statement detailing the purpose, authority, and  
2.18 responsibilities of the entity to which the person is being appointed, and summarizing the  
2.19 laws, codes of conduct, or other ethical standards the appointee is expected to follow. The  
2.20 commissioners of administration, finance, and employee relations must jointly prepare  
2.21 standard materials that appointing authorities can use for purposes of this subdivision.  
2.22 For purposes of this subdivision, "vacancy" has the meaning given in subdivision 1, but  
2.23 also includes a position in an agency composed exclusively of persons employed by a  
2.24 political subdivision or another agency and a vacancy to be filled by a person required to  
2.25 have a specific title or position.

## 2.26 ARTICLE 2

### 2.27 REPEAL OF EXPIRED ADVISORY GROUPS

2.28 Section 1. Minnesota Statutes 2006, section 16B.181, subdivision 2, is amended to read:

2.29 Subd. 2. **Public entities; purchases from corrections industries.** (a) The  
2.30 commissioner of corrections, in consultation with the commissioner of administration,  
2.31 shall prepare updated lists of the items available for purchase from Department of  
2.32 Corrections industries and annually forward a copy of the most recent list to all public  
2.33 entities within the state. A public entity that is supported in whole or in part with funds

from the state treasury may purchase items directly from corrections industries. The bid solicitation process is not required for these purchases.

(b) The commissioner of administration shall develop a contract or contracts to enable public entities to purchase items directly from corrections industries. The commissioner of administration, in consultation with the commissioner of corrections, shall determine the fair market price for listed items. The commissioner of administration shall require that all requests for bids or proposals, for items provided by corrections industries, be forwarded to the commissioner of corrections to enable corrections industries to submit bids. The commissioner of corrections shall consult with the commissioner of administration prior to introducing new products to the state agency market.

(c) No public entity may evade the intent of this section by adopting slight variations in specifications, when Minnesota corrections industry items meet the reasonable needs and specifications of the public entity.

(d) The commissioners of administration and corrections shall develop annual performance measures outlining goals to maximize inmate work program participation. ~~The commissioners of administration and corrections shall appoint cochair for a task force whose purpose is to determine additional methods to achieve the performance goals for public entity purchasing. The task force shall include representatives from the Minnesota House of Representatives, Minnesota Senate, the Minnesota State Colleges and Universities, University of Minnesota, Minnesota League of Cities, Minnesota Association of Counties, and administrators with purchasing responsibilities from the Minnesota state Departments of Corrections, Public Safety, Finance, Transportation, Natural Resources, Human Services, Health, and Employment and Economic Development. Notwithstanding section 15.059, the task force created in this paragraph expires on June 30, 2003.~~

(e) If performance goals for public entity purchasing are not achieved in two consecutive fiscal years, public entities shall purchase items available from corrections industries. The commissioner of administration shall be responsible for notifying public entities of this requirement.

Sec. 2. Minnesota Statutes 2006, section 16C.17, is amended to read:

**16C.17 ENCOURAGEMENT OF PARTICIPATION, ~~ADVISORY COUNCIL.~~**

Subdivision 1. ~~Commissioner of administration~~ Commissioners' duties. The commissioners of administration and employment and economic development shall publicize the provisions of the purchasing programs in sections 16C.16 to 16C.21, attempt to locate small businesses or small targeted group businesses able to perform under the programs, and encourage participation through education, technical assistance,

mentoring, and other means. When the commissioner of administration determines that a small business or small targeted group business is unable to perform under a program established in sections 16C.16 to 16C.21, the commissioner shall inform the commissioner of employment and economic development who shall assist the small business or small targeted group business in attempting to remedy the causes of the inability to perform the award. In assisting the small business or small targeted group business, the commissioner of employment and economic development in cooperation with the commissioner of administration shall use management or financial assistance programs made available by or through the Department of Employment and Economic Development, other state or governmental agencies, or private sources.

