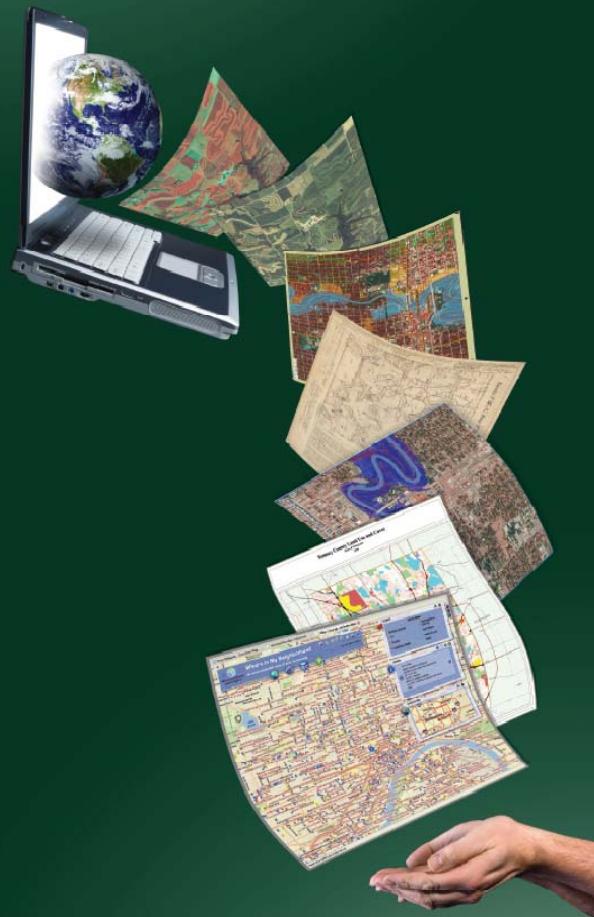




Minnesota Geospatial
Information Office

*Improving services statewide through
the coordinated, affordable, reliable
and effective use of GIS*



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A Review of Legacy Language

Report to Legislative
Committees
About Modernizing
Statutes to Promote
Coordination of
GIS Technology

January 15, 2010

Legislative Direction

This report has been prepared for the chairs and ranking minority members of the legislative committees with jurisdiction over the policy and budget for the Minnesota Geospatial Information Office, as required by SF 2082 and MS 16B.99.

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A Review of Legacy Language is posted by the Minnesota Geospatial Information Office as an electronic version at www.mngeo.state.mn.us. The report is available in alternative formats upon request.

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BACKGROUND

During the 2009 legislative session, SF 2082 created the Minnesota Geospatial Information Office to guide, coordinate and support the implementation of geospatial technology within Minnesota. The MGIO, also known as MnGeo, was assigned broad responsibilities to fulfill its mission, including those previously assigned to the Land Management Information Center (LMIC), which was sunset through a repealer provision in this bill. Because LMIC and its programs were identified in numerous other locations in state law, SF 2082 also included the following provision:

By January 15, 2010, the chief geospatial information officer must provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over the policy and budget for the office. The report must address all statutes that refer to the Minnesota Geospatial Information Office or land management information system and provide any necessary draft legislation to implement any recommendations.

This report fulfills that obligation by reviewing all of the current statutes containing these references, analyzing the intent and practicality of the language, and recommending changes to the statutes where they are appropriate.

Many of the statutes described in this report originated to take advantage of capabilities of the Land Management Information Center, established by the legislature in FY 1978 to implement newly developed technology for integrating data by geographically referencing the data for mapping and environmental analysis. During the next three decades, this technology became known as geographic information systems (GIS) and is now used by most state agencies, including all of the state's natural resource agencies. As GIS has become widely adopted, centralized systems such as the land management information system (MLMIS) have become antiquated as more decentralized and better technical solutions have become available to manage and integrate geospatial data. The key is coordination. With the establishment of the Minnesota Geospatial Information Office, responsibility for coordinating the design and implementation of a more practical and technically appropriate solution is within reach – both from an organizational and technical perspective.

This report to the legislature concerning historically assigned data management roles to the land management information center/system is occurring at a propitious time, coinciding with a report to the legislature by the Pollution Control Agency under the Clean Water, Land and Legacy Funding bill (HF 1231) that includes recommendations for addressing the need for integrated management, coordination and accessibility of groundwater data. David Arbeit, the Chief Geospatial Information Officer at the MGIO has participated on the team that prepared the MPCA report; report author Shannon Lotthammer and representatives from agencies contributing to the MPCA report have contributed to preparation of this report. In addition, this report has benefitted greatly from contributions from other organizations affected by its recommendations.

LEGISLATIVE OVERVIEW

Minnesota statutes currently contain twelve references to either the Minnesota Geospatial Information Office or the Land Management Information System. All statutory references to the Land Management Information Center existing before passage of SF 2082 were changed by the Revisor's Office to the Minnesota Geospatial Information Office after the legislative session. The references reflect attempts by the legislature, over a long period of time, to promote standardization of data collected with state funds – especially environmental data – and provide for the management and availability of that data to organizations and individuals that could benefit from their use. Taken as a whole, few of these provisions have been systematically implemented. The reasons vary – ranging from archaic language and conflicts with other statutes to insufficient resources. In some cases, the language refers to specific solutions that are no longer technically appropriate. Happily, in a number of instances the intent of the language has been satisfied in other ways. This report identifies these references, documents how they currently are being implemented, identifies issues that they present, and recommends changes for the legislature's consideration. The following statutes are documented herein.

MS 85.53	PARKS AND TRAILS FUND
MS 89A.09	INTERAGENCY INFORMATION COOPERATIVE
MS 103A.403	STATEWIDE NITRATE DATA
MS 103B.151	COORDINATION OF WATER RESOURCE PLANNING
MS 103F.755	INTEGRATION OF DATA
MS 103H.101	PROTECTION OF SENSITIVE AREAS
MS 103H.175	GROUNDWATER QUALITY MONITORING
MS 114D.50	CLEAN WATER FUND
MS 204B.146	DUTIES OF SECRETARY OF STATE
MS 307.08	HUMAN REMAINS; BURIALS; CEMETERIES; PENALTY; AUTHENTICATION
MS 365.46	NOTICE TO SECRETARY OF STATE, OTHERS; RECORDING
MS 379.05	AUDITOR TO SUM UP REPORT FOR STATE, MAKE TOWN RECORD

MS 85.53 - PARKS AND TRAILS FUND

THE LANGUAGE

Subdivision 1. Establishment.

