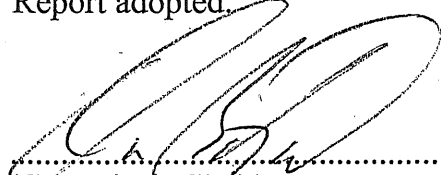


1.1 **Senator Betzold from the Committee on Judiciary, to which was re-referred**

1.2 **S.F. No. 2852:** A bill for an act relating to natural resources; providing for land  
1.3 donor appraisal reimbursement; providing for acquisition of land for certain facilities;  
1.4 modifying certain definitions; modifying forest services provided to private owners;  
1.5 granting authority to establish state forest user fees; modifying the State Timber Act;  
1.6 eliminating the requirement for a comprehensive forest resource management plan;  
1.7 amending Minnesota Statutes 2004, sections 84.085, subdivision 1; 88.79, subdivision  
1.8 1; 90.14; 90.151, subdivisions 1, 6, by adding a subdivision; 103I.005, subdivision  
1.9 9; proposing coding for new law in Minnesota Statutes, chapters 85; 89; 90; repealing  
1.10 Minnesota Statutes 2004, section 89.011, subdivisions 1, 2, 3, 6.

1.11 Reports the same back with the recommendation that the bill do pass and be  
1.12 re-referred to the Committee on Finance. Report adopted.

  
.....  
(Committee Chair)

1.13  
1.14

March 30, 2006 .....  
(Date of Committee recommendation)

1.15  
1.16

*no chg*

1.1 A bill for an act  
 1.3 relating to natural resources; providing for land donor appraisal reimbursement;  
 1.4 providing for acquisition of land for certain facilities; modifying certain  
 1.5 definitions; modifying forest services provided to private owners; granting  
 1.6 authority to establish state forest user fees; modifying the State Timber Act;  
 1.7 eliminating the requirement for a comprehensive forest resource management  
 1.8 plan; amending Minnesota Statutes 2004, sections 84.085, subdivision 1;  
 1.9 88.79, subdivision 1; 90.14; 90.151, subdivisions 1, 6, by adding a subdivision;  
 1.10 103I.005, subdivision 9; proposing coding for new law in Minnesota Statutes,  
 1.11 chapters 85; 89; 90; repealing Minnesota Statutes 2004, section 89.011,  
 subdivisions 1, 2, 3, 6.

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

1.13 Section 1. Minnesota Statutes 2004, section 84.085, subdivision 1, is amended to read:

1.14 Subdivision 1. **Authority.** (a) The commissioner of natural resources may accept for  
 1.15 and on behalf of the state any gift, bequest, devise, or grants of lands or interest in lands or  
 1.16 personal property of any kind or of money tendered to the state for any purpose pertaining  
 1.17 to the activities of the department or any of its divisions. Any money so received is hereby  
 1.18 appropriated and dedicated for the purpose for which it is granted. Lands and interests in  
 1.19 lands so received may be sold or exchanged as provided in chapter 94.

1.20 (b) When the commissioner of natural resources accepts lands or interests in land,  
 1.21 the commissioner may reimburse the donor for costs incurred to obtain an appraisal needed  
 1.22 for tax reporting purposes. If the state pays the donor for a portion of the value of the  
 1.23 lands or interests in lands that are donated, the reimbursement for appraisal costs shall not  
 1.24 exceed \$1,500. If the donor receives no payment from the state for the lands or interests in  
lands that are donated, the reimbursement for appraisal costs shall not exceed \$5,000.

1.26 ~~(b)~~ (c) The commissioner of natural resources, on behalf of the state, may accept and  
 1.27 use grants of money or property from the United States or other grantors for conservation

2.1 purposes not inconsistent with the laws of this state. Any money or property so received  
 2.2 is hereby appropriated and dedicated for the purposes for which it is granted, and shall  
 2.3 be expended or used solely for such purposes in accordance with the federal laws and  
 2.4 regulations pertaining thereto, subject to applicable state laws and rules as to manner  
 2.5 of expenditure or use providing that the commissioner may make subgrants of any  
 2.6 money received to other agencies, units of local government, private individuals, private  
 2.7 organizations, and private nonprofit corporations. Appropriate funds and accounts shall be  
 2.8 maintained by the commissioner of finance to secure compliance with this section.