~~Subd. 2. **Advisory council.** The Small Business Procurement Advisory Council consists of 13 members appointed by the commissioner of administration. A chair of the advisory council shall be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms, compensation, and removal of members are as provided in section 15.059. Notwithstanding section 15.059, the council expires June 30, 2003.~~

~~Subd. 3. **Duties.** The Small Business Procurement Advisory Council shall:~~

~~(1) advise the commissioner of administration on matters relating to the small business and small targeted group business procurement program;~~

~~(2) review complaints or grievances from small businesses and small targeted group businesses who are doing or attempting to do business under the program; and~~

~~(3) review the reports of the commissioners of administration and employment and economic development provided by section 16C.18 to ensure compliance with the goals of the program.~~

Sec. 3. Minnesota Statutes 2006, section 21.112, is amended to read:

### **21.112 COMMISSIONER, DUTIES; SEED POTATOES.**

Subdivision 1. **Duties, employees.** The commissioner shall provide the means and direct the work for the inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes. The commissioner may enter into contracts and ground leases for planting and growing potatoes outside of the state for experimental and research purposes. The commissioner shall provide such forms as are necessary and keep a record of the work performed, and shall appoint, designate, or employ such officers, inspectors, and employees as may be deemed necessary and fix their compensation.

~~Subd. 2. **Advisory seed potato certification task force.** The commissioner may appoint an advisory seed potato certification task force. If the task force is appointed~~

5.1 ~~each member shall be a grower in Minnesota of certified seed potatoes. The terms,~~  
 5.2 ~~compensation and removal of members shall be as provided in section 15.059. The task~~  
 5.3 ~~force shall expire June 30, 2003.~~

5.4 Sec. 4. Minnesota Statutes 2006, section 43A.318, subdivision 1, is amended to read:

5.5 Subdivision 1. **Definitions.** (a) **Scope.** For the purposes of this section, the terms  
 5.6 defined have the meaning given them.

5.7 ~~(b) **Advisory committee, committee.** "Advisory committee" or "committee" means~~  
 5.8 ~~the committee created under subdivision 3.~~

5.9 ~~(c) **Committee member, member.** "Committee member" or "member" means a~~  
 5.10 ~~person serving on the advisory committee created under subdivision 3.~~

5.11 ~~(d)~~ (b) **Eligible person.** "Eligible person" means:

5.12 (1) a person who is eligible for insurance and benefits under section 43A.24;

5.13 (2) a person who at the time of separation from employment was eligible to purchase  
 5.14 coverage at personal expense under section 43A.27, subdivision 3, regardless of whether  
 5.15 the person elected to purchase this coverage;

5.16 (3) a spouse of a person described in clause (1) or (2), regardless of the enrollment  
 5.17 status in the program of the person described in clause (1) or (2); or

5.18 (4) a parent of a person described in clause (1), regardless of the enrollment status in  
 5.19 the program of the person described in clause (1).

5.20 ~~(e)~~ (c) **Program.** "Program" means the statewide public employees long-term care  
 5.21 insurance program created under subdivision 2.

5.22 ~~(f)~~ (d) **Qualified vendor.** "Qualified vendor" means an entity licensed or authorized  
 5.23 to underwrite, provide, or administer group long-term care insurance benefits in this state.

5.24 Sec. 5. Minnesota Statutes 2006, section 92.35, is amended to read:

5.25 **92.35 DUTIES AND POWERS.**

5.26 The commissioner of natural resources must classify all public and private lands in  
 5.27 the state by the use to which the lands are adapted, but principally as to adaptability to  
 5.28 present known uses, such as agriculture and forestry. This classification must be based on  
 5.29 consideration of the known physical and economic factors affecting use of the land. The  
 5.30 commissioner must consult private, state, and federal agencies concerned with land use.  
 5.31 ~~The commissioner may appoint advisory committees of residents of the state concerned~~  
 5.32 ~~with and interested in land use. The advisory committees shall serve without pay, at the~~  
 5.33 ~~pleasure of the commissioner. The advisory committee must consider and report on land~~  
 5.34 ~~use problems submitted by the commissioner.~~ The classification must be done first in the

6.1 counties having land classification committees. In determining the land classification, the  
6.2 commissioner must consult and cooperate with the land classification committee. The  
6.3 determination of the land classification committee is final.

