

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S. F. No. 708

Amendments:

A-2 written amendment

Subcommittee recommendation:

 And when so amended that the bill be recommended to pass and be referred to the full committee

 X And when so amended that the bill as amended be
recommended to pass and be laid over for inclusion

April 5, 2005 (date of subcommittee action)

in SF
1883

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and Fiscal Analysis**

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S.F. No. 708 - State Board of Investment Data Classification

Author: Senator Debbie J. Johnson

Prepared by: Kathleen Pontius, Senate Counsel (651/296-4394) *K.P.*

Date: April 5, 2005

This bill classifies certain financial or proprietary data of the State Board of Investment. All financial or proprietary data received, prepared, used, or retained by the board in connection with specified investments would be nonpublic. A definition of "financial or proprietary data" is included. Certain specified data would be public even though the data could be considered financial or proprietary data.

Section 2 contains a cross-reference in the Data Practices Act to the new data classification in **section 1**.

Section 3 contains an immediate effective date.

KP:cs

1 mutual funds listed on an exchange regulated by a governmental
2 agency;

3 (4) resource investments through limited partnerships,
4 trusts, private placements, limited liability corporations,
5 limited liability companies, limited liability partnerships, and
6 corporations; and

7 (5) international securities.

8 (b) The investments authorized in paragraph (a) must
9 conform to the following provisions:

10 (1) the aggregate value of all investments made according
11 to paragraph (a), clauses (1) to (4), may not exceed 35 percent
12 of the market value of the fund for which the state board is
13 investing;

14 (2) there must be at least four unrelated owners of the
15 investment other than the state board for investments made under
16 paragraph (a), clause (1), (2), (3), or (4);

17 (3) state board participation in an investment vehicle is
18 limited to 20 percent thereof for investments made under
19 paragraph (a), clause (1), (2), (3), or (4); and

20 (4) state board participation in a limited partnership does
21 not include a general partnership interest or other interest
22 involving general liability. The state board may not engage in
23 any activity as a limited partner which creates general
24 liability.

25 (c) All financial or proprietary data received, prepared,
26 used, or retained by the state board in connection with
27 investments authorized by paragraph (a), clause (1), (2), or
28 (4), are nonpublic data under section 13.02, subdivision 9. As
29 used in this section, "financial or proprietary data" means
30 information, as determined by the executive director: (i) that
31 is of a financial or proprietary nature; and (ii) the release of
32 which could cause competitive harm to the state board, the legal
33 entity in which the state board has invested or has considered
34 an investment, the managing entity of an investment, or a
35 portfolio company in which the legal entity holds an interest.
36 Regardless of whether they could be considered financial or

1 proprietary data, the following data received, prepared, used,
2 or retained by the state board in connection with investments
3 authorized by paragraph (a), clause (1), (2), or (4), are public
4 at all times:

5 (1) the name and industry group classification of the legal
6 entity in which the state board has invested or in which the
7 state board has considered an investment;

8 (2) the state board commitment amount, if any;

9 (3) the funded amount of the state board's commitment to
10 date, if any;

11 (4) the market value of the investment by the state board;

12 (5) the state board's internal rate of return for the
13 investment, including expenditures and receipts used in the
14 calculation of the investment's internal rate of return; and

15 (6) the age of the investment in years.

16 Sec. 2. Minnesota Statutes 2004, section 13.635, is
17 amended by adding a subdivision to read:

18 Subd. 1a. [STATE BOARD OF INVESTMENT.] Certain government
19 data of the State Board of Investment related to investments are
20 classified under section 11A.24, subdivision 6.

21 Sec. 3. [EFFECTIVE DATE.]

22 Sections 1 and 2 are effective the day following final
23 enactment.

1 Senator moves to amend S.F. No. 708 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 11A.24,
4 subdivision 6, is amended to read:

5 Subd. 6. [OTHER INVESTMENTS.] (a) In addition to the
6 investments authorized in subdivisions 1 to 5, and subject to
7 the provisions in paragraph (b), the state board may invest
8 funds in:

9 (1) venture capital investment businesses through
10 participation in limited partnerships, trusts, private
11 placements, limited liability corporations, limited liability
12 companies, limited liability partnerships, and corporations;

13 (2) real estate ownership interests or loans secured by
14 mortgages or deeds of trust or shares of real estate investment
15 trusts through investment in limited partnerships, bank
16 sponsored collective funds, trusts, mortgage participation
17 agreements, and insurance company commingled accounts, including
18 separate accounts;

19 (3) regional and mutual funds through bank sponsored
20 collective funds and open-end investment companies registered
21 under the Federal Investment Company Act of 1940, and closed-end
22 mutual funds listed on an exchange regulated by a governmental
23 agency;

24 (4) resource investments through limited partnerships,
25 trusts, private placements, limited liability corporations,
26 limited liability companies, limited liability partnerships, and
27 corporations; and

28 (5) international securities.

29 (b) The investments authorized in paragraph (a) must
30 conform to the following provisions:

31 (1) the aggregate value of all investments made according
32 to paragraph (a), clauses (1) to (4), may not exceed 35 percent
33 of the market value of the fund for which the state board is
34 investing;

35 (2) there must be at least four unrelated owners of the
36 investment other than the state board for investments made under

1 paragraph (a), clause (1), (2), (3), or (4);

2 (3) state board participation in an investment vehicle is
3 limited to 20 percent thereof for investments made under
4 paragraph (a), clause (1), (2), (3), or (4); and

5 (4) state board participation in a limited partnership does
6 not include a general partnership interest or other interest
7 involving general liability. The state board may not engage in
8 any activity as a limited partner which creates general
9 liability.

10 (c) All financial, business, or proprietary data collected,
11 created, received, or maintained by the state board in
12 connection with investments authorized by paragraph (a), clause
13 (1), (2), or (4), are nonpublic data under section 13.02,
14 subdivision 9. As used in this section, "financial, business,
15 or proprietary data" means data, as determined by the
16 responsible authority for the state board: (i) that is of a
17 financial, business, or proprietary nature; and (ii) the release
18 of which could cause competitive harm to the state board, the
19 legal entity in which the state board has invested or has
20 considered an investment, the managing entity of an investment,
21 or a portfolio company in which the legal entity holds an
22 interest. As used in this section, "business data" is data
23 described in section 13.591, subdivision 1. Regardless of
24 whether they could be considered financial, business, or
25 proprietary data, the following data received, prepared, used,
26 or retained by the state board in connection with investments
27 authorized by paragraph (a), clause (1), (2), or (4), are public
28 at all times:

29 (1) the name and industry group classification of the legal
30 entity in which the state board has invested or in which the
31 state board has considered an investment;

32 (2) the state board commitment amount, if any;

33 (3) the funded amount of the state board's commitment to
34 date, if any;

35 (4) the market value of the investment by the state board;

36 (5) the state board's internal rate of return for the

1 investment, including expenditures and receipts used in the
2 calculation of the investment's internal rate of return; and
3 (6) the age of the investment in years.

4 Sec. 2. Minnesota Statutes 2004, section 13.635, is
5 amended by adding a subdivision to read:

6 Subd. 1a. [STATE BOARD OF INVESTMENT.] Certain government
7 data of the State Board of Investment related to investments are
8 classified under section 11A.24, subdivision 6.

9 Sec. 3. [EFFECTIVE DATE.]

10 Sections 1 and 2 are effective the day following final
11 enactment."

12 Delete the title and insert:

13 "A bill for an act relating to state government;
14 classifying certain investment-related data of the State Board
15 of Investment; amending Minnesota Statutes 2004, sections
16 11A.24, subdivision 6; 13.635, by adding a subdivision.