2.9 (e) ~~(d)~~ The commissioner may accept for and on behalf of the permanent school fund  
 2.10 a donation of lands, interest in lands, or improvements on lands. A donation so received  
 2.11 shall become state property, be classified as school trust land as defined in section 92.025,  
 2.12 and be managed consistent with section 127A.31.

2.13 **Sec. 2. [85.0145] ACQUISITION OF LAND FOR FACILITIES.**

2.14 The commissioner of natural resources may acquire interests in land by gift,  
 2.15 purchase, or lease for facilities outside the boundaries of state parks, state recreation areas,  
 2.16 or state waysides that are needed for the management of state parks, state recreation areas,  
 2.17 or state waysides established under sections 85.012 and 85.013.

2.18 Sec. 3. Minnesota Statutes 2004, section 88.79, subdivision 1, is amended to read:

2.19 Subdivision 1. **Employment of competent foresters; service to private owners.**

2.20 The commissioner of natural resources may employ competent foresters to furnish owners  
 2.21 of forest lands within the state of Minnesota ~~owning respectively not exceeding~~ who own  
 2.22 not more than 1,000 acres of such forest land, forest management services consisting of:

2.23 (1) advice in management and protection of timber, including written stewardship  
 2.24 and forest management plans;

2.25 (2) selection and marking of timber to be cut;

2.26 (3) measurement of products;

2.27 (4) aid in marketing harvested products;

2.28 (5) provision of tree-planting equipment; and

2.29 (6) such other services as the commissioner of natural resources deems necessary or  
 2.30 advisable to promote maximum sustained yield of timber upon such forest lands.

2.31 **Sec. 4. [89.22] USES OF STATE FOREST LANDS; FEES.**

2.32 Subdivision 1. Establishing fees. Notwithstanding section 16A.1283, the  
 2.33 commissioner may, by written order published in the State Register, establish fees

3.1 providing for the use of state forest lands, including: motorcycle, snowmobile, and sports  
3.2 car rallies, races, or enduros; orienteering trials; group campouts that do not occur at  
3.3 designated group camps; dog sled races; dog trials; large horse trail rides; and commercial  
3.4 uses. The fees are not subject to the rulemaking provisions of chapter 14 and section  
3.5 14.386 does not apply.

3.6 Subd. 2. Receipts to natural resources fund. Fees collected under subdivision 1  
3.7 shall be credited to a forest land use account in the natural resources fund.

3.8 Sec. 5. Minnesota Statutes 2004, section 90.14, is amended to read:

3.9 **90.14 AUCTION SALE PROCEDURE.**

3.10 (a) All state timber shall be offered and sold by the same unit of measurement as it  
3.11 was appraised. ~~The sale shall be made to the person who (1) bids the highest price for all~~  
3.12 ~~the several kinds of timber as advertised, or (2) if unsold at public auction, to the person~~  
3.13 ~~who purchases at any subsequent sale authorized under section 90.101, subdivision 1. No~~  
3.14 tract shall be sold to any person other than the purchaser in whose name the bid was made.

3.15 The commissioner may refuse to approve any and all bids received and cancel a sale of  
3.16 state timber for good and sufficient reasons.

3.17 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
3.18 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under  
3.19 section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent  
3.20 of the appraised value. In case any purchaser fails to make such payment, the purchaser  
3.21 shall be liable therefor to the state in a civil action, and the commissioner may reoffer the  
3.22 timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor  
3.23 had been made.

3.24 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of  
3.25 state timber may, at the time of payment by the purchaser to the commissioner of 15  
3.26 percent of the appraised value, elect in writing on a form prescribed by the attorney  
3.27 general to purchase a permit based solely on the appraiser's estimate of the volume of  
3.28 timber described in the permit, provided that the commissioner has expressly designated  
3.29 the availability of such option for that tract on the list of tracts available for sale as  
3.30 required under section 90.101. A purchaser who elects in writing on a form prescribed  
3.31 by the attorney general to purchase a permit based solely on the appraiser's estimate of  
3.32 the volume of timber described on the permit does not have recourse to the provisions  
3.33 of section 90.281.