6.4 Sec. 6. Minnesota Statutes 2006, section 129D.04, subdivision 1, is amended to read:

6.5 Subdivision 1. **Authority.** The board shall through the following activities stimulate  
6.6 and encourage the creation, performance and appreciation of the arts in the state:

6.7 (1) receive and consider any requests for grants, loans or other forms of assistance;

6.8 (2) advise and serve as a technical resource at the request of sponsoring organizations  
6.9 and political subdivisions in the state on programs relating to the arts;

6.10 (3) advise and recommend on existing or proposed activities of the departments  
6.11 of the state relating to the arts;

6.12 (4) accept gifts and grants to the board and distribute the same in accordance with  
6.13 the instructions of the donor insofar as the instructions are consistent with law;

6.14 (5) promulgate by rule procedures to be followed by the board in receiving and  
6.15 reviewing requests for grants, loans or other forms of assistance;

6.16 (6) promulgate by rule standards consistent with this chapter to be followed by the  
6.17 board in the distribution of grants, loans, and other forms of assistance;

6.18 (7) distribute according to the above procedures and standards grants, loans, and  
6.19 other forms of assistance for artistic activities to departments and agencies of the state,  
6.20 political subdivisions, sponsoring organizations and, in appropriate cases, to individuals  
6.21 engaged in the creation or performance of the arts; provided that a member of the board  
6.22 shall not participate in deliberations or voting on assistance to groups or persons in which  
6.23 that member has an interest as officer, director, employee, or recipient;

6.24 ~~(8) appoint advisory committees which the board determines are essential to the~~  
6.25 ~~performance of its powers and duties under this section; provided that no member of an~~  
6.26 ~~advisory committee shall serve on a committee to which the member has an application~~  
6.27 ~~pending for a grant, loan, or other form of assistance from the board or its predecessor;~~

6.28 ~~(9)~~ (8) serve as a fiscal agent to disburse appropriations for regional arts councils  
6.29 throughout the state.

6.30 Sec. 7. Minnesota Statutes 2006, section 240.18, subdivision 4, is amended to read:

6.31 Subd. 4. **Rules; advisory committees.** The commission shall adopt rules governing  
6.32 the distribution of the fund. ~~The commission may establish advisory committees to~~  
6.33 ~~advise it on the distribution of money under this section, provided that the members of~~  
6.34 ~~an advisory committee shall serve without compensation.~~

7.1 Sec. 8. Minnesota Statutes 2006, section 245.71, is amended to read:

7.2 **245.71 CONDITIONS TO FEDERAL AID FOR MENTALLY ILL.**

7.3 Subdivision 1. **Federal aid or block grants.** The commissioner of human services  
7.4 may comply with all conditions and requirements necessary to receive federal aid or  
7.5 block grants with respect to the establishment, construction, maintenance, equipment or  
7.6 operation, for all the people of this state, of adequate facilities and services as specified  
7.7 in section 245.70.

7.8 ~~Subd. 2. **Planning council.** The commissioner may establish a state Mental Health~~  
7.9 ~~Services Planning Council to advise on matters relating to coordination of mental health~~  
7.10 ~~services among state agencies, the unmet needs for services, including services for~~  
7.11 ~~minorities or other underserved groups, and the allocation and adequacy of mental health~~  
7.12 ~~services within the state. The commissioner may establish special committees within the~~  
7.13 ~~planning council authority to address the needs of special population groups. Members of~~  
7.14 ~~a state advisory planning council must be broadly representative of other state agencies~~  
7.15 ~~involved with mental health, service providers, advocates, consumers, local elected~~  
7.16 ~~officials, age groups, underserved and minority groups, and geographic areas of the state.~~

7.17 Sec. 9. Minnesota Statutes 2006, section 252.282, subdivision 5, is amended to read:

7.18 Subd. 5. **Responsibilities of commissioner.** (a) In collaboration with counties; and  
7.19 providers, ~~and the statewide advisory committee~~, the commissioner shall ensure that  
7.20 services recognize the preferences and needs of persons with developmental disabilities  
7.21 and related conditions through a recurring systemic review and assessment of ICF/MR  
7.22 facilities within the state.