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S . F. No. 1504

Amendments:

A-1 written amendment
delete Sect. 1 and 20

Subcommittee recommendation:

And when so amended that the bill be recommended to pass and be referred to the full committee

And when so amended that the bill sect. 1 and 20 be laid
over for inclusion in SF 1883

April 5, 2005 (date of subcommittee action)

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S.F. No. 1504 - Privacy of Information in Driver and Vehicle Records

Author: Senator Claire A. Robing

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191)
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1, Subdivisions 1 and 2, make several changes in the section of law relating to personal information provided by an individual to register a vehicle. The changes:

- Clarify that data provided to register a vehicle is public data on individuals, which must be disclosed by the commissioner if permitted by federal law. Current language is stricken that allows a vehicle owner to request classification of the owner's name and residence address as private data on individuals.
- Permit a vehicle owner to consent in writing to disclosure of personal information otherwise exempted by federal law. Current language is stricken that requires the department to inform vehicle owners clearly and conspicuously on title and registration forms of their options to permit or refuse disclosure of their personal information.
- Eliminate the requirement that the department allow vehicle owners to request that bulk surveys, marketing, or solicitation not be directed to them.

Subdivision 3 permits a vehicle owner to request classification of the owner's name and residence address as private data on individuals if the classification is required for the owner or owner's family's safety. The owner must supply a valid, existing address to receive service of process. Name and address information that are classified as private data on individuals are still available upon request of law enforcement agencies, probation and parole agencies, and public authorities.

Section 2 allows a vehicle owner listed on a title application to provide a specified alternate mailing address, if the owner provides verification from the United States Postal Service that mail will not be delivered to the owner's residence address. Under these circumstances, the commissioner must use the alternate mailing address for notices and mailings to the registered owner.

Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 make technical and clarifying changes.

Section 16 is similar to an existing section of law in a different chapter that is repealed in section 22. This section provides that the operation of a vehicle within the state of Minnesota signifies agreement to the appointment of the Commissioner of Public Safety to receive service of process on behalf of the vehicle operator under certain circumstances, in an action arising out of the use of a vehicle in Minnesota that resulted in personal or property damage or loss. The appointment is irrevocable by a resident who is absent from the state continuously for six months or more following an accident, and by a nonresident at any time. Service on the commissioner is made by filing a copy of the papers in the commissioner's office, together with a fee of \$20 (increased from the current service fee of \$2). The plaintiff must then mail the process to the defendant at the defendant's last known address within ten days after filing the process with the commissioner.

Section 17 is similar to existing law in a different chapter that is repealed in section 22. This section allows the court to continue a pending action for up to 90 days, to allow the defendant reasonable opportunity to defend. If the plaintiff prevails, the \$20 service fee (currently \$2) is taxed as part of the plaintiff's costs. The commissioner must keep a record of all process served, showing day and time of service.

Section 18 allows an applicant for a driver's license to provide a specified alternate mailing address, if the applicant provides verification from the United States Postal Service that mail will not be delivered to the applicant's residence address. Under these circumstances, the commissioner must use the alternate mailing address for notices and mailings to the applicant.

Section 19 allows an applicant for an identification card the same right to provide an alternate mailing address as is described in section 18.

Section 20 makes the same changes in data classification and special privacy classification for safety reasons for an applicant for a driver's license, instruction permit, or identification card as are described in section 1.

Section 21 instructs the revisor to recodify two sections from Chapter 170, Traffic Accident Provisions (Section 170.24 dealing with suspension of license for neglect to report accident, and section 170.54, which deems a driver to be the agent of the owner) into section 169.09, which deals with Traffic Accidents in the Traffic Regulations chapter.

Section 22 repeals:

- Minnesota Statutes, section 169.09, subdivision 10, that requires an accident report

- to be made on an appropriate, department-approved form; and
Minnesota Statutes, section 170.55, relating to service of process. The language is largely reproduced in sections 16 and 17.

BB/AV:rer

- 1 Senator moves to amend S.F. No. 1504 as follows:
- 2 Page 2, line 7, delete everything after "is" and insert
- 3 "classified as provided"
- 4 Page 2, line 8, delete everything before "by"
- 5 Page 2, lines 9 and 16, delete "(b)" and insert "(a)"
- 6 Page 13, line 8, delete "is public"
- 7 Page 13, line 9, strike "data on individuals"
- 8 Page 13, line 23, delete everything before "by" and insert "
- 9 is classified as provided"
- 10 Page 13, lines 24 and 30, delete "(b)" and insert "(a)"

Senators Robling and Ortman introduced--
S.F. No. 1504: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to public safety; modifying provisions
3 regulating motor vehicle and driver applications and
4 records; modifying vehicle accident reports and
5 procedures, including provision for vehicle accident
6 "long arm" statute; making technical and clarifying
7 changes; amending Minnesota Statutes 2004, sections
8 168.346; 168A.04, by adding a subdivision; 169.09,
9 subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14,
10 15, by adding subdivisions; 171.07, subdivisions 1, 3;
11 171.12, subdivision 7; repealing Minnesota Statutes
12 2004, sections 169.09, subdivision 10; 170.55.

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

14 Section 1. Minnesota Statutes 2004, section 168.346, is
15 amended to read:

16 168.346 [PRIVACY OF NAME-OR-RESIDENCE-ADDRESS PERSONAL
17 INFORMATION.]

18 ~~(a)-The-registered-owner-of-a-motor-vehicle-may-request-in~~
19 ~~writing-that-the-owner's-residence-address-or-name-and-residence~~
20 ~~address-be-classified-as-private-data-on-individuals,as-defined~~
21 ~~in-section-13.02,subdivision-12.--The-commissioner-shall-grant~~
22 ~~the-classification-upon-receipt-of-a-signed-statement-by-the~~
23 ~~owner-that-the-classification-is-required-for-the-safety-of-the~~
24 ~~owner-or-the-owner's-family,if-the-statement-also-provides-a~~
25 ~~valid,existing-address-where-the-owner-consents-to-receive~~
26 ~~service-of-process.--The-commissioner-shall-use-the-mailing~~
27 ~~address-in-place-of-the-residence-address-in-all-documents-and~~
28 ~~notices-pertaining-to-the-motor-vehicle.--The-residence-address~~
29 ~~or-name-and-residence-address-and-any-information-provided-in~~

1 ~~the classification request, other than the mailing address, are~~
 2 ~~private data on individuals and may be provided to requesting~~
 3 ~~law enforcement agencies, probation and parole agencies, and~~
 4 ~~public authorities, as defined in section 518.54, subdivision~~
 5 ~~9. Subdivision 1. [VEHICLE REGISTRATION DATA; FEDERAL~~
 6 ~~COMPLIANCE.] (a) Data on an individual provided to register a~~
 7 ~~vehicle is public data on individuals. The commissioner shall~~
 8 ~~disclose this data if permitted by United States Code, title 18,~~
 9 ~~section 2721, subsection (b).~~

10 (b) ~~An individual~~ The registered owner of a motor vehicle
 11 ~~must be informed in a clear and conspicuous manner on the forms~~
 12 ~~for issuance or renewal of titles and registrations, that the~~
 13 ~~owner's personal information~~ who is an individual may be
 14 ~~disclosed~~ consent in writing to the commissioner to disclose the
 15 individual's personal information exempted by United States
 16 Code, title 18, section 2721, subsection (b), to any person who
 17 makes a written request for the personal information, ~~and that,~~
 18 ~~except for uses permitted by United States Code, title 18,~~
 19 ~~section 2721, subsection (b),~~ If the registered owner may
 20 ~~prohibit disclosure of the personal information by so indicating~~
 21 ~~on the form~~ is an individual and so authorizes disclosure, the
 22 commissioner shall implement the request. For purposes of this
 23 ~~paragraph, access by requesters making requests described in~~
 24 ~~section 168.345, subdivision 4, is deemed to be related to~~
 25 ~~public safety.~~