3.34 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall  
3.35 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15

4.1 percent of the appraised value within ten business days of receiving a written award notice.  
4.2 If a purchaser fails to make the down payment, the purchaser is liable for the payment to  
4.3 the state and the commissioner may offer the timber for sale to the next highest bidder  
4.4 as though no higher bid had been made.

4.5 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
4.6 issued under section 90.151, the purchaser shall make a bid guarantee payment to the  
4.7 commissioner in an amount equal to 15 percent of the total purchase price of the permit  
4.8 less the down payment amount required by paragraph (b). If the bid guarantee payment is  
4.9 not submitted with the signed permit, no harvesting may occur, the permit cancels, and the  
4.10 down payment for timber forfeits to the state. The bid guarantee payment forfeits to the  
4.11 state if the purchaser and successors in interest fail to execute an effective permit.

4.12 **Sec. 6. [90.145] PURCHASER QUALIFICATIONS AND REGISTRATION.**

4.13 **Subdivision 1. Purchaser qualifications.** (a) In addition to any other requirements  
4.14 imposed by this chapter, the purchaser of a state timber permit issued under section 90.151  
4.15 must meet the requirements in paragraphs (b) to (d).

4.16 (b) The purchaser and the purchaser's agents, employees, subcontractors, and  
4.17 assigns must comply with general industry safety standards for logging adopted by the  
4.18 commissioner of labor and industry under chapter 182. The commissioner of natural  
4.19 resources shall require a purchaser to provide proof of compliance with the general  
4.20 industry safety standards before the start of harvesting operations on any permit.

4.21 (c) The purchaser and the purchaser's agents, subcontractors, and assigns must  
4.22 comply with the mandatory insurance requirements of chapter 176. The commissioner  
4.23 shall require a purchaser to provide a copy of the proof of insurance required by section  
4.24 176.130 before the start of harvesting operations on any permit.

4.25 (d) Before the start of harvesting operations on any permit, the purchaser must  
4.26 certify that a foreperson or other designated employee who has a current certificate of  
4.27 completion from the Minnesota logger education program (MLEP), the Wisconsin Forest  
4.28 Industry Safety and Training Alliance (FISTA), or any similar program acceptable to the  
4.29 commissioner, is supervising active logging operations.

4.30 **Subd. 2. Purchaser preregistration.** To facilitate the sale of permits issued under  
4.31 section 90.151, the commissioner may establish a purchaser preregistration system.  
4.32 Any system implemented by the commissioner shall be limited in scope to only that  
4.33 information that is required for the efficient administration of the purchaser qualification  
4.34 provisions of this chapter and shall conform with the requirements of chapter 13.

5.1 Sec. 7. Minnesota Statutes 2004, section 90.151, subdivision 1, is amended to read:

5.2 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment  
5.3 for state timber required under section 90.14 or 90.191, the commissioner shall issue a  
5.4 numbered permit to the purchaser, in a form approved by the attorney general, by the  
5.5 terms of which the purchaser shall be authorized to enter upon the land, and to cut and  
5.6 remove the timber therein described as designated for cutting in the report of the state  
5.7 appraiser, according to the provisions of this chapter. The permit shall be correctly dated  
5.8 and executed by the commissioner and signed by the purchaser. If a permit is not signed  
5.9 by the purchaser within 60 days from the date of purchase, the permit cancels and the  
5.10 down payment for timber required under section 90.14 forfeits to the state.

5.11 (b) The permit shall expire no later than five years after the date of sale as the  
5.12 commissioner shall specify or as specified under section 90.191, and the timber shall  
5.13 be cut within the time specified therein. All cut timber, equipment, and buildings not  
5.14 removed from the land within 90 days after expiration of the permit shall become the  
5.15 property of the state.