7.23 (b) The commissioner shall publish a notice in the State Register no less than  
7.24 biannually to announce the opportunity for counties or providers to submit requests for  
7.25 payment rate adjustments associated with plans for downsizing, relocation, and closure of  
7.26 ICF/MR facilities.

7.27 (c) The commissioner shall designate funding parameters to counties and to the  
7.28 statewide advisory committee for the overall implementation of system needs within the  
7.29 fiscal resources allocated by the legislature.

7.30 (d) The commissioner shall contract with ICF/MR providers. ~~The initial contracts~~  
7.31 ~~shall cover the period from October 1, 2000, to December 31, 2001. Subsequent Contracts~~  
7.32 ~~shall be for two-year periods beginning January 1, 2002.~~

7.33 Sec. 10. Minnesota Statutes 2006, section 299A.62, subdivision 2, is amended to read:

8.1 Subd. 2. **Awarding grant.** Grants under this section shall be awarded by the  
8.2 commissioner of public safety. ~~Before any grants are awarded, a committee consisting~~  
8.3 ~~of the attorney general, and representatives from the Minnesota Chiefs of Police~~  
8.4 ~~Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace~~  
8.5 ~~Officers Association, shall evaluate the grant applications. Before grants are awarded,~~  
8.6 ~~the commissioner shall meet and consult with the committee concerning its evaluation~~  
8.7 ~~of and recommendations on grant proposals.~~ A grant under subdivision 1, paragraph  
8.8 (b), clause (1), may be awarded only to a law enforcement agency that demonstrates in  
8.9 its application that it currently has a need for an additional officer to be assigned to: (1)  
8.10 community-oriented policing duties; or (2) the investigation and prevention of juvenile  
8.11 crime, based on the juvenile crime rate in the area over which the agency has jurisdiction.  
8.12 More than one grant under subdivision 1, paragraph (b), clause (1), may be awarded to  
8.13 an agency; however, each grant may fund only one position. At least 50 percent of the  
8.14 grants awarded under subdivision 1, paragraph (b), clause (1), must be awarded to the  
8.15 cities of Minneapolis and St. Paul.

8.16 Sec. 11. Minnesota Statutes 2006, section 299A.63, subdivision 2, is amended to read:

8.17 Subd. 2. **Awarding grant.** The commissioner of public safety shall act as fiscal  
8.18 agent for the grant program and shall be responsible for receiving applications for grants  
8.19 and awarding grants under this section. ~~Before any grants are awarded, a committee~~  
8.20 ~~consisting of the attorney general, and representatives from the Minnesota Chiefs of Police~~  
8.21 ~~Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace~~  
8.22 ~~Officers Association, shall evaluate the grant applications. Before grants are awarded, the~~  
8.23 ~~commissioner shall meet and consult with the committee concerning its evaluation of and~~  
8.24 ~~recommendations on grant proposals.~~ At least 50 percent of the grants awarded under this  
8.25 section must be awarded to the cities of Minneapolis and St. Paul.

8.26 Sec. 12. Minnesota Statutes 2006, section 353D.01, subdivision 1, is amended to read:

8.27 Subdivision 1. **Establishment.** The public employees defined contribution plan  
8.28 is administered by the Public Employees Retirement Association under supervision of  
8.29 the association board of trustees. ~~To assist it in governing the operations of the plan,~~  
8.30 ~~the board may appoint an advisory committee of not more than nine members who are~~  
8.31 ~~representative of the employers and employees who participate in the plan.~~

8.32 Sec. 13. Laws 1976, chapter 199, section 14, subdivision 1, as amended by Laws 1984,  
8.33 chapter 572, section 3, is amended to read:



Subdivision 1. **Safety regulation study.** The commissioner of transportation, with the cooperation of representatives of regional and local units of government and law enforcement agencies, the state trail council, the Governor's trail advisory committee, the commissioner of public safety, highway user groups and associations, and cycling groups and associations shall review and analyze problems relating to the operation of bicycles on the public roads and ways.