The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. Expenditures; accountability.

(a) A project or program receiving funding from the parks and trails fund must meet or exceed the constitutional requirement to support parks and trails of regional or statewide significance. A project or program receiving funding from the parks and trails fund must include measurable outcomes, as defined in section [3.303, subdivision 10](#), and a plan for measuring and evaluating the results. A project or program must be consistent with current science and incorporate state-of-the-art technology, except when the project or program is a portrayal or restoration of historical significance.

(b) Money from the parks and trails fund shall be expended to balance the benefits across all regions and residents of the state.

(c) All information for funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section [3.303](#), subdivision 10, as soon as practicable.

Information on the measured outcomes and evaluation must be posted as soon as it becomes available.

(d) Grants funded by the parks and trails fund must be implemented according to section [16B.98](#) and must account for all expenditures. Proposals must specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) A recipient of money from the parks and trails fund must display a sign on lands and capital improvements purchased, restored, or protected with money from the parks and trails fund that includes the logo developed by the commissioner of natural resources to identify it as a project funded with money from the vote of the people of Minnesota on November 4, 2008.

(f) Money from the parks and trails fund may only be spent on projects located in Minnesota.

Subd. 3. Metropolitan area distribution formula.

Money appropriated from the parks and trails fund to the Metropolitan Council shall be distributed to implementing agencies, as defined in section [473.351, subdivision 1](#), paragraph (a), as grants according to the following formula:

(1) 45 percent of the money must be disbursed according to the allocation formula in section [473.351, subdivision 3](#), to each implementing agency;

(2) 31.5 percent of the money must be distributed based on each implementing agency's relative share of the most recent estimate of the population of the metropolitan area;

(3) 13.5 percent of the money must be distributed based on each implementing agency's relative share of nonlocal visits based on the most recent user visitation survey conducted by the Metropolitan Council; and

(4) ten percent of the money must be distributed as grants to implementing agencies for land acquisition within Metropolitan Council approved regional parks and trails master plan boundaries under the council's park acquisition opportunity grant program. The Metropolitan Council must provide a match of \$2 of the council's park bonds for every \$3 of state funds for the park acquisition opportunity grant program.

Subd. 4. Data availability.

Data collected by the projects funded with money from the parks and trails fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Minnesota Geospatial Information Office. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Minnesota Geospatial Information Office to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects and programs funded with money from the parks and trails fund should be readily accessible on the Internet and identified as a parks and trails fund project.

History: [2008 c 363 art 5 s 10](#); [2009 c 101 art 2 s 107](#); [2009 c 172 art 5 s 6](#)

ANALYSIS

This statute was created in 2008 as a result of the Natural Resources Legacy constitutional amendment to fund Parks and Trails programs. Subdivision 4 of the bill was included to reinforce the state's commitment to standardized collection and management of government data and to ensure that the data is available to the public.

The language is identical to language that originated as a condition of grants recommended by the Legislative Commission on Minnesota Resources and its successor the Legislative Citizens Commission on Minnesota Resources.

The language supports the goal of coordination of spatial data, which is appropriate. However, the provision is not adequate to ensure the result. Absent is language to ensure compliance by grantees with the provision through administrative procedures and/or audits by the granting organizations. Consequently, it is unclear whether or not the data availability goal is being met.

RECOMMENDATION

The data availability language, as currently written, is appropriate and should not be changed. However, the legislature should consider adding appropriate language that specifies administrative procedures, including a project audit, as conditions attached to funding under this statute. The granting authority should be assigned this responsibility. Funding to support compliance either should be included in the grant or separately provided.

AFFECTED PARTIES

- Legislative Citizens Commission on Minnesota Resources
- Granting agencies
- Grant recipients
- Minnesota Geospatial Information Office

MS 89A.09 - INTERAGENCY INFORMATION COOPERATIVE

THE LANGUAGE

Subdivision 1. Establishment.

The dean of the University of Minnesota, College of Natural Resources, shall be encouraged to coordinate the establishment of an Interagency Information Cooperative. Members of the cooperative must include:

- (1) the University of Minnesota, College of Natural Resources;
- (2) the University of Minnesota, Natural Resources Research Institute;
- (3) the department;
- (4) the Minnesota Geospatial Information Office;
- (5) the Minnesota Association of County Land Commissioners;
- (6) the United States Forest Service; and
- (7) other organizations as deemed appropriate by the members.

Subd. 2. Purpose.

The purposes of the cooperative are to:

- (1) coordinate the development and use of forest resources data in the state;
- (2) promote the development of statewide guidelines and common language to enhance the ability of public and private organizations and institutions to share forest resources data;
- (3) promote the development of information systems that support access to important forest resources data;
- (4) promote improvement in the accuracy, reliability, and statistical soundness of fundamental forest resources data;
- (5) promote linkages and integration of forest resources data to other natural resource information;
- (6) promote access and use of forest resources data and information systems in decision-making by a variety of public and private organizations;
- (7) promote expanding the capacity and reliability of forest growth, succession, and other types of ecological models; and
- (8) conduct a needs assessment for improving the quality and quantity of information systems.

Subd. 3. Report.

The information cooperative shall report to the council its accomplishments in fulfilling the responsibilities identified in this section.

History: [1995 c 220 s 86](#),[141](#),[142](#); [1995 c 263 s 12](#); [1996 c 351 s 1](#); [1999 c 231 s 191](#); [1Sp2001 c 2 s 151](#); [2002 c 379 art 1 s 108](#); [2004 c 241 s 4](#); [2009 c 101 art 2 s 107](#)

ANALYSIS

The Interagency Information Cooperative (IIC) was created as part of the Sustainable Forest Resources Act (SFRA) of 1995 (M.S. § 89A.09) to coordinate the development and use of forest resources data in the state. The IIC has been used as a forum for agencies to discuss data standards, as well as a place to store data and tools. It has also provided leadership in interagency data collection and analysis projects.

The SFRA provided for the establishment of an Interagency Information Cooperative to coordinate the development and use of forest resources information in Minnesota. The Cooperative was intended to provide access to a large and diverse array of information about Minnesota's forests and also play a key role in support of the information needs of other SFRA initiatives. Initial members of the cooperative included: the Minnesota Department of Natural Resources, the Land Management Information Center, the Minnesota Association of County Land Commissioners, and the United States Forest Service. Additional members have been identified and invited to join the Cooperative over time.