5.16 (c) The commissioner may grant an additional period of time not to exceed 120 days  
5.17 for the removal of cut timber, equipment, and buildings upon receipt of such request by  
5.18 the permit holder for good and sufficient reasons. The commissioner may grant a second  
5.19 period of time not to exceed 120 days for the removal of cut timber, equipment, and  
5.20 buildings upon receipt of a request by the permit holder for hardship reasons only.

5.21 ~~(d) No permit shall be issued to any person other than the purchaser in whose name~~  
5.22 ~~the bid was made.~~

Sec. 8. Minnesota Statutes 2004, section 90.151, subdivision 6, is amended to read:

5.24 Subd. 6. **Notice and approval required.** The permit shall provide that the permit  
5.25 holder shall not start cutting any state timber nor clear building sites nor logging roads until  
5.26 the commissioner has been notified and has given prior approval to such cutting operations.  
5.27 Approval shall not be granted until the permit holder has completed a presale conference  
5.28 with the state appraiser designated to supervise the cutting. The permit holder shall also  
5.29 give prior notice whenever permit operations are to be temporarily halted, whenever  
5.30 permit operations are to be resumed, and when permit operations are to be completed.

5.31 Sec. 9. Minnesota Statutes 2004, section 90.151, is amended by adding a subdivision  
5.32 to read:

5.33 Subd. 15. **Liquidated damages.** The permit may include a schedule of liquidated  
5.34 damage charges for breach of permit terms by the permit holder. The damage charges shall

**89.011 FOREST RESOURCE MANAGEMENT PLAN.**

Subdivision 1. **Preparation.** By July 1, 1983, the commissioner shall prepare a comprehensive forest resource management plan designed to implement the policies stated in section 89.002. The plan shall include an assessment and program elements as provided in subdivisions 2 and 3 and any other issues which the commissioner determines should be included in the plan.

Subd. 2. **Forest assessment.** The assessment shall be updated at least once every ten years and shall include but not be limited to the following:

- (a) The present and projected use and supply of and demand for forest resources in the state;
- (b) The development of a forest resources database, compatible with the database of the Minnesota Land Management Information Center, capable of continuous updating and usable as a tool in effectively managing forest resources, utilizing existing databases as much as practicable;
- (c) The current and anticipated reforestation needs for forest land, including the amount of backlog areas, current and anticipated allowable harvests, identifying poorly stocked forest land, and delineating those areas needing reforestation which are prime forest lands or otherwise likely to produce optimum public benefits from reforestation; and
- (d) An inventory and map of all existing state forest roads and classification by use, standard and condition.

Subd. 3. **Program elements.** The program shall be updated every four years and shall describe specific actions to address the assessment and to implement the forest resources management policy of section 89.002, including but not limited to:

- (a) Improvement of silvicultural practices and improved methods for harvesting and utilizing timber and timber residues;
- (b) Measures to improve reforestation practices;
- (c) Measures to enhance recreational opportunities and fish and wildlife habitat;
- (d) The identification of "prime forest land" according to criteria developed by the commissioner;
- (e) Priorities for construction and improvement of forest roads to achieve the state forest road policy, including the development of alternative methods for financing forest road construction, improvement and maintenance, and for imposing a reasonable share of the costs of the forest road system on those who directly benefit from the availability and use of the system;
- (f) A description of how the multiple use and sustained yield management policy will apply to decisions about other public and private uses of forest lands and resources, including:
  - (1) extractive uses;
  - (2) utility corridors;
  - (3) industrial, commercial, agricultural and institutional uses;
  - (4) residential and seasonal use; and
- (g) An estimate of the expenditures necessary to implement the elements of the program, along with the sources and amounts of revenue available or necessary to finance the estimated expenditures.

Subd. 6. **Staff assistance.** In preparing the forest resources management plan the commissioner is authorized to utilize existing professional staffs of state agencies when the expertise of the staff of a state agency is necessary to fully prepare the plan.