26 (c) ~~At the time of registration or renewal,~~ If authorized
 27 ~~by the individual~~ registered owner of a motor vehicle ~~must also~~
 28 ~~be informed in a clear and conspicuous manner on forms that as~~
 29 ~~indicated in paragraph (b),~~ the registered owner's personal
 30 information may be used, rented, or sold solely for bulk
 31 distribution by organizations for business purposes including
 32 surveys, marketing, and or solicitation. ~~The commissioner shall~~
 33 ~~implement methods and procedures that enable the registered~~
 34 ~~owner to request that bulk surveys, marketing, or solicitation~~
 35 ~~not be directed to the owner. If the registered owner so~~
 36 ~~requests, the commissioner shall implement the request in a~~

~~1 timely-manner-and-the-personal-information-may-not-be-so-used-~~

2 ~~(d)~~ Subd. 2. [PERSONAL INFORMATION DISCLOSURE FOR PUBLIC
3 SAFETY.] The commissioner shall disclose personal information
4 when the use is related to the operation or use of a motor
5 vehicle or to public safety. The use of personal information is
6 related to public safety if it concerns the physical safety or
7 security of drivers, vehicles, pedestrians, or property. The
8 commissioner may refuse to disclose data under this paragraph
9 subdivision when the commissioner concludes that the requester
10 is likely to use the data for illegal, improper, or
11 noninvestigative purposes.

12 ~~(e)-To-the-extent-permitted-by-United-States-Code, title~~
13 ~~18, section 2721, data on individuals provided to register a~~
14 ~~motor vehicle is public data on individuals and shall be~~
15 ~~disclosed as permitted by United States Code, title 18, section~~
16 ~~2721, subsection (b):~~ Subd. 3. [PRIVACY CLASSIFICATION FOR
17 PERSONAL SAFETY.] The registered owner of a vehicle who is an
18 individual may request, in writing, that the registered owner's
19 residence address or name and residence address be classified as
20 "private data on individuals," as defined in section 13.02,
21 subdivision 12. The commissioner shall grant the classification
22 on receipt of a signed statement by the registered owner that
23 the classification is required for the safety of the registered
24 owner or the registered owner's family, if the statement also
25 provides a valid, existing address where the registered owner
26 consents to receive service of process. The commissioner shall
27 use the service of process mailing address in place of the
28 registered owner's residence address in all documents and
29 notices pertaining to the vehicle. The residence address or
30 name and residence address and any information provided in the
31 classification request, other than the individual's service for
32 process mailing address, are private data on individuals but may
33 be provided to requesting law enforcement agencies, probation
34 and parole agencies, and public authorities, as defined in
35 section 518.54, subdivision 9.

36 Sec. 2. Minnesota Statutes 2004, section 168A.04, is

1 amended by adding a subdivision to read:

2 Subd. 2a. [ALTERNATE MAILING ADDRESS.] If the United
3 States Postal Service will not deliver mail to the residence
4 address of a registered owner who is an individual as listed on
5 the title application, then the registered owner must provide
6 verification from the United States Postal Service that mail
7 will not be delivered to the registered owner's residence
8 address and that mail will be delivered to a specified alternate
9 mailing address. When an applicant provides an alternate
10 mailing address under this subdivision, the commissioner shall
11 use the alternate mailing address in lieu of the residence
12 address for all notices and mailings to the registered owner.

13 Sec. 3. Minnesota Statutes 2004, section 169.09,
14 subdivision 1, is amended to read:

15 Subdivision 1. [DRIVER TO STOP FOR ACCIDENT WITH
16 PERSON INDIVIDUAL.] The driver of any motor vehicle involved in
17 an accident resulting in immediately demonstrable bodily injury
18 to or death of any person individual shall immediately stop the
19 vehicle at the scene of the accident, or as close to the scene
20 as possible, but shall then return to and in every event, shall
21 remain at, the scene of the accident, until the driver has
22 fulfilled the requirements of this ~~chapter~~ section as to the
23 giving of information. The stop ~~shall~~ must be made without
24 unnecessarily obstructing traffic.

25 Sec. 4. Minnesota Statutes 2004, section 169.09,
26 subdivision 2, is amended to read:

27 Subd. 2. [DRIVER TO STOP FOR ACCIDENT TO PROPERTY.] The
28 driver of any motor vehicle involved in an accident to a vehicle
29 ~~which-is~~ driven or attended by any person individual shall
30 immediately stop ~~such~~ the motor vehicle at the scene of ~~such~~ the
31 ~~accident,~~ or as close ~~thereto~~ to the accident as possible, but
32 shall forthwith return to, and in every event shall remain at,
33 the scene of the accident, until the driver has fulfilled the
34 requirements of this ~~chapter~~ section as to the giving of
35 information. ~~Every-such~~ The stop ~~shall~~ must be made without
36 unnecessarily obstructing traffic ~~more-than-is-necessary.~~

1 Sec. 5. Minnesota Statutes 2004, section 169.09,
2 subdivision 3, is amended to read:

3 Subd. 3. [DRIVER TO GIVE INFORMATION.] (a) The driver of
4 any motor vehicle involved in an accident resulting in bodily
5 injury to or death of any person individual, or damage to any
6 vehicle ~~which-is~~ driven or attended by any person individual,
7 shall stop and give the driver's name, address, and date of
8 birth and the registration plate number of the vehicle being
9 driven~~7--and~~. The driver shall, upon request and if available,
10 exhibit the driver's license or permit to drive to the person
11 individual struck or the driver or occupant of or person
12 individual attending any vehicle collided with. The driver also
13 shall give the information and upon request exhibit the license
14 or permit to any ~~police~~ peace officer at the scene of the
15 accident or who is investigating the accident. The driver shall
16 render reasonable assistance to any person individual injured in
17 the accident.

18 (b) If not given at the scene of the accident, the driver,
19 within 72 hours ~~thereafter~~ after the accident, shall give upon,
20 on request to any person individual involved in the accident or
21 to a peace officer investigating the accident, the name and
22 address of the insurer providing ~~automobile~~ vehicle liability
23 insurance coverage, and the local insurance agent for the
24 insurer.

25 Sec. 6. Minnesota Statutes 2004, section 169.09,
26 subdivision 4, is amended to read:

27 Subd. 4. [COLLISION WITH UNATTENDED VEHICLE.] The driver
28 of any motor vehicle ~~which~~ that collides with and damages any
29 vehicle ~~which~~ that is unattended shall immediately stop and
30 either locate and notify the driver or owner of the vehicle of
31 the name and address of the driver and registered owner of the
32 vehicle striking the unattended vehicle, shall report ~~the~~ this
33 same information to a ~~police~~ peace officer, or shall leave in a
34 conspicuous place in or secured to the vehicle struck, a written
35 notice giving the name and address of the driver and of
36 the registered owner of the vehicle doing the striking.

1 Sec. 7. Minnesota Statutes 2004, section 169.09,
2 subdivision 5, is amended to read:

3 Subd. 5. [NOTIFY OWNER OF DAMAGED PROPERTY.] The driver of
4 any vehicle involved in an accident resulting only in damage to
5 fixtures legally upon or adjacent to a highway shall take
6 reasonable steps to locate and notify the owner or person in
7 charge of ~~such~~ the property of ~~such~~ that fact ~~and,~~ of the
8 driver's name and address, and of the registration plate number
9 of the vehicle being driven and shall, upon request and if
10 available, exhibit the driver's ~~or-chauffeur's~~ license, and make
11 report of ~~such~~ the accident in every case. The report ~~shall~~
12 must be made in the same manner as a report made pursuant to
13 subdivision 7.