The IIC has not been very active since the late 1990s. Although the Land Management Information Center, now the Minnesota Geospatial Information Office, participated in early meetings, it has had little or no interaction with the Minnesota Forest Resource Council since that time. However, effective data management and IT support for this program are provided by the Department of Natural Resources. The DNR actively collaborates with the MGIO to promote coordinated management of natural resources data and access of the data by the public. With the broad authorities now assigned to the Minnesota Geospatial Information Office for coordinating geospatial data, there is no specific need to involve the MGIO in the IIC.

RECOMMENDATION

Delete the requirement to include the Minnesota Geospatial Information Office on the IIC. DNR is a member in the Forest Resources Council and must work with the Minnesota Geospatial Information Office to coordinate management and distribution of geospatial data as a result of the MGIO mandate described in MS 16B.99.

AFFECTED PARTIES

- University of Minnesota
- Department of Natural Resources
- Minnesota Geospatial Information Office

MS 103A.403 - STATEWIDE NITRATE DATA

THE LANGUAGE

The Environmental Quality Board shall ensure that all available data regarding the presence of nitrates in groundwater in the state that meet state standards recommended under Laws 1992, chapter 544, section 13, are integrated into the Minnesota Geospatial Information Office's statewide nitrate database according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data or, if the data are not generated by an entity that receives or received state appropriations for monitoring or information management, by the Environmental Quality Board.

History: [1992 c 544 s 4](#); [2009 c 101 art 2 s 107](#)

ANALYSIS

This statute addresses specific issues concerning water quality and complements other provisions in MS 103A that more broadly cover Water Policy and Information. MS 103A.403 language originated in 1992 as part of a bill that created a Nitrate Advisory Task Force and directed the Environmental Quality Board to ensure data availability as described in the current language. The bill also directed the Commissioner of Administration in MS 16B.192 "to maintain a nitrate database through the center (LMIC)." When LMIC was moved to the Office of Strategic and Long Range Planning shortly after that, this language became the following subdivision of MS 4A.05, which was repealed in its entirety in 2009.

Subd. 1A. Statewide nitrate database. The director, through the center, shall maintain a statewide nitrate database containing the data described in section 103A.403.

In a 1998 report of a Nitrates Work Group convened by the Department of Health and involving members of environmental agencies and local governments, the work group concluded that implementing a single, integrated nitrate database was not practical. The lack of funding contributed to this conclusion. Instead, they pursued alternatives requiring monitoring agencies to systematically enter nitrates data into a state database.

The Land Management Information Center, now the Minnesota Geospatial Information Office, for a short time attempted to work with state agencies to acquire the nitrate data to maintain a statewide nitrate database and make it available, but ceased that effort in the mid-1990s because of a lack of funding.

MS 103A.204 concerning Groundwater Policy, passed in 1994 and amended in 2008, notes: "The responsibility for the protection of groundwater in Minnesota is vested in a multiagency approach to management." The EQB is assigned responsibility for coordinating groundwater protection programs. In the area of monitoring, these include water quality programs administered by the Minnesota Pollution Control Agency and the Department of Agriculture and Department of Health. The MPCA maintains a database containing well monitoring and groundwater quality data, including nitrate indicators. The departments of Agriculture and Health and the MPCA work closely together to share data related to their programs and now are working with the MGIO to integrate geospatial data statewide.

The 2009 Legislature appropriated \$5 million to the MPCA in FY2011 for “groundwater protection or prevention of groundwater degradation activities.” The legislation required that the MPCA consult with other agencies and submit a report to the legislature by January 15, 2010 that identifies the intended use of the funds. The report includes a recommendation to build upon databases and data management systems within state agencies to further coordinate access to existing data, and to identify and prioritize remaining gaps. The MGIO will be working with the MPCA and other agencies involved with groundwater monitoring issues to design and implement procedures and capabilities that will address the original intent of MS 103A.403.

RECOMMENDATION

Delete MS 103A.403, which is specific to nitrate data but more generally covered by other statutes related to monitoring groundwater, especially those under the Clean Water Partnership Act.

The Minnesota Geospatial Information Office should work with the EQB, the MPCA and other agencies to develop and implement a Groundwater Data Sharing and Access plan, as described in MPCA's January 2010 report to the legislature. The resulting plan should include language that clearly specifies responsibilities for ensuring that data is collected and made available using standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office.

AFFECTED PARTIES

- Environmental Quality Board
- Minnesota Geospatial Information Office
- Other state agencies, especially the MPCA, Agriculture, Natural Resources and Health

MS 103B.151 - COORDINATION OF WATER RESOURCE PLANNING

Subdivision 1. Water planning. The Environmental Quality Board shall:

- (1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;
- (2) coordinate comprehensive long-range water resources planning in furtherance of the Environmental Quality Board's "Minnesota Water Plan," published in January 1991, by September 15, 2000, and each ten-year interval afterwards;
- (3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies;
- (4) coordinate development of state water policy recommendations and priorities, and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan;
- (5) administer federal water resources planning with multiagency interests;
- (6) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data;
- (7) coordinate the development and evaluation of water information and education materials and resources; and
- (8) coordinate the dissemination of water information and education through existing delivery systems.

Subd. 2. Governor's representative. The Environmental Quality Board chair shall represent the governor on interstate water resources organizations.

Subd. 3. [Repealed, 1995 c 186 s 28]

History: 1990 c 391 art 2 s 3; 1994 c 557 s 13; 2008 c 363 art 5 s 16

ANALYSIS

This statute assigns responsibility for coordination of water resource planning to the EQB. Subdivision 1, Paragraph 6 of MS 103B.151 requires the EQB to ensure that groundwater monitoring data is provided using data standards established for the Minnesota Land Management Information System (MLMIS) at the Land Management Information Center and that the providing agencies bear the expenses of providing the data.

The purpose of this paragraph was to provide the capabilities for integrated mapping and spatial analysis that were unique to MLMIS when the statute was originally established. The paragraph's intent was appropriate and farsighted – to compile groundwater quality monitoring data within a single database that can support coordinated public policy through comprehensive visualization, mapping, and spatial analysis

capabilities. However, the maturation of GIS technology – especially since the early 1990s – has made MLMIS obsolete.