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

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**Senate**

**State of Minnesota**

**S.F. No. 2852 - Forestry Lands-Judiciary Issues**

**Author:** Senator Tom Saxhaug

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

**Date:** March 29, 2006

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**S.F. No. 2852** is an agency bill from the Department of Natural Resource (DNR). Following is a summary of the judiciary issues.

**Section 1** authorizes the DNR to reimburse appraisal costs incurred by owners who donate land or an interest in land to the commissioner and need an appraisal for tax-reporting purposes. If the state pays the donor for a portion of the value of the land or interest, appraisal costs may not exceed \$1,500. If the donor receives no payment, the cost may not exceed \$5,000.

**Section 2** authorizes the Commissioner of Natural Resources to acquire interests in land by gift, purchase, or lease for facilities outside the boundaries of state parks, recreation areas, or waysides that are needed for the management of those areas.

**Section 5** modifies the auction sale procedure for sales of state timber. A tract may not be sold to a person other than the purchaser in whose name a bid was made. In cases where a public auction was conducted by a sealed bid process, tracts must be awarded to the high bidder who is required to make a down payment within ten business days. If a purchaser fails to make the down payment, the purchaser is liable for the payment and the commissioner may offer the timber for sale to the next highest bidder. At the time a purchaser signs a permit issued under section 90.151 (the statute governing permits to cut and remove timber), the purchaser must make a bid guarantee payment to the commissioner. If this payment is not submitted with the permit, no harvesting may occur, the permit cancels, and the down payment is forfeited to the state. In addition, the bid guarantee payment forfeits to the state if the purchaser or successors in interest fail to execute an effective permit.



**Section 9** authorizes a permit to include a schedule of liquidated damage charges for breach of permit terms. Charges must be limited to amounts that are reasonable based on the anticipated or actual harm caused by the breach, difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy.

KP:rd

1.1 **Senator Betzold from the Committee on Judiciary, to which was referred**

1.2 **S.F. No. 3344:** A bill for an act relating to data practices; modifying the manner of  
1.3 obtaining parental consent to genetic testing of children; providing for parental direction  
1.4 to destroy testing results; requiring legislative authorization to revise the kinds of tests to  
1.5 be administered; amending Minnesota Statutes 2004, sections 144.125, subdivisions 2, 3,  
1.6 by adding a subdivision; 144.128.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Page 1, delete section 1 and insert:

1.9 "Section 1. Minnesota Statutes 2004, section 144.125, subdivision 2, is amended to  
1.10 read:

1.11 **Subd. 2. Determination of tests to be administered.** The authorization of the  
1.12 legislature, the commissioner shall periodically revise the list of tests to be administered  
1.13 for determining the presence of a heritable or congenital disorder. Revisions to the  
1.14 list shall reflect advances in medical science, new and improved testing methods, or  
1.15 other factors that will improve the public health. In determining whether a test must be  
1.16 administered, the commissioner shall take into consideration the adequacy of laboratory  
1.17 methods to detect the heritable or congenital disorder, the ability to treat or prevent  
1.18 medical conditions caused by the heritable or congenital disorder, and the severity of the  
1.19 medical conditions caused by the heritable or congenital disorder. Tests to determine  
1.20 the presence of a genetic condition that is not a heritable or congenital disorder may be  
1.21 done only as authorized by law."

1.22 Page 1, delete section 2

1.23 Page 3, after line 20, insert:

1.24 "Sec. 3. Minnesota Statutes 2004, section 144.125, is amended by adding a  
1.25 subdivision to read:

1.26 **Subd. 5. Newborn screening Web site.** The Department of Health newborn  
1.27 screening Web site shall contain a list of all tests currently being performed. By April  
1.28 1 of each year the department shall post the total number of newborn screening results  
1.29 held by the department on the previous December 31 and shall provide the following  
1.30 information for the previous calendar year:

1.31 (1) the number of screenings performed;

1.32 (2) the number of individuals who opted out of screening;

1.33 (3) the number of samples destroyed;

1.34 (4) the number of individuals whose test results were destroyed; and

1.35 (5) the number of samples released for research."