14 Sec. 8. Minnesota Statutes 2004, section 169.09,
15 subdivision 6, is amended to read:

16 Subd. 6. [~~NOTIFY-POLICE~~ NOTICE OF PERSONAL INJURY.] The
17 driver of a vehicle involved in an accident resulting in bodily
18 injury to or death of any person individual shall, after
19 compliance with ~~the-provisions-of~~ this section, and by the
20 quickest means of communication, give notice of the accident to
21 the local police department, if the accident occurs within a
22 municipality, ~~or~~ to a State Patrol officer if the accident
23 occurs on a trunk highway, or to the office of the sheriff of
24 the county.

25 Sec. 9. Minnesota Statutes 2004, section 169.09,
26 subdivision 7, is amended to read:

27 Subd. 7. [ACCIDENT REPORT TO COMMISSIONER.] (a) The driver
28 of a vehicle involved in an accident resulting in bodily injury
29 to or death of any person individual or total property damage to
30 an apparent extent of \$1,000 or more, shall forward a written
31 report of the accident to the commissioner of public safety
32 within ten days ~~thereof~~ of the accident. On the required
33 report, the driver shall provide the commissioner with the name
34 and policy number of the insurer providing vehicle
35 liability insurance coverage at the time of the accident.

36 (b) On determining that the original report of any driver

1 of a vehicle involved in an accident of which report must be
2 made as provided in this section is insufficient, the
3 commissioner of public safety may require the driver to file
4 supplementary ~~reports~~ information.

5 Sec. 10. Minnesota Statutes 2004, section 169.09,
6 subdivision 8, is amended to read:

7 Subd. 8. [OFFICER TO REPORT ACCIDENT TO COMMISSIONER.]

8 A ~~law-enforcement~~ peace officer who, in the regular course of
9 duty, investigates ~~a-motor-vehicle~~ an accident that must be
10 reported under this section shall, within ten days after the
11 date of the accident, forward an electronic or written report of
12 the accident ~~to~~ as prescribed by the commissioner of public
13 safety.

14 Sec. 11. Minnesota Statutes 2004, section 169.09,
15 subdivision 9, is amended to read:

16 Subd. 9. [ACCIDENT REPORT FORMS FORMAT.] The Department
17 commissioner of public safety shall ~~prepare-electronic-or~~
18 ~~written-forms~~ prescribe the format for the accident reports
19 required under this section. Upon request the
20 ~~department~~ commissioner shall supply make available the forms
21 format to police departments, coroners, sheriffs, garages, and
22 other suitable agencies or individuals. ~~The-forms-must-be~~
23 ~~appropriate-with-respect-to-the-persons-required-to-make-the~~
24 ~~reports-and-the-purposes-to-be-served.~~ The electronic or
25 written report forms to be completed by persons individuals
26 involved in accidents and by investigating peace officers
27 ~~must call-for-sufficiently-detailed-information-to~~ disclose with
28 ~~reference-to-a-traffic-accident~~ the causes, existing conditions
29 ~~then-existing,~~ and the persons individuals and vehicles involved.

30 Sec. 12. Minnesota Statutes 2004, section 169.09,
31 subdivision 11, is amended to read:

32 Subd. 11. [CORONER TO REPORT DEATH.] Every coroner or
33 other official performing like functions shall report in writing
34 to the Department commissioner of public safety the death of any
35 person individual within the coroner's jurisdiction as the
36 result of an accident involving a ~~meter~~ vehicle and the

1 circumstances of the accident. The report ~~shall~~ must be made
2 within 15 days after the death.

3 In the case of drivers killed in motor vehicle accidents
4 and of the death of pedestrians 16 years of age or older, who
5 die within four hours after an accident, the coroner or other
6 official performing like functions shall examine the body and
7 shall make tests as are necessary to determine the presence and
8 percentage concentration of alcohol, and drugs if feasible, in
9 the blood of the victim. This information ~~shall~~ must be
10 included in each report submitted pursuant to the provisions of
11 this subdivision and shall be tabulated on a monthly basis by
12 the Department commissioner of public safety. This information
13 may be used only for statistical purposes ~~which~~ that do not
14 reveal the identity of the deceased.

15 Sec. 13. Minnesota Statutes 2004, section 169.09,
16 subdivision 12, is amended to read:

17 Subd. 12. [GARAGE TO REPORT BULLET DAMAGE.] The
18 person individual in charge of any garage or repair shop to
19 which is brought any motor vehicle ~~which~~ that shows evidence of
20 having been struck by any bullet shall immediately report to the
21 local police or sheriff and to the commissioner of public safety
22 within 24 hours after ~~such-motor~~ the vehicle is received, giving
23 the engine number if any, registration plate number, and the
24 name and address of the registered owner or operator of ~~such~~ the
25 vehicle.

26 Sec. 14. Minnesota Statutes 2004, section 169.09,
27 subdivision 14, is amended to read:

28 Subd. 14. [PENALTIES.] (a) The driver of any vehicle who
29 violates subdivision 1 or 6 and who did not cause the accident
30 is punishable as follows:

31 (1) if the accident results in the death of any person
32 individual, the driver is guilty of a felony and may be
33 sentenced to imprisonment for not more than three years, or to
34 payment of a fine of not more than \$5,000, or both;

35 (2) if the accident results in great bodily harm to any
36 person individual, as defined in section 609.02, subdivision 8,

1 the driver is guilty of a felony and may be sentenced to
2 imprisonment for not more than two years, or to payment of a
3 fine of not more than \$4,000, or both; or

4 (3) if the accident results in substantial bodily harm to
5 any person individual, as defined in section 609.02, subdivision
6 7a, the driver may be sentenced to imprisonment for not more
7 than one year, or to payment of a fine of not more than \$3,000,
8 or both.

9 (b) The driver of any vehicle involved in an accident not
10 resulting in substantial bodily harm or death who violates
11 subdivision 1 or 6 may be sentenced to imprisonment for not more
12 than one year, or to payment of a fine of not more than \$3,000,
13 or both.

14 (c) Any person who violates subdivision 2, 3, 4, 5, 7, 8,
15 ~~10~~, 11, or 12 is guilty of a misdemeanor.

16 (d) The attorney in the jurisdiction in which the violation
17 occurred who is responsible for prosecution of misdemeanor
18 violations of this section shall also be responsible for
19 prosecution of gross misdemeanor violations of this section.

20 Sec. 15. Minnesota Statutes 2004, section 169.09,
21 subdivision 15, is amended to read:

22 Subd. 15. [DEFENSE.] It is an affirmative defense to
23 prosecution under subdivisions 1, 2, and 6 that the driver left
24 the scene of the accident to take any person individual
25 suffering immediately demonstrable bodily injury in the accident
26 to receive emergency medical care if the driver of the involved
27 vehicle gives notice to a law enforcement agency as required by
28 subdivision 6 as soon as reasonably feasible after the emergency
29 medical care has been undertaken.