Today, groundwater quality data are compiled and managed by agencies that administer monitoring programs using GIS systems they operate and maintain. This more flexible and decentralized approach provides for efficient management of data required for monitoring operations. In particular, groundwater quality monitoring programs are located in the MPCA and departments of Agriculture and Health, which currently maintain information systems to support their monitoring programs and have been working with one another to integrate their systems. These systems can be integrated statewide based on standards and best practices developed through a process coordinated by the Minnesota Geospatial Information Office.

The 2009 Legislature appropriated \$5 million to the MPCA in FY2011 for “groundwater protection or prevention of groundwater degradation activities.” The legislation required that the MPCA consult with other agencies and submit a report to the legislature that identifies the intended use of the funds. The report includes a recommendation to build upon databases and data management systems within state agencies to further coordinate access to existing data, and to identify and prioritize remaining gaps. The MGIO will be working with the MPCA and other agencies involved with groundwater monitoring issues, including the EQB, to design and implement procedures and capabilities that will address the original intent of MS 103B.151.

RECOMMENDATION

The outcome intended by Subdivision 1, Paragraph 6 is appropriate, but the EQB currently has neither the staff nor funding needed to ensure the intended result. Further, the specific reference to the land management information system is antiquated and should be replaced by more generic language about data compatibility and availability. The paragraph should either be deleted or changed as follows:

From:

(6) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data;

To:

(6) ensure that data related to monitoring groundwater quality by state agencies and political subdivisions are made available using data standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office. Costs of complying with this provision must be borne by the agency generating the data;

The Minnesota Geospatial Information Office and the EQB should work with the MPCA and other agencies to develop and implement a Groundwater Data Sharing and Access plan, as described in MPCA's January 2010 report to the legislature. The resulting plan should include language that clearly

specifies responsibilities for ensuring that data is collected and made available using standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office.

AFFECTED PARTIES

- Environmental Quality Board
- State agencies, especially the DNR, MPCA, Agriculture, Health, BWSR
- Legislative Citizens Commission on Minnesota Resources
- Minnesota Geospatial Information Office

MS 103F.755 - INTEGRATION OF DATA

The data collected for the activities of the clean water partnership program that have common value for natural resource planning must be provided and integrated into the Minnesota land management information system's geographic and summary databases according to published data compatibility guidelines. Costs associated with this data delivery must be borne by this activity.

History: [1990 c 391 art 6 s 91](#)

ANALYSIS

MS 103F.755 was established in 1990 along with other legislation concerning the Clean Water Partnership (CWP). The responsibilities for implementing the provisions of this section are primarily assigned to the agencies involved with natural resource planning, which are tasked to provide data with "common value" so that they can be integrated with other data using data standards created to ensure that geographic data can be mapped. The vision expressed by this statute, to integrate CWP data with other natural resource planning data, has been substantially achieved, though not through the means specified in this section.

When this statute was created, the Minnesota land management information system (MLMIS) was the only geographic database option for systematically managing the data and the Land Management Information Center was one of the few agencies with any capacity to map environmental data. LMIC was responsible for maintaining the data once it was delivered. However, agency responsibilities included bearing the costs of providing the data to the Land Management Information Center to comply with published standards.

In the twenty years since, geographic information systems have matured and are now used extensively by all of the state's natural resource agencies. As GIS systems became widespread, the technology used for MLMIS was no longer appropriate or practical. More decentralized and better technical solutions now exist to manage the data required for this vision. The key is coordination. With the establishment of the Minnesota Geospatial Information Office, responsibility for coordinating the design and implementation of a more practical and technically appropriate solution is within reach – both from an organizational and technical perspective.

The CWP is a program of the MPCA. The MPCA now maintains the data specified in MS 103F.755, using an integrated water data management system that provides CWP partners and the public access to the data. The MPCA is working with the MGIO to ensure compliance with adopted standards and best practices for geospatial data. As a result, the MPCA and other agencies no longer need to provide the data to LMIC or bear the cost of integrating the data into the land management information system (MLMIS).

RECOMMENDATION

Modify MS 103F.755 to assign appropriate responsibility for ensuring that data is collected and made available using standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office. The MGIO will

continue to work with the MPCA and other state agencies to enhance the ability of state agencies and the public to use this data and integrate it with other data.

Change MS 103F.755 as follows:

The data collected for the activities of the clean water partnership program that have common value for natural resource planning must be ~~provided and integrated into the Minnesota land management information system's geographic and summary databases according to published data compatibility guidelines~~. made available using standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office. Costs associated with this data delivery must be borne by this activity.

AFFECTED PARTIES

- State agencies, especially the DNR, MPCA, Agriculture, Health, BWSR
- Minnesota Geospatial Information Office

MS 103H.101 - PROTECTION OF SENSITIVE AREAS

Subdivision 1. Criteria for determination of sensitive areas.

The commissioner of natural resources in consultation with the Minnesota Geological Survey, soil and water conservation districts, local water planning authorities, and other interested parties shall develop specific criteria for identifying sensitive groundwater areas and adopt the criteria by rule.

Subd. 2. Identification of sensitive areas.

The commissioner of natural resources shall, in consultation with the Minnesota Geological Survey, identify the location of sensitive areas by mapping and other appropriate methods after consulting the Minnesota Geological Survey, soil and water conservation districts, and local water planning authorities.

Subd. 3. Notification of location of sensitive areas.

The commissioner of natural resources shall:

- (1) notify political subdivisions with planning or zoning authority and provide maps and other materials that show where sensitive areas are located and indicate the type of risk of groundwater degradation that may occur from activities at or near the surface; and
- (2) publish notification of sensitive areas in a newspaper of general circulation in the county where the sensitive areas are located.

Subd. 4. Information gathering.

The commissioner of natural resources shall coordinate the collection of state and local information to identify sensitive areas. Information must be automated on or accessible to systems developed at the Minnesota Geospatial Information Office.

Subd. 5. State protection of sensitive areas.

- (a) The commissioner of agriculture for pollution resulting from agricultural chemicals and practices and the Pollution Control Agency for other pollutants must consider the type of risk identified under subdivision 3 when adopting best management practices, water resource protection plans, and water resource protection requirements to prevent and minimize groundwater degradation in sensitive areas.
- (b) To prevent and minimize groundwater degradation, state agencies must consider the type of risk identified under subdivision 3 when undertaking an activity within a sensitive area.

Subd. 6. Actions by regulating authorities.