As part of this review and analysis the commissioner shall review the Minnesota motor vehicle code to identify provisions which give motorists and bicyclists inadequate guidelines where such traffic conflicts or which may be inconsistent or ambiguous when applied to traffic situations involving special bicycle facilities within or adjacent to public streets and highways.

No later than January 15, 1977 the commissioner shall report the results of this review and analysis and recommendations for any necessary action to the legislative committees having jurisdiction over the subject.

~~Following the completion of the study the advisory committee on bicycling formed by the commissioner under this subdivision shall continue to function under that name in an advisory capacity to make recommendations to the commissioners of transportation and public safety and the legislature on bicycle safety and bicycle education and development programs.~~

#### Sec. 14. **REPEALER.**

Minnesota Statutes 2006, sections 16B.055; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 127A.30; 145.9266, subdivisions 6 and 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 245.97; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77, subdivision 23; 256C.28; 299A.293; 299A.331; 299M.02; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; and 611A.361, are repealed.

### ARTICLE 3 CONFORMING CHANGES

Section 1. Minnesota Statutes 2006, section 62J.693, subdivision 2, is amended to read:

Subd. 2. **Grant application process.** (a) The commissioner of health shall make recommendations for a process for the submission, review, and approval of research grant applications. The process shall give priority for grants to applications that are intended to gather preliminary data for submission for a subsequent proposal for funding

from a federal agency or foundation, which awards research money on a competitive, peer-reviewed basis. Grant recipients must be able to demonstrate the ability to comply with federal regulations on human subjects research in accordance with Code of Federal Regulations, title 45, section 46, and shall conduct the proposed research. Grants may be awarded to the University of Minnesota, the Mayo Clinic, or any other public or private organization in the state involved in medical research. The commissioner shall report to the legislature by January 15, 2000, with recommendations.

(b) The commissioner may ~~consult with the Medical Education and Research Advisory Committee established in section 62J.692 in developing these recommendations~~ or may appoint a research advisory committee to provide advice and oversight on the grant application process. If the commissioner appoints a research advisory committee, the committee shall be governed by section 15.059 for membership terms and removal of members.

Sec. 2. Minnesota Statutes 2006, section 245.91, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For the purposes of sections 245.91 to ~~245.97~~ 245.96, the following terms have the meanings given them.

Sec. 3. Minnesota Statutes 2006, section 245.94, subdivision 1, is amended to read:

Subdivision 1. **Powers.** (a) The ombudsman may prescribe the methods by which complaints to the office are to be made, reviewed, and acted upon. The ombudsman may not levy a complaint fee.

(b) The ombudsman may mediate or advocate on behalf of a client.

(c) The ombudsman may investigate the quality of services provided to clients and determine the extent to which quality assurance mechanisms within state and county government work to promote the health, safety, and welfare of clients, other than clients in acute care facilities who are receiving services not paid for by public funds.

(d) At the request of a client, or upon receiving a complaint or other information affording reasonable grounds to believe that the rights of a client who is not capable of requesting assistance have been adversely affected, the ombudsman may gather information about and analyze, on behalf of the client, the actions of an agency, facility, or program.

(e) The ombudsman may examine, on behalf of a client, records of an agency, facility, or program if the records relate to a matter that is within the scope of the ombudsman's authority. If the records are private and the client is capable of providing consent, the ombudsman shall first obtain the client's consent. The ombudsman is

11.1 not required to obtain consent for access to private data on clients with developmental  
11.2 disabilities. The ombudsman is not required to obtain consent for access to private data  
11.3 on decedents who were receiving services for mental illness, developmental disabilities,  
11.4 or emotional disturbance.