30 Sec. 16. Minnesota Statutes 2004, section 169.09, is
31 amended by adding a subdivision to read:

32 Subd. 16. [COMMISSIONER AS AGENT FOR SERVICE OF
33 PROCESS.] The use and operation by a resident of this state or
34 the resident's agent, or by a nonresident or the nonresident's
35 agent, of a motor vehicle within the state of Minnesota, is
36 deemed an irrevocable appointment by the resident if absent from

1 this state continuously for six months or more following an
2 accident, or by the nonresident at any time, of the commissioner
3 of public safety to be the resident's or nonresident's true and
4 lawful attorney upon whom may be served all legal process in any
5 action or proceeding against the resident or nonresident or the
6 executor, administrator, or personal representative of the
7 resident or nonresident growing out of the use and operation of
8 a motor vehicle within this state, resulting in damages or loss
9 to person or property, whether the damage or loss occurs on a
10 highway or on abutting public or private property. This
11 appointment is binding upon the nonresident's executor,
12 administrator, or personal representative. The use or operation
13 of a motor vehicle by the resident or nonresident is a
14 signification of agreement that any process in any action
15 against the resident or nonresident or executor, administrator,
16 or personal representative of the resident or nonresident that
17 is so served has the same legal force and validity as if served
18 upon the resident or nonresident personally or on the executor,
19 administrator, or personal representative of the resident or
20 nonresident. Service of process must be made by serving a copy
21 thereof upon the commissioner or by filing a copy in the
22 commissioner's office, together with payment of a fee of \$20,
23 and is deemed sufficient service upon the absent resident or the
24 nonresident or the executor, administrator, or personal
25 representative of the resident or nonresident; provided that,
26 notice of service and a copy of the process are within ten days
27 thereafter sent by mail by the plaintiff to the defendant at the
28 defendant's last known address and that the plaintiff's
29 affidavit of compliance with the provisions of this chapter is
30 attached to the summons.

31 Sec. 17. Minnesota Statutes 2004, section 169.09, is
32 amended by adding a subdivision to read:

33 Subd. 17. [CONTINUANCE OF COURT PROCEEDING; COSTS.] The
34 court in which the action is pending may order a continuance as
35 may be necessary to afford the defendant reasonable opportunity
36 to defend the action, not exceeding 90 days from the date of

1 filing of the action in that court. The fee of \$20 paid by the
2 plaintiff to the commissioner at the time of service of the
3 proceedings must be taxed in the plaintiff's cost if the
4 plaintiff prevails in the suit. The commissioner shall keep a
5 record of all processes so served, which must show the day and
6 hour of service.

7 Sec. 18. Minnesota Statutes 2004, section 171.07,
8 subdivision 1, is amended to read:

9 Subdivision 1. [LICENSE; CONTENTS.] (a) Upon the payment
10 of the required fee, the department shall issue to every
11 qualifying applicant a license designating the type or class of
12 vehicles the applicant is authorized to drive as applied for.
13 This license must bear a distinguishing number assigned to the
14 licensee~~;~~ the licensee's full name, date of birth, and
15 residence address and-permanent-mailing-address-if-different~~;~~ a
16 description of the licensee in a manner as the commissioner
17 deems necessary~~;~~ and the usual signature of the licensee. No
18 license is valid unless it bears the usual signature of the
19 licensee. Every license must bear a colored photograph or an
20 electronically produced image of the licensee.

21 (b) If the United States Postal Service will not deliver
22 mail to the applicant's residence address as listed on the
23 license, then the applicant shall provide verification from the
24 United States Postal Service that mail will not be delivered to
25 the applicant's residence address and that mail will be
26 delivered to a specified alternate mailing address. When an
27 applicant provides an alternate mailing address under this
28 subdivision, the commissioner shall use the alternate mailing
29 address in lieu of the applicant's residence address for all
30 notices and mailings to the applicant.

31 (c) Every license issued to an applicant under the age of
32 21 must be of a distinguishing color and plainly marked
33 "Under-21."

34 (e) (d) The department shall use processes in issuing a
35 license that prohibit, as nearly as possible, the ability to
36 alter or reproduce a license, or prohibit the ability to

1 superimpose a photograph or electronically produced image on a
2 license, without ready detection.

3 ~~(d)~~ (e) A license issued to an applicant age 65 or over
4 must be plainly marked "senior" if requested by the applicant.

5 Sec. 19. Minnesota Statutes 2004, section 171.07,
6 subdivision 3, is amended to read:

7 Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of
8 the required fee, the department shall issue to every qualifying
9 applicant a Minnesota identification card. The department may
10 not issue a Minnesota identification card to ~~a person~~ an
11 individual who has a driver's license, other than a limited
12 license. The card must bear a distinguishing number assigned to
13 the applicant; a colored photograph or an electronically
14 produced image of the applicant; the applicant's full name, date
15 of birth, and residence address; a description of the applicant
16 in the manner as the commissioner deems necessary; and the usual
17 signature of the applicant.

18 (b) If the United States Postal Service will not deliver
19 mail to the applicant's residence address as listed on the
20 Minnesota identification card, then the applicant shall provide
21 verification from the United States Postal Service that mail
22 will not be delivered to the applicant's residence address and
23 that mail will be delivered to a specified alternate mailing
24 address. When an applicant provides an alternate mailing
25 address under this subdivision, the commissioner shall use the
26 alternate mailing address in lieu of the applicant's residence
27 address for all notices and mailings to the applicant.

28 (c) Each identification card issued to an applicant under
29 the age of 21 must be of a distinguishing color and plainly
30 marked "Under-21."

31 ~~(e)~~ (d) Each Minnesota identification card must be plainly
32 marked "Minnesota identification card - not a driver's license."

33 ~~(d)~~ (e) The fee for a Minnesota identification card is 50
34 cents when issued to a person who is mentally retarded, as
35 defined in section 252A.02, subdivision 2; a physically disabled
36 person, as defined in section 169.345, subdivision 2; or, a

1 person with mental illness, as described in section 245.462,
2 subdivision 20, paragraph (c).

3 Sec. 20. Minnesota Statutes 2004, section 171.12,
4 subdivision 7, is amended to read:

5 Subd. 7. [~~PRIVACY OF RESIDENCE-ADDRESS DATA.~~] (a) An
6 ~~applicant-for~~ Data on individuals provided to obtain a driver's
7 license or a Minnesota identification card ~~may request that the~~
8 ~~applicant's residence address be classified as private~~ is public
9 ~~data on individuals, as defined in section 13.02, subdivision~~
10 ~~12. The commissioner shall grant the classification upon~~
11 ~~receipt of a signed statement by the individual that the~~
12 ~~classification is required for the safety of the applicant or~~
13 ~~the applicant's family, if the statement also provides a valid,~~
14 ~~existing address where the applicant consents to receive service~~
15 ~~of process. The commissioner shall use the mailing address in~~
16 ~~place of the residence address in all documents and notices~~
17 ~~pertaining to the driver's license or identification card. The~~
18 ~~residence address and any information provided in the~~
19 ~~classification request, other than the mailing address, are~~
20 ~~private data on individuals and may be provided to requesting~~
21 ~~law enforcement agencies, probation and parole agencies, and~~
22 ~~public authorities, as defined in section 518.54, subdivision 9~~
23 The commissioner shall disclose this data if permitted by United
24 States Code, title 18, section 2721, subsection (b).

25 (b) An applicant for a driver's license or a Minnesota
26 identification card ~~must be informed in a clear and conspicuous~~
27 ~~manner on the forms for the issuance or renewal that may~~
28 consent, in writing, to the commissioner to disclose the
29 applicant's personal information may be disclosed exempted by
30 United States Code, title 18, section 2721, subsection (b), to
31 any person who makes a request for the personal information, and
32 that except for uses permitted by United States Code, title 18,
33 section 2721, subsection (b), the applicant may prohibit
34 disclosure of the personal information by so indicating on the
35 form. If the applicant so authorizes disclosures, the
36 commissioner shall implement the request and the information may

1 be used.