Upon adoption of a comprehensive local water plan as defined in section [103B.101](#) to [103B.355](#) or a water management plan under chapter 473 or sections [103B.201](#) to [103B.255](#), a regulating authority must take into account the plan and any geological assessments referenced in the plan when taking appropriate actions in sensitive areas.

Subd. 7. State agencies.

Each state agency that has a program affecting activities that may cause or contribute to groundwater pollution shall identify and develop best management practices to ensure that the program is consistent with and is effective in achieving the goal of section [103H.001](#). For those activities which may cause or contribute to pollution of groundwater, but are not directly regulated by the state, best management practices shall be promoted through education, support programs, incentives, and other mechanisms.

History: [1989 c 326 art 1 s 3](#); [1990 c 391 art 10 s 3](#); [1991 c 345 art 2 s 16](#); 2009 c 101 art 2 s 107

ANALYSIS

Subd. 4. Information gathering.

Subdivision 4 of this statute, MS 103H.101, directs the commissioner of natural resources to "coordinate the collection of state and local information to identify sensitive areas. The statute requires that: "Information must be automated on or accessible to systems developed at the Minnesota Geospatial Information Office."

The requirements of this statute have been fulfilled. The Minnesota Geospatial Information Office has worked with the DNR and other agencies to ensure that the information is accessible to MnGeo systems and the public. The DNR, along with other state agencies, is represented on the State Government Geospatial Advisory Council, which advises the Minnesota Geographic Information Office about standards and services that promote data accessibility.

RECOMMENDATION

No change is needed.

AFFECTED PARTIES

- Department of Natural Resources
- Minnesota Geospatial Information Office

MS 103H.175 - GROUNDWATER QUALITY MONITORING

Subdivision 1. Monitoring results to be submitted to the Minnesota Geospatial Information Office.

The results of monitoring groundwater quality by state agencies and political subdivisions must be submitted to the Minnesota Geospatial Information Office.

Subd. 2. Computerized database.

The Minnesota Geospatial Information Office shall maintain a computerized database of the results of groundwater quality monitoring in a manner that is accessible to the Pollution Control Agency, Department of Agriculture, Department of Health, and Department of Natural Resources. The center shall assess the quality and reliability of the data and organize the data in a usable format.

Subd. 3. Report.

In each even-numbered year, the Pollution Control Agency, in cooperation with other agencies participating in the monitoring of water resources, shall provide a draft report on the status of groundwater monitoring to the Environmental Quality Board for review and then to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture as part of the report in section [103A.204](#).

History: [1989 c 326 art 1 s 7](#); [1991 c 345 art 2 s 17,18](#); [1994 c 557 s 16](#); [1999 c 86 art 3 s 11](#); 2009 c 101 art 2 s 107

ANALYSIS

This statute was originally established in 1989, when few agencies had the ability to map groundwater quality data. That is no longer the case. All of the agencies with groundwater monitoring responsibilities have extensive capabilities to maintain and manage groundwater data and make the data accessible. The reference to LMIC was changed to the Minnesota Geospatial Information Office by the Revisor's Office after the 2009 Legislature created the Minnesota Geospatial Information Office to succeed LMIC. The MGIO's task as broadly stated in MS 16B.99 is to "identify, coordinate, and guide strategic investments in geospatial information technology systems, data, and services to ensure effective implementation and use of Geospatial Information Systems (GIS) by state agencies to maximize benefits for state government as an enterprise."

As is the case with MS 103F.755, the MPCA, Agriculture and Health are responsible for collecting data specified in this chapter and maintain databases for their programs. The goals of MS 103H.175 can best be met by integrating the data collection and management activities through a coordinated effort that complies with adopted standards and best practices for managing geospatial data, with the MGIO providing expertise to help guide the effort.

The 2009 Legislature appropriated \$5 million to the MPCA in FY2011 for "groundwater protection or prevention of groundwater degradation activities." The legislation required that the MPCA consult with other agencies and submit a report to the legislature by January 15, 2010 that identifies the intended use of the funds. The report includes a recommendation to build upon databases and data management systems within state agencies to further coordinate access to existing data, and to identify and prioritize

remaining gaps. The MGIO will be working with the MPCA, the EQB, and other agencies involved with groundwater monitoring issues to design and implement procedures and capabilities that will address the original intent of MS 103H.175.

RECOMMENDATION

Modify Subdivision to read:

Subdivision 1. Monitoring results to be made available using state data standards.

The results of monitoring groundwater quality by state agencies and political subdivisions must be made available using standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office.

Modify Subdivision 2 to read:

Subdivision 2. Computerized databases.

Agencies monitoring groundwater shall maintain computerized databases of the results of groundwater quality monitoring in a manner that is accessible to the Pollution Control Agency, Department of Agriculture, Department of Health, Department of Natural Resources, the Minnesota Geospatial Information Office and the public. Agencies shall work with the Minnesota Geospatial Information Office to assess the quality and reliability of the geospatial data and organize the geospatial data in a usable format.

AFFECTED PARTIES

- State agencies, especially the DNR, MPCA, Agriculture, Health, BWSR and EQB
- Minnesota Geospatial Information Office

MS 114D.50 - CLEAN WATER FUND

Subdivision 1. Establishment.

The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. Sustainable drinking water account.

The sustainable drinking water account is established as an account in the clean water fund.

Subd. 3. Purpose.

(a) The clean water fund may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources by:

- (1) providing grants, loans, and technical assistance to public agencies and others testing waters, identifying impaired waters, developing total maximum daily loads, implementing restoration plans for impaired waters, and evaluating the effectiveness of restoration;
- (2) supporting measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired, but do not have an approved total maximum daily load addressing the impairment;
- (3) providing grants and loans for wastewater and storm water treatment projects through the Public Facilities Authority;
- (4) supporting measures to prevent the degradation of groundwater in accordance with the groundwater degradation prevention goal under section [103H.001](#); and
- (5) providing funds to state agencies to carry out their responsibilities, including enhanced compliance and enforcement.

(b) Funds from the clean water fund must supplement traditional sources of funding for these purposes and may not be used as a substitute.

Subd. 4. Expenditures; accountability.

(a) A project receiving funding from the clean water fund must meet or exceed the constitutional requirements to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater and drinking water from degradation. Priority may be given to projects that meet more than one of these requirements. A project receiving funding from the clean water fund shall include measurable outcomes, as defined in section [3.303, subdivision 10](#), and a plan for measuring and evaluating the results. A project must be consistent with current science and incorporate state-of-the-art technology.