1.36 Renumber the sections in sequence

1.37 Amend the title accordingly

2.1 And when so amended the bill do pass and be re-referred to the Committee on  
2.2 Health and Family Security. Amendments adopted. Report adopted.

2.3  .....  
2.4 (Committee Chair)

2.5 March 30, 2006 .....  
2.6 (Date of Committee recommendation)

Senators Scheid, Limmer, Nienow and Hann introduced—  
S.F. No. 3344: Referred to the Committee on Judiciary.

A bill for an act

relating to data practices; modifying the manner of obtaining parental consent to genetic testing of children; providing for parental direction to destroy testing results; requiring legislative authorization to revise the kinds of tests to be administered; amending Minnesota Statutes 2004, sections 144.125, subdivisions 2, 3, by adding a subdivision; 144.128.

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

~~Section 1. Minnesota Statutes 2004, section 144.125, subdivision 2, is amended to read:~~

~~Subd. 2. **Determination of tests to be administered.** With the authorization of the legislature, the commissioner shall periodically revise the list of tests to be administered for determining the presence of a heritable or congenital disorder. Revisions to the list shall reflect advances in medical science, new and improved testing methods, or other factors that will improve the public health. In determining whether a test must be administered, the commissioner shall take into consideration the adequacy of laboratory methods to detect the heritable or congenital disorder, the ability to treat or prevent medical conditions caused by the heritable or congenital disorder, and the severity of the medical conditions caused by the heritable or congenital disorder. ~~The list of tests to be performed may be revised if the changes are recommended by the advisory committee established under section 144.1255, approved by the commissioner, and published in the State Register. The revision is exempt from the rulemaking requirements in chapter 14, and sections 14.385 and 14.386 do not apply.~~~~

Sec. 2. Minnesota Statutes 2004, section 144.125, subdivision 3, is amended to read:

~~Subd. 3. **Objection of parents to test.** ~~Persons with a duty to perform testing under subdivision 1 shall advise parents of infants (1) that the blood or tissue samples used to~~~~

2.1 ~~perform testing thereunder as well as the results of such testing may be retained by the~~  
2.2 ~~Department of Health, (2) the benefit of retaining the blood or tissue sample, and (3) that~~  
2.3 ~~the following options are available to them with respect to the testing: (i) to decline to~~  
2.4 ~~have the tests, or (ii) to elect to have the tests but to require that all blood samples and~~  
2.5 ~~records of test results be destroyed within 24 months of the testing. If the parents of an~~  
2.6 ~~infant object in writing to testing for heritable and congenital disorders or elect to require~~  
2.7 ~~that blood samples and test results be destroyed, the objection or election shall be recorded~~  
2.8 ~~on a form that is signed by a parent or legal guardian and made part of the infant's medical~~  
2.9 ~~record. A written objection exempts an infant from the requirements of this section and~~  
2.10 ~~section 144.128. (a) Persons with a duty to perform testing under subdivision 1, shall~~  
2.11 ~~request the parent's consent before performing testing, provide parents with a form to~~  
2.12 ~~direct the state to dispose of test results and blood specimens, and offer parents private~~  
2.13 ~~testing options. Parents must be advised in a form separate from the consent form:~~  
2.14 ~~(1) that the parents are not legally required to consent to any testing;~~  
2.15 ~~(2) that the testing is genetic testing;~~  
2.16 ~~(3) that the blood or tissue samples used to perform testing thereunder as well as the~~  
2.17 ~~results of such testing may be retained by the Department of Health;~~  
2.18 ~~(4) the benefit of retaining the blood or tissue sample;~~  
2.19 ~~(5) the concerns related to genetic testing and data banking of DNA samples;~~  
2.20 ~~(6) that retained blood specimens may be made available for medical and genetic~~  
2.21 ~~research; and~~  
2.22 ~~(7) that the following options are available to them if they choose to have the testing:~~  
2.23 ~~(i) PKU only as performed by the commissioner;~~  
2.24 ~~(ii) full roster of genetic tests as performed by the commissioner;~~  
2.25 ~~(iii) private, nonstate testing options;~~  
2.26 ~~(iv) consenting or refusing consent to use of test results in medical or genetic~~  
2.27 ~~research; or~~  
2.28 ~~(v) to elect to have the tests done by the state but to require that all blood samples~~  
2.29 ~~and records of test results be destroyed within 30 days of the testing or of receipt of a~~  
2.30 ~~parent's direction to destroy blood samples and records of test results, whichever is later.~~  
2.31 ~~(b) The consent form itself must contain the following:~~  
2.32 ~~(1) a statement that it is a consent to genetic testing;~~  
2.33 ~~(2) a statement that there is no legal requirement to consent and parents should~~  
2.34 ~~consult with their physicians;~~  
2.35 ~~(3) the infant's name, birth date, and hospital of birth;~~  
2.36 ~~(4) the parent's full name and residence address;~~