2 (c) If authorized by an applicant for a driver's license or
3 a Minnesota identification card must-be-also-informed-in-a-clear
4 and-conspicuous-manner-on-forms-that, as indicated in paragraph
5 (b), the applicant's personal information may be used, rented,
6 or sold solely for bulk distribution by organizations for
7 business purposes, including surveys, marketing, or
8 solicitation. ~~The-commissioner-shall-implement-methods-and~~
9 ~~procedures-that-enable-the-applicant-to-request-that-bulk~~
10 ~~surveys,-marketing,-or-solicitation-not-be-directed-to-the~~
11 ~~applicant,-if-the-applicant-so-requests,-the-commissioner-shall~~
12 ~~implement-the-request-in-a-timely-manner-and-the-personal~~
13 ~~information-may-not-be-so-used-~~

14 (d) ~~To-the-extent-permitted-by-United-States-Code,-title~~
15 ~~18,-section-2721,-data-on-individuals-provided-to-obtain-a~~
16 ~~Minnesota-identification-card-or-a-driver's-license-is-public~~
17 ~~data-on-individuals-and-shall-be-disclosed-as-permitted-by~~
18 ~~United-States-Code,-title-18,-section-2721,-subsection-(b)-~~ An
19 applicant for a driver's license, instruction permit, or
20 Minnesota identification card may request that the applicant's
21 residence address be classified as "private data on
22 individuals," as defined in section 13.02, subdivision 12. The
23 commissioner shall grant the classification on receipt of a
24 signed statement by the individual that the classification is
25 required for the safety of the applicant or the applicant's
26 family, if the statement also provides a valid, existing address
27 where the applicant consents to receive service of process. The
28 commissioner shall use the service for process mailing address
29 in place of the residence address in all documents and notices
30 pertaining to the driver's license, instruction permit, or
31 Minnesota identification card. The residence address and any
32 information provided in the classification request, other than
33 the mailing address, are private data on individuals and may be
34 provided to requesting law enforcement agencies, probation and
35 parole agencies, and public authorities, as defined in section
36 518.54, subdivision 9.

1 Sec. 21. [INSTRUCTION TO REVISOR.]

2 The revisor of statutes shall renumber each section of
3 Minnesota Statutes in column A with the number in column B. The
4 revisor shall also make any necessary cross-reference changes.

5	<u>Column A</u>	<u>Column B</u>
6	<u>170.24</u>	<u>169.09, subdivision 14a</u>
7	<u>170.54</u>	<u>169.09, subdivision 5a</u>

8 Sec. 22. [REPEALER.]

9 Minnesota Statutes 2004, sections 169.09, subdivision 10;
10 and 170.55, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0224

169.09 ACCIDENTS.

Subd. 10. **Use of form required.** A required accident report must be made on an appropriate form approved by the Department of Public Safety and contain all of the information required unless not available.

170.55 SERVICE OF PROCESS.

Subdivision 1. **Commissioner as agent for service of process.** The use and operation by a resident of this state or the resident's agent, or by a nonresident or the nonresident's agent of a motor vehicle within the state of Minnesota, shall be deemed an irrevocable appointment by such resident if absent from this state continuously for six months or more following an accident, or by such nonresident at any time, of the commissioner of public safety to be the resident's or nonresident's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the resident or nonresident or the executor, administrator, or personal representative of the resident or nonresident growing out of such use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. Such appointment is binding upon the nonresident's executor, administrator, or personal representative. Such use or operation of a motor vehicle by such resident or nonresident is a signification of agreement that any such process in any action against the resident or nonresident or executor, administrator, or personal representative of the resident or nonresident which is so served, shall be of the same legal force and validity as if served upon the resident or nonresident personally or on the executor, administrator, or personal representative of the resident or nonresident. Service of such process shall be made by serving a copy thereof upon the commissioner or by filing such copy in the commissioner's office, together with payment of a fee of \$2, and such service shall be sufficient service upon the absent resident or the nonresident or the executor, administrator, or personal representative of the resident or nonresident; provided that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at the defendant's last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

Subd. 2. **Continuance of court proceeding; costs.** The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding 90 days from the date of filing of the action in such court. The fee of \$2 paid by the plaintiff to the commissioner at the time of service of such proceedings shall be taxed in the plaintiff's cost if the plaintiff prevails in the suit. The said commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee
 FROM: Data Practices Subcommittee
 S. F. No. 1731

Amendments:

Oral amendment

pg 2, line 32 delete "or"

pg 2, line 32 delete "purposes"

pg 2, line 32, ^{after marketing} insert "or promotional
activities"

pg 3, line 1. after ., insert "a violation of
this subdivision is a violation of section 171.241."

pg 2 line 32 after advertising insert ")"

Subcommittee recommendation:

 And when so amended that the bill be recommended to pass and be referred to the full committee

X And when so amended that the bill as amended be recommended
to pass and be laid over for inclusion in SF 1883

April 5, 2005 (date of subcommittee action)

**Senate Counsel, Research,
and Fiscal Analysis**


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Senate

State of Minnesota

**S.F. No. 1731 - Data Obtained by Scanning Driver's
Licenses, Permits, and Identification Cards**

Author: Senator Satveer Chaudhary

Prepared by: Kathleen Pontius, Senate Counsel (651/296-4394) 

Date: April 5, 2005

Section 1 provides that a person may not retain information from magnetically, electronically, or otherwise scanning a driver's license, permit, or Minnesota identification card, except for the holder's name; date of birth; driver's license, permit, or identification card number; and document expiration date. This retained information may not be used for advertising or marketing purposes. A person may not sell or otherwise disseminate the information to a third party for any purpose, except that it may be provided under a court order or as authorized elsewhere in law.

KP:cs

Senators Chaudhary and Skoglund introduced--

S.F. No. 1731: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to drivers' licenses; regulating data
3 obtained by scanning drivers' licenses, permits, and
4 identification cards; amending Minnesota Statutes
5 2004, section 171.12, subdivision 7.

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

7 Section 1. Minnesota Statutes 2004, section 171.12,
8 subdivision 7, is amended to read:

9 Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] (a) An applicant
10 for a driver's license or a Minnesota identification card may
11 request that the applicant's residence address be classified as
12 private data on individuals, as defined in section 13.02,
13 subdivision 12. The commissioner shall grant the classification
14 upon receipt of a signed statement by the individual that the
15 classification is required for the safety of the applicant or
16 the applicant's family, if the statement also provides a valid,
17 existing address where the applicant consents to receive service
18 of process. The commissioner shall use the mailing address in
19 place of the residence address in all documents and notices
20 pertaining to the driver's license or identification card. The
21 residence address and any information provided in the
22 classification request, other than the mailing address, are
23 private data on individuals and may be provided to requesting
24 law enforcement agencies, probation and parole agencies, and
25 public authorities, as defined in section 518.54, subdivision 9.

1 (b) An applicant for a driver's license or a Minnesota
2 identification card must be informed in a clear and conspicuous
3 manner on the forms for the issuance or renewal that the
4 applicant's personal information may be disclosed to any person
5 who makes a request for the personal information, and that
6 except for uses permitted by United States Code, title 18,
7 section 2721, subsection (b), the applicant may prohibit
8 disclosure of the personal information by so indicating on the
9 form.

10 (c) An applicant for a driver's license or a Minnesota
11 identification card must be also informed in a clear and
12 conspicuous manner on forms that the applicant's personal
13 information may be used, rented, or sold solely for bulk
14 distribution by organizations for business purposes, including
15 surveys, marketing, or solicitation. The commissioner shall
16 implement methods and procedures that enable the applicant to
17 request that bulk surveys, marketing, or solicitation not be
18 directed to the applicant. If the applicant so requests, the
19 commissioner shall implement the request in a timely manner and
20 the personal information may not be so used.

21 (d) To the extent permitted by United States Code, title
22 18, section 2721, data on individuals provided to obtain a
23 Minnesota identification card or a driver's license is public
24 data on individuals and ~~shall~~ must be disclosed as permitted by
25 United States Code, title 18, section 2721, subsection (b).