(b) Money from the clean water fund shall be expended to balance the benefits across all regions and residents of the state.

(c) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section [3.303, subdivision 10](#), as soon as practicable. Information on the measured outcomes and evaluation must be posted as it becomes available.

Information classified as not public under section [13D.05, subdivision 3](#), paragraph (d), is not required to be placed on the Web site.

(d) Grants funded by the clean water fund must be implemented according to section [16B.98](#) and must account for all expenditures. Proposals must specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) Money from the clean water fund may only be spent on projects that benefit Minnesota waters.

Subd. 5. Data availability.

Data collected by the projects funded with money from the clean water fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Minnesota Geospatial Information Office. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Minnesota Geospatial Information Office to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects funded with money from the clean water fund should be readily accessible on the Internet and identified as a clean water fund project.

History: [2008 c 363 art 5 s 23](#); [2009 c 101 art 2 s 107](#); [2009 c 172 art 5 s 7](#)

ANALYSIS

Subdivision 5 of MS 114D.50 was intended to ensure that data collected by projects funded by the Clean Water Fund is made accessible to state agencies and other organizations for other program areas. The language included in Subdivision 5 is adapted from language that was originally developed for projects funded by the LCMR and subsequently revised as technology changed over time. Similar language appears elsewhere in a number of places. The intent of Subdivision 5 remains appropriate. However, there exists no practical monitoring program to ensure compliance with the provisions.

MS 16B.99, established by the 2009 Legislature, charges the MGIO to “identify, coordinate, and guide strategic investments in geospatial information technology systems, data, and services to ensure effective implementation and use of Geospatial Information Systems (GIS) by state agencies to maximize benefits for state government as an enterprise.” The investments in data, as authorized by the Clean Water Fund, fall within this scope.

In 2009, the Legislature appropriated \$5 million from the Clean Water Fund to the MPCA in FY2011 for “groundwater protection or prevention of groundwater degradation activities.” The authorizing legislation required that the MPCA consult with other agencies and submit a report to the legislature by January 15, 2010 that identified the intended use of the funds. The MGIO is working with the MPCA and other agencies involved with groundwater monitoring issues to design and implement procedures and capabilities that will address the data availability intent of MS 114D.50.

RECOMMENDATION

No change in the statutory language is needed.

AFFECTED PARTIES

- State agencies, especially the DNR, MPCA, Agriculture, Health, BWSR
- Minnesota Geospatial Information Office

MS 204B.146 - DUTIES OF SECRETARY OF STATE

Subdivision 1. Redistricting.

The secretary of state shall conduct conferences with the county auditors, municipal clerks, and school district clerks to instruct them on the procedures for redistricting of election districts and establishment of election precincts in the year ending in one.

Subd. 2. Precinct and election district boundaries.

The secretary of state shall maintain a computer database of precinct and election district boundaries. The secretary of state shall revise the information in the database whenever a precinct or election district boundary is changed. The secretary of state shall prepare maps illustrating precinct and election district boundaries in either paper or electronic formats and make them available to the public at the cost of production.

The secretary of state may authorize municipalities and counties to provide updated precinct and election district boundary information in electronic formats.

The secretary of state shall provide periodic updates of precinct and election district boundaries to the Legislative Coordinating Commission, the state demographer, and the Minnesota Geospatial Information Office.

At the request of the county auditor, the secretary of state shall provide the county auditor with precinct maps. The county auditor shall forward the maps to the appropriate municipal clerks, who shall post the map in the polling place on the day of the state primary and the state general election.

Subd. 3. Correction to election district boundaries.

When a municipal boundary that is coterminous with a congressional, legislative, or county commissioner district boundary has changed and the affected territory contains 50 or fewer registered voters, the secretary of state may order corrections to move the affected election district boundaries so they again will be coterminous with the municipal boundary. The election district boundary change is effective 28 days after the date that the order is issued. The secretary of state shall immediately notify the municipal clerk and county auditor affected by the boundary change and the Legislative Coordinating Commission. The municipal clerk shall send a nonforwardable notice stating the location of the polling place to every household containing a registered voter affected by the boundary change at least 25 days before the next election.

History: [1991 c 349 s 35](#); [1993 c 208 s 3](#); [1997 c 147 s 27](#); [1999 c 132 s 18](#); [1999 c 237 s 2](#); 2009c 101 art 2 s 107

ANALYSIS

This statute was revised in 2009 to require the secretary of state to provide periodic updates of precinct and election district boundaries to the Minnesota Geospatial Information Office, replacing the updates previously provided to the Land Management Information Center.

RECOMMENDATION

No change is required.

AFFECTED PARTIES

- None

MS 307.08 - DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS; BURIALS; CEMETERIES; PENALTY; AUTHENTICATION

Subdivision 1. Legislative intent; scope.

It is a declaration and statement of legislative intent that all human burials, human remains, and human burial grounds shall be accorded equal treatment and respect for human dignity without reference to their ethnic origins, cultural backgrounds, or religious affiliations. The provisions of this section shall apply to all human burials, human remains, or human burial grounds found on or in all public or private lands or waters in Minnesota.

Subd. 2. Felony; gross misdemeanor.

(a) A person who intentionally, willfully, and knowingly does any of the following is guilty of a felony:

- (1) destroys, mutilates, or injures human burials or human burial grounds; or
- (2) without the consent of the appropriate authority, disturbs human burial grounds or removes human remains.

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

- (1) removes any tombstone, monument, or structure placed in any public or private cemetery or authenticated human burial ground; or
- (2) removes any fence, railing, or other work erected for protection or ornament, or any tree, shrub, or plant or grave goods and artifacts within the limits of a public or private cemetery or authenticated human burial ground; or
- (3) discharges any firearms upon or over the grounds of any public or private cemetery or authenticated burial ground.

Subd. 3. Protective posting.

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

Subd. 3a. Authentication.

The state archaeologist shall authenticate all burial grounds for purposes of this section. The state archaeologist may retain the services of a qualified professional archaeologist, a qualified physical anthropologist, or other appropriate experts for the purpose of gathering information that the state archaeologist can use to authenticate or identify burial grounds. If probable Indian burial grounds are to be disturbed or probable Indian remains analyzed, the Indian Affairs Council must approve the professional archaeologist, qualified anthropologist, or other appropriate expert. Authentication is at the

discretion of the state archaeologist based on the needs identified in this section or upon request by an agency, a landowner, or other appropriate authority.