11.5 (f) The ombudsman may subpoena a person to appear, give testimony, or produce  
11.6 documents or other evidence that the ombudsman considers relevant to a matter under  
11.7 inquiry. The ombudsman may petition the appropriate court to enforce the subpoena. A  
11.8 witness who is at a hearing or is part of an investigation possesses the same privileges  
11.9 that a witness possesses in the courts or under the law of this state. Data obtained from a  
11.10 person under this paragraph are private data as defined in section 13.02, subdivision 12.

11.11 (g) The ombudsman may, at reasonable times in the course of conducting a review,  
11.12 enter and view premises within the control of an agency, facility, or program.

11.13 (h) The ombudsman may attend Department of Human Services Review Board  
11.14 and Special Review Board proceedings; proceedings regarding the transfer of patients  
11.15 or residents, as defined in section 246.50, subdivisions 4 and 4a, between institutions  
11.16 operated by the Department of Human Services; and, subject to the consent of the affected  
11.17 client, other proceedings affecting the rights of clients. The ombudsman is not required to  
11.18 obtain consent to attend meetings or proceedings and have access to private data on clients  
11.19 with developmental disabilities.

11.20 (i) The ombudsman shall have access to data of agencies, facilities, or programs  
11.21 classified as private or confidential as defined in section 13.02, subdivisions 3 and 12,  
11.22 regarding services provided to clients with developmental disabilities.

11.23 (j) To avoid duplication and preserve evidence, the ombudsman shall inform  
11.24 relevant licensing or regulatory officials before undertaking a review of an action of  
11.25 the facility or program.

11.26 (k) Sections 245.91 to ~~245.97~~ 245.96 are in addition to other provisions of law under  
11.27 which any other remedy or right is provided.

11.28 Sec. 4. Minnesota Statutes 2006, section 245.96, is amended to read:

11.29 **245.96 CIVIL ACTIONS.**

11.30 The ombudsman and designees of the ombudsman are not civilly liable for any  
11.31 action taken under sections 245.91 to ~~245.97~~ 245.96 if the action was taken in good  
11.32 faith, was within the scope of the ombudsman's authority, and did not constitute willful  
11.33 or reckless misconduct.

11.34 Sec. 5. Minnesota Statutes 2006, section 354C.12, subdivision 4, is amended to read:

12.1 Subd. 4. **Administrative expenses.** (a) The Board of Trustees of the Minnesota  
 12.2 State Colleges and Universities is authorized to pay the necessary and reasonable  
 12.3 administrative expenses of the supplemental retirement plan and may bill participants to  
 12.4 recover these expenses. The administrative fees or charges may be charged to participants  
 12.5 as an annual fee, an asset-based fee, a percentage of contributions to the plan, or a  
 12.6 contribution thereof.

12.7 (b) Any recovered or assessed amounts that are not needed for the necessary and  
 12.8 reasonable administrative expenses of the plan must be refunded to member accounts.

12.9 (c) The Board of Trustees shall report annually, before October 1, to the ~~advisory~~  
 12.10 ~~committee created in section 354B.25, subdivision 1a,~~ legislature on administrative  
 12.11 expenses of the plan. The report must include a detailed accounting of charges  
 12.12 for administrative expenses collected from plan participants and expenditure of the  
 12.13 administrative expense charges. The administrative expense charges collected from plan  
 12.14 participants must be kept in a separate account from any other funds under control of the  
 12.15 Board of Trustees and may be used only for the necessary and reasonable administrative  
 12.16 expenses of the plan.

12.17 Sec. 6. Minnesota Statutes 2006, section 356A.02, subdivision 1, is amended to read:

12.18 Subdivision 1. **Fiduciary status.** For purposes of this chapter, the following persons  
 12.19 are fiduciaries:

12.20 (1) any member of the governing board of a covered pension plan;

12.21 (2) the chief administrative officer of a covered pension plan or of the State Board  
 12.22 of Investment;

12.23 (3) any member of the State Board of Investment; and

12.24 (4) any member of the Investment Advisory Council; ~~and,~~

12.25 ~~(5) any member of the advisory committee established under section 354B.25.~~