26 (e) A person shall not retain any information from
27 magnetically, electronically, or otherwise scanning a driver's
28 license, permit, or state identification card, except the
29 document holder's name; date of birth; driver's license, permit,
30 or state identification card number; and document expiration
31 date. A person shall not use any of this retained information
32 for advertising or marketing purposes. A person shall not sell
33 and shall not otherwise disseminate the retained information to
34 any third party for any purpose, including any marketing,
35 advertising, or promotional activities, except that retained
36 information may be provided under a court order or as authorized

1 elsewhere in law.

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S. F. No. 1425

Amendments:

Delete Sect 2 from A-5 amendment
(pg 1, line 21 through line 27)

A-5 delete-all amendment

Subcommittee recommendation:

 And when so amended that the bill be recommended to pass and be referred to the full committee

X And when so amended that the bill as amended be recommended to pass and be laid over for inclusion in SF 1883

April 5, 2005 (date of subcommittee action)

**Senate Counsel, Research,
and Fiscal Analysis**


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Senate

State of Minnesota

S.F. No. 1425 - Department of Transportation Data

Author: Senator Julieanne E. Ortman

Prepared by: Kathleen Pontius, Senate Counsel (651/296-4394) 

Date: April 5, 2005

Section 1 provides that specified data of the Department of Transportation, when it is undertaking a design-build transportation project, are protected nonpublic or confidential data. The statement of qualification or evaluation criteria and scoring methodology, statement of qualification evaluations, technical proposal evaluation criteria and scoring methodology, and technical proposal evaluations would become public when the project is awarded.

Section 2 classifies data maintained by the Commissioner of Transportation or staff during the provision of mediation services to employees as protected nonpublic or confidential data.

Section 3 specifies that certain data of the Department of Transportation, in cases where a design-build best value method of project delivery is appropriate, are protected nonpublic or confidential data until published as part of a request for the proposal process. The Commissioner may release design-build data to counties, cities, and other parties as necessary to facilitate project development. Released data retain their classification until the Department publishes the information as part of a request for proposal process.

Section 4 provides that certain account information relating to applicants or users of toll facilities in high-occupancy vehicle lanes for which a user fee is charged are nonpublic data or private data.

KP:cs

Senators Ortman, Robling, Murphy and Betzold introduced--
S.F. No. 1425: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to government data practices; classifying
3 certain data of the Department of Transportation;
4 amending Minnesota Statutes 2004, sections 13.591, by
5 adding a subdivision; 13.72, by adding subdivisions.

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

7 Section 1. Minnesota Statutes 2004, section 13.591, is
8 amended by adding a subdivision to read:

9 Subd. 4. [DESIGN-BUILD TRANSPORTATION PROJECT.] When the
10 Department of Transportation undertakes a design-build
11 transportation project as defined in section 161.3410,
12 subdivision 6, the statement of qualification evaluation
13 criteria and scoring methodology, statement of qualification
14 evaluations, technical proposal evaluation criteria and scoring
15 methodology, and technical proposal evaluations are classified
16 as protected nonpublic data with regard to data not on
17 individuals and as confidential data on individuals. The
18 statement of qualification evaluation criteria and scoring
19 methodology, statement of qualification evaluations, technical
20 proposal evaluation criteria and scoring methodology, and
21 technical proposal evaluations become public when the project is
22 awarded.

23 Sec. 2. Minnesota Statutes 2004, section 13.72, is amended
24 by adding a subdivision to read:

25 Subd. 11. [MEDIATION DATA.] All data received, created, or

1 maintained by the commissioner of transportation or staff during
2 the course of providing mediation services to employees are
3 classified as protected nonpublic data with regard to data not
4 on individuals and confidential data on individuals.

5 Sec. 3. Minnesota Statutes 2004, section 13.72, is amended
6 by adding a subdivision to read:

7 Subd. 12. [TRANSPORTATION DEPARTMENT DATA.] When the
8 commissioner of transportation determines that the design-build
9 best value method of project delivery is appropriate for a
10 project under sections 161.3410 to 161.3428, project
11 right-of-way work maps, acquisition plat maps, relocation
12 reports, computations for relocation supplements, computations
13 for replacement housing, planimetric files, digital terrain
14 models, preliminary design drawings, and other data deemed by
15 the commissioner as necessary to preserve the design-build
16 process integrity are classified as protected nonpublic data
17 with regard to data not on individuals and confidential data on
18 individuals until the department publishes the information as
19 part of the request for proposal process. The commissioner may
20 release design-build data to counties, cities, and other parties
21 as necessary to facilitate project development. The released
22 data retain their classification as protected nonpublic data
23 with regard to data not on individuals and confidential data on
24 individuals until the department publishes the information as
25 part of the request for proposal process.

26 Sec. 4. Minnesota Statutes 2004, section 13.72, is amended
27 by adding a subdivision to read:

28 Subd. 13. [ACCOUNT INFORMATION.] The following data
29 pertaining to applicants for or users of toll facilities, and
30 high-occupancy vehicle lanes for which a user fee is charged
31 under section 169.03, are classified as nonpublic data with
32 regard to data not on individuals and as private data with
33 regard to data on individuals: information contained in
34 applications for the purchase, lease, or rental of a device such
35 as an electronic vehicle transponder which automatically
36 assesses charges for a vehicle's use of toll roads; personal and

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[REVISOR] EB/MD 05-0333

- 1 vehicle identification information; financial and credit
- 2 information; and toll road usage information.

1 Senator moves to amend S.F. No. 1425 as
2 follows:

3 Delete everything after the enacting clause and insert:

4 "Section 1. Minnesota Statutes 2004, section 13.72, is
5 amended by adding a subdivision to read:

6 Subd. 11. [DESIGN-BUILD TRANSPORTATION PROJECT.] When the
7 Department of Transportation undertakes a design-build
8 transportation project as defined in section 161.3410,
9 subdivision 6, the statement of qualification evaluation
10 criteria and scoring methodology, statement of qualification
11 evaluations, technical proposal evaluation criteria and scoring
12 methodology, and technical proposal evaluations are classified
13 as protected nonpublic data with regard to data not on
14 individuals and as confidential data on individuals. "The
15 statement of qualification evaluation criteria and scoring
16 methodology and statement of qualification evaluations are
17 public when the Department of Transportation announces the short
18 list of qualified contractors. "The technical proposal
19 evaluation criteria, scoring methodology, and technical proposal
20 evaluations are public when the project is awarded.

21 Sec. 2. Minnesota Statutes 2004, section 13.72, is amended
22 by adding a subdivision to read:

23 Subd. 12. [MEDIATION DATA.] All data received, created, or
24 maintained by the commissioner of transportation or staff during
25 the course of providing mediation services to employees are
26 classified as nonpublic data with regard to data not on
27 individuals and private data on individuals.

28 Sec. 3. Minnesota Statutes 2004, section 13.72, is amended
29 by adding a subdivision to read:

30 Subd. 13. [TRANSPORTATION DEPARTMENT DATA.] When the
31 commissioner of transportation determines that the design-build
32 best value method of project delivery is appropriate for a
33 project under sections 161.3410 to 161.3428, project
34 right-of-way work maps, commissioner's orders, relocation
35 reports, planimetric files, digital terrain models, preliminary
36 design drawings, requests for proposals, and requests for

1 qualifications are classified as protected nonpublic data with
2 regard to data not on individuals and confidential data on
3 individuals until the department publishes the data as part of
4 the request for proposal process. The commissioner may release
5 design-build data to counties, cities, and other parties under
6 contract to a government entity as necessary to facilitate
7 project development. The released data retain their
8 classification as protected nonpublic data with regard to data
9 not on individuals and confidential data on individuals as
10 provided by section 13.03, subdivision 4, paragraph (c), until
11 the department publishes the data as part of the request for
12 proposal process.