Subd. 4. [Repealed by amendment, [2007 c 115 s 1](#)]

Subd. 5. Cost; use of data.

The cost of authentication, recording, surveying, and marking burial grounds and the cost of identification, analysis, rescue, and reburial of human remains on public lands or waters shall be the responsibility of the state or political subdivision controlling the lands or waters. On private lands or waters these costs shall be borne by the state, but may be borne by the landowner upon mutual agreement with the state. The data collected by this activity that has common value for resource planning must be provided and integrated into the Minnesota land management information system's geographic and summary databases according to published data compatibility guidelines. Costs associated with this data delivery must be borne by the state.

Subd. 6. [Repealed by amendment, [2007 c 115 s 1](#)]

Subd. 7. Remains found outside of recorded cemeteries.

All unidentified human remains or burials found outside of recorded cemeteries or unplatted graves or burials found within recorded cemeteries and in contexts which indicate antiquity greater than 50 years shall be dealt with according to the provisions of this section. If such burials are not Indian or their ethnic identity cannot be ascertained, as determined by the state archaeologist, they shall be dealt with in accordance with provisions established by the state archaeologist and other appropriate authority. If such burials are Indian, as determined by the state archaeologist, efforts shall be made by the state archaeologist and the Indian Affairs Council to ascertain their tribal identity. If their probable tribal identity can be determined and the remains have been removed from their original context, such remains shall be turned over to contemporary tribal leaders for disposition. If tribal identity cannot be determined, the Indian remains must be dealt with in accordance with provisions established by the state archaeologist and the Indian Affairs Council if they are from public land. If removed Indian remains are from private land they shall be dealt with in accordance with provisions established by the Indian Affairs Council. If it is deemed desirable by the state archaeologist or the Indian Affairs Council, removed remains shall be studied in a timely and respectful manner by a qualified professional archaeologist or a qualified physical anthropologist before being delivered to tribal leaders or before being reburied. Application by a landowner for permission to develop or disturb nonburial areas within authenticated or recorded burial grounds shall be made to the state archaeologist and other appropriate authority in the case of non-Indian burials and to the Indian Affairs Council and other appropriate authority in the case of Indian burials. Landowners with authenticated or suspected human burial grounds on their property are obligated to inform prospective buyers of the burial ground.

Subd. 8. Burial ground relocation.

No non-Indian burial ground may be relocated without the consent of the appropriate authority. No Indian burial ground may be relocated unless the request to relocate is approved by the Indian Affairs Council. When a burial ground is located on public lands or waters, any burial relocations must be duly licensed under section [138.36](#) and the cost of removal is the responsibility of and shall be paid by the state or political subdivision controlling the lands or waters. If burial grounds are authenticated on private

lands, efforts may be made by the state to purchase and protect them instead of removing them to another location.

Subd. 9. Interagency cooperation.

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

Subd. 10. Construction and development plan review.

When human burials are known or suspected to exist, on public lands or waters, the state or political subdivision controlling the lands or waters or, in the case of private lands, the landowner or developer, shall submit construction and development plans to the state archaeologist for review prior to the time bids are advertised and prior to any disturbance within the burial area. If the known or suspected burials are thought to be Indian, plans shall also be submitted to the Indian Affairs Council. The state archaeologist and the Indian Affairs Council shall review the plans within 30 days of receipt and make recommendations for the preservation in place or removal of the human burials or remains, which may be endangered by construction or development activities.

Subd. 11. Burial sites data.

Burial sites locational and related data maintained by the Office of the State Archaeologist and accessible through the office's "Unplatted Burial Sites and Earthworks in Minnesota" Web site are security information for purposes of section [13.37](#). Persons who gain access to the data maintained on the site are subject to liability under section [13.08](#) and the penalty established by section [13.09](#) if they improperly use or further disseminate the data.

Subd. 12. Right of entry.

The state archaeologist may enter on property for the purpose of authenticating burial sites. Only after obtaining permission from the property owner or lessee, descendants of persons buried in burial grounds covered by this section may enter the burial grounds for the purpose of conducting religious or commemorative ceremonies. This right of entry must not unreasonably burden property owners or unnecessarily restrict their use of the property.

Subd. 13. Definitions.

As used in this section, the following terms have the meanings given.

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

(b) "Appropriate authority" means:

- (1) the trustees when the trustees have been legally defined to administer burial grounds;
- (2) the Indian Affairs Council in the case of Indian burial grounds lacking trustees;
- (3) the county board in the case of abandoned cemeteries under section [306.243](#); and
- (4) the state archaeologist in the case of non-Indian burial grounds lacking trustees or not officially defined as abandoned.

- (c) "Artifacts" means natural or artificial articles, objects, implements, or other items of archaeological interest.
- (d) "Authenticate" means to establish the presence of or high potential of human burials or human skeletal remains being located in a discrete area, delimit the boundaries of human burial grounds or graves, and attempt to determine the ethnic, cultural, or religious affiliation of individuals interred.
- (e) "Burial" means the organic remnants of the human body that were intentionally interred as part of a mortuary process.
- (f) "Burial ground" means a discrete location that is known to contain or has high potential to contain human remains based on physical evidence, historical records, or reliable informant accounts.
- (g) "Cemetery" means a discrete location that is known to contain or intended to be used for the internment of human remains.
- (h) "Disturb" means any activity that significantly harms the physical integrity or setting of a human burial or human burial ground.
- (i) "Grave goods" means objects or artifacts directly associated with human burials or human burial grounds that were placed as part of a mortuary ritual at the time of internment.
- (j) "Human remains" means the calcified portion of the human body, not including isolated teeth, or cremated remains deposited in a container or discrete feature.
- (k) "Identification" means to analyze organic materials to attempt to determine if they represent human remains and to attempt to establish the ethnic, cultural, or religious affiliations of such remains.
- (l) "Marked" means a burial that has a recognizable tombstone or obvious grave marker in place or a legible sign identifying an area as a burial ground or cemetery.
- (m) "Qualified physical anthropologist" means a specialist in identifying human remains who holds an advanced degree in anthropology or a closely related field.
- (n) "Qualified professional archaeologist" means an archaeologist who meets the United States Secretary of the Interior's professional qualification standards in Code of Federal Regulations, title 36, part 61, appendix A, or subsequent revisions.
- (o) "Recorded cemetery" means a cemetery that has a surveyed plat filed in a county recorder's office.
- (p) "State" or "the state" means the state of Minnesota or an agency or official of the state acting in an official capacity.
- (q) "Trustees" means the recognized representatives of the original incorporators, board of directors, or cemetery association.

History: ([7632](#) [RL s 2964](#); [1976 c 48 s 1](#); [1980 c 457 s 1](#); [1983 c 282 s 1-4](#); [1986 c 463 s 1](#); [1989 c 335 art 1 s 199](#); [1993 c 326 art 4 s 9](#); [1999 c 86 art 1 s 64-67](#); [1Sp2003 c 8 art 2 s 17](#); [2007 c 115 s 1](#))

ANALYSIS

The only reference in this statute that concerns the Minnesota Geospatial Information Office appears in Subdivision 5, which states:

The cost of authentication, recording, surveying, and marking burial grounds and the cost of identification, analysis, rescue, and reburial of human remains on public lands or waters shall be the responsibility of the state or political subdivision controlling the lands or waters. On private lands or waters these costs shall be borne by the state, but may be borne by the landowner upon mutual agreement with the state. The data collected by this activity that has common value for resource planning must be provided and integrated into the Minnesota land management information system's geographic and summary databases according to published data compatibility guidelines. Costs associated with this data delivery must be borne by the state.

The intent of this section is to ensure that data collected by the State Archaeologist in the process of authenticating or marking burial grounds is available to other organizations so that the burial grounds may be protected.

The specific language regarding the data compatibility guidelines included in the statute is antiquated as there has not been a "land management information system" for more than 25 years. This language has been replaced elsewhere with more appropriate language.

The language regarding costs of data delivery also is adapted from language that originated some time ago. The intent of the original language, which accompanied grants from the LCMR, was to ensure that a portion of the grant was allocated to making the data available. It was rarely enforced. In the context of this statute, it appears impractical, unless the State Archaeology Office is appropriated funds to add this activity to its current activities.

RECOMMENDATION

Change language regarding data compatibility, underlined above, to read:

The State Archaeologist must make the data collected for this activity available using standards adopted by the Office of Enterprise Technology and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office.

AFFECTED PARTIES

- State Archaeology Office
- Minnesota Geospatial Information Office

MS 365.46 - NOTICE TO SECRETARY OF STATE, OTHERS; RECORDING

Subdivision 1. By county auditor.

The county auditor shall immediately send a certified copy of the county board's resolution dissolving a town to the secretary of state. The secretary of state shall then record the dissolution.

Subd. 2. Copies.

The county auditor shall also send a copy of the notice of the dissolution to: (1) the state demographer, (2) the Minnesota Geospatial Information Office, (3) the chief administrative law judge of the state Office of Administrative Hearings, and (4) the commissioner of transportation.

History: ([1002-10](#)) [1931 c 96 s 2](#); [1984 c 618 s 53](#); [1986 c 444](#); [1987 c 229 art 8 s 1](#); [2003 c 2 art 5 s 6](#); [2008 c 196 art 2 s 5](#); [2009 c 101 art 2 s 107](#)

ANALYSIS

The Minnesota Geospatial Information Office rarely receives notice from county auditors about dissolution of townships and there is little evidence that this provision of Subdivision 2 of MS 365.46 is widely known. There is no mechanism to confirm that copies are sent to the parties identified in Subdivision 2. In addition, while the Department of Revenue is required to be notified of the creation of a township in MS 379.05, notification of the dissolution is not required in this statute. Both statutes should provide for notification of all affected parties.

RECOMMENDATION

To provide for a simpler and more reliable process for notifying state agencies and offices that need to be informed of the dissolution of a town and to provide a single point of contact for county auditors, revise Subdivision 2 to read:

The secretary of state shall send a copy of the notice of the dissolution to: (1) the state demographer, (2) the Minnesota Geospatial Information Office, (3) the chief administrative law judge of the state Office of Administrative Hearings, (4) the commissioner of transportation, and (5) the commissioner of revenue.

AFFECTED PARTIES

- Secretary of State
- County auditors
- Office of Administrative Hearings
- State Demographer
- Department of Transportation
- Department of Revenue
- Minnesota Geospatial Information Office

MS 379.05 - AUDITOR TO SUM UP REPORT FOR STATE, MAKE TOWN RECORD

Each county auditor shall within 30 days after any such town is organized transmit by mail to the commissioner of revenue, the secretary of state, the state demographer, the Minnesota Geospatial Information Office, the chief administrative law judge of the state Office of Administrative Hearings, and the commissioner of transportation an abstract of such report, giving the name and boundaries of such town and record in a book kept for that purpose a full description of each such town.

History: ([792 RL s 455](#); [1973 c 492 s 14](#); [1976 c 231 s 27](#); [1984 c 618 s 54](#); [2003 c 2 art 5 s 7](#); [2008 c 196 art 2 s 6](#); [2009 c 101 art 2 s 107](#))

ANALYSIS

MS 379.05 is intended to provide for timely notification of the creation of new towns to state agencies and offices that need to know. It is appropriate that the Minnesota Geospatial Information Office be notified of the creation of new towns. However, relatively few county auditors know of this requirement and the Land Management Information Center, which the Minnesota Geospatial Information Office has succeeded, was rarely notified when towns were organized. Notification could be made more reliable and the process could be greatly simplified by providing for a single point of contact between county auditors and the state.

Further, requiring notification to be made by mail limits the use of available options to use more efficient technology-based methods. Efficiencies can be promoted and achieved by providing for notification using more modern technologies.

RECOMMENDATION

To provide for a simpler and more reliable process for notifying state agencies and offices that need to be informed of the creation of a town and to provide a single point of contact for county auditors, revise MS 379.05 as follows:

Each county auditor shall within 30 days after any such town is organized, transmit by mail or appropriate digital technology to the commissioner of revenue, the secretary of state, the state demographer, the Minnesota Geospatial Information Office, the chief administrative law judge of the state Office of Administrative Hearings, and the commissioner of transportation an abstract of such report, giving the name and boundaries of such town and record in a book kept for that purpose a full description of each such town. The secretary of state shall distribute copies of the abstract to the commissioner of revenue, state demographer, the Minnesota Geospatial Information Office, the chief administrative law judge of the state Office of Administrative Hearings, and the commissioner of transportation.

AFFECTED PARTIES

- Secretary of State
- County auditors
- Department of Revenue
- Office of Administrative Hearings
- State Demographer
- Department of Transportation
- Minnesota Geospatial Information Office