13 Sec. 4. Minnesota Statutes 2004, section 13.72, is amended
14 by adding a subdivision to read:

15 Subd. 14. [ACCOUNT DATA.] The following data pertaining to
16 applicants for or users of toll facilities, and high-occupancy
17 vehicle lanes for which a user fee is charged under section
18 169.03, are classified as nonpublic data with regard to data not
19 on individuals and as private data with regard to data on
20 individuals: data contained in applications for the purchase,
21 lease, or rental of a device such as an electronic vehicle
22 transponder which automatically assesses charges for a vehicle's
23 use of toll roads; personal and vehicle identification data;
24 financial and credit data; and toll road usage data. Nothing in
25 this subdivision prohibits the production of summary data as
26 defined in section 13.02, subdivision 19.

27 Sec. 5. [EFFECTIVE DATE.]

28 Sections 1 to 4 are effective the day following final
29 enactment."

30 Delete the title and insert:

31 "A bill for an act

32 relating to government data practices; classifying
33 certain data of the Department of Transportation;
34 amending Minnesota Statutes 2004, section 13.72, by
35 adding subdivisions."

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S. F. No. 1883

Amendments:

A-2 written amendment
A-1 written amendment

Subcommittee recommendation:

And when so amended that the bill be recommended to pass and be referred to the full committee

And when so amended that the bill _____

April 5, 2005 (date of subcommittee action)

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and Fiscal Analysis**

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State of Minnesota

S.F. No. 1883 - Security Information and Data

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Date: April 5, 2005

Sections 1 and 2 amend general provisions in the Data Practices Act classifying internal competitive proposals by striking this language. It is covered by the new language in the bill contained in **section 5**.

Section 3 provides that a government entity may make security information accessible if it determines that the access will aid public health, promote public safety, or assist law enforcement.

Section 4 classifies certain evaluative data as protected nonpublic data until completion of a selection or evaluation process, at which time the data become public with the exception of trade secret data. Data sharing provisions are included under which a state agency may share the not public data with employees of other state agencies who are assisting in the selection or evaluation process.

Section 5 provides that certain internal competitive proposal data are nonpublic data prior to the time specified for the receipt of private sector proposals for the service, at which time the data become public.

Section 6 amends a general statute dealing with the state as a responder to a solicitation or request for goods and services to provide that the new provisions in **section 13.591, subdivision 4**, in **section 4** of the bill apply to the classification of the data, instead of providing that the data are nonpublic.

KP:cs

1 derives independent economic value, actual or potential, from
2 not being generally known to, and not being readily
3 ascertainable by proper means by, other persons who can obtain
4 economic value from its disclosure or use.

5 (c) "Labor relations information" means management
6 positions on economic and noneconomic items that have not been
7 presented during the collective bargaining process or interest
8 arbitration, including information specifically collected or
9 created to prepare the management position.

10 (d) "Parking space leasing data" means the following
11 government data on an applicant for, or lessee of, a parking
12 space: residence address, home telephone number, beginning and
13 ending work hours, place of employment, work telephone number,
14 and location of the parking space.

15 ~~(e) "Internal-competitive-proposal" means a proposal to~~
16 ~~provide government services that is prepared by the staff of a~~
17 ~~political subdivision in competition with proposals solicited by~~
18 ~~the political subdivision from the private sector.~~

19 Sec. 2. Minnesota Statutes 2004, section 13.37,
20 subdivision 2, is amended to read:

21 Subd. 2. [CLASSIFICATION.] The following government data
22 is classified as nonpublic data with regard to data not on
23 individuals, pursuant to section 13.02, subdivision 9, and as
24 private data with regard to data on individuals, pursuant to
25 section 13.02, subdivision 12: Security information; trade
26 secret information; sealed absentee ballots prior to opening by
27 an election judge; sealed bids, including the number of bids
28 received, prior to the opening of the bids; ~~internal-competitive~~
29 ~~proposals-prior-to-the-time-specified-by-a-political-subdivision~~
30 ~~for-the-receipt-of-private-sector-proposals-for-the-services;~~
31 parking space leasing data; and labor relations information,
32 provided that specific labor relations information which relates
33 to a specific labor organization is classified as protected
34 nonpublic data pursuant to section 13.02, subdivision 13.

35 Sec. 3. Minnesota Statutes 2004, section 13.37,
36 subdivision 3, is amended to read:

1 Subd. 3. [DATA DISSEMINATION.] (a) Crime prevention block
2 maps and names, home addresses, and telephone numbers of
3 volunteers who participate in community crime prevention
4 programs may be disseminated to volunteers participating in
5 crime prevention programs. The location of a National Night Out
6 event is public data.

7 (b) A government entity may make security information
8 accessible to any person, entity, or the public if the
9 government entity determines that the access will aid public
10 health, promote public safety, or assist law enforcement.

11 Sec. 4. Minnesota Statutes 2004, section 13.591, is
12 amended by adding a subdivision to read:

13 Subd. 4. [CLASSIFICATION OF EVALUATIVE DATA; DATA
14 SHARING.] (a) Data created or maintained by a government entity
15 as part of the selection or evaluation process are protected
16 nonpublic until completion of the selection process or
17 completion of the evaluation process at which time the data are
18 public with the exception of trade secret data as defined and
19 classified in section 13.37.

20 (b) If a state agency asks employees of other state
21 agencies to assist with the selection of the responses to a
22 request for bid or the evaluation of responses to a request for
23 proposal, the state agency may share not public data in the
24 responses with those employees. The employees participating in
25 the selection or evaluation may not further disseminate the not
26 public data they review.

27 Sec. 5. Minnesota Statutes 2004, section 13.591, is
28 amended by adding a subdivision to read:

29 Subd. 5. [INTERNAL COMPETITIVE PROPOSAL.] (a) For purposes
30 of this subdivision, "internal competitive proposal" means a
31 proposal to provide government services that is prepared by the
32 staff of a government entity in competition with proposals
33 solicited by (1) the same government entity from the private
34 sector or (2) a different government entity from the private
35 sector.

36 (b) Data in an internal competitive proposal is classified

1 as nonpublic data with regard to data not on individuals prior
2 to the time specified by a government entity for the receipt of
3 private sector proposals for the service when the data become
4 public as specified in subdivision 3.

5 Sec. 6. Minnesota Statutes 2004, section 16C.06,
6 subdivision 5, is amended to read:

7 Subd. 5. [STATE AS RESPONDER.] The head of an agency, in
8 consultation with the requesting agency and the commissioner,
9 may respond to a solicitation or request if the goods and
10 services meet the needs of the requesting agency and provide the
11 state with the best value. When an agency responds to a
12 solicitation, all work product relating to the response is
13 ~~nonpublic-data-as-defined-in-section-13.02,-and-shall-become~~
14 ~~public-information-in-accordance-with-subdivision-3~~ classified
15 by section 13.591, subdivision 4.

- 1 Senator moves to amend S.F. No. 1883 as follows:
- 2 Page 3, line 15, after "process" insert "referred to in
- 3 this section"

1 Senator moves to amend S.F. No. 1883 as follows:
2 Page 3, line 29, delete "PROPOSAL" and insert "RESPONSE"
3 Page 3, line 30, delete "proposal" and insert "response"
4 Page 3, line 31, before "proposal" insert "bid or" and
5 after "government" insert "goods or"
6 Page 3, line 32, after "with" insert "bids or"
7 Page 3, line 36, delete "proposal" and insert "response"
8 Page 4, line 1, after "as" insert "private or" and delete
9 everything after "nonpublic"
10 Page 4, delete lines 2 to 4, and insert "until completion
11 of the selection process or completion of the evaluation process
12 at which time the data are public with the exception of trade
13 secret data as defined and classified in section 13.37."
14 Page 4, line 15, delete "4" and insert "5"