- 3.1 (5) a reference to the separate advice form described in paragraph (a);
- 3.2 (6) the option to choose:
  - 3.4 (i) the full roster of tests provided by the Department of Health;
  - 3.5 (ii) only PKU testing;
  - 3.6 (iii) to seek private genetic testing;
  - 3.7 (iv) to consent or refuse consent to allow use of test results and blood samples
  - 3.8 in research; or
  - 3.9 (v) none of the above;
- 3.10 (7) space for the parent's signature and the date; and
- 3.11 (8) a statement that the form will be retained in the child's and mother's medical records.

3.12 Sec. 3. Minnesota Statutes 2004, section 144.125, is amended by adding a subdivision  
 3.13 to read:

3.14 Subd. 4. Parental destruction directive. The commissioner shall prepare a separate  
 3.15 form for parents' use to direct that blood samples and records of test results be destroyed  
 3.16 not later than 30 days after receipt of the form. The form must be provided to the parent  
 3.17 of the newborn. The form must reference available information about data practices  
 3.18 and blood sample storage policies. If the parent elects to have test results and blood  
 3.19 samples destroyed, the form must be signed by the parent and must not require a witness  
 3.20 or notarization of the parent's signature.

3.21 Sec. 4. Minnesota Statutes 2004, section 144.128, is amended to read:

3.22 **144.128 COMMISSIONER'S DUTIES.**

3.23 The commissioner shall:

- 3.24 (1) notify the physicians of newborns tested of the results of the tests performed;
- 3.25 (2) make referrals for the necessary treatment of diagnosed cases of heritable and
- 3.26 congenital disorders when treatment is indicated;
- 3.27 (3) maintain a registry of the cases of heritable and congenital disorders detected by
- 3.28 the screening program for the purpose of follow-up services; and
- 3.29 (4) provide test results to all parents who elect state testing;
- 3.30 (5) provide a certificate of destruction to all parents who elect to have test results and
- 3.31 blood specimens destroyed; and
- (6) adopt rules to carry out sections 144.125 to 144.128.

3-30-06

# Senate Judiciary Committee

## Roll Call Vote

BILL: SF/HF SF3344 delete set 2

Member	AYE	NAY
Senator Betzold	✓	✓
Senator Chaudhary	✓	✓
Senator Hann	✓	✓
Senator Limmer		✓
Senator Marty	✓	
Senator Neuville		✓
Senator Ortman		✓
Senator Rest	✓	
Senator Skoglund	✓	
Total	<u>5</u>	<u>4</u>

The Motion:

✓ PASSED

       DID NOT PASS

33004

# Senate Judiciary Committee

## Roll Call Vote

BILL: SF/HF SF.3344 Delete sect. 1

Member	AYE	NAY
Senator Betzold	✓	
Senator Chaudhary	✓	
Senator Hann		✓
Senator Limmer		✓
Senator Marty	✓	
Senator Neuville		✓
Senator Ortman		✓
Senator Rest	✓	
Senator Skoglund	✓	
Total	<u>5</u>	<u>4</u>

The Motion:  
✓ PASSED  
 \_\_\_\_\_ DID NOT PASS



1.1 Senator ..... moves to amend S.F. No. 3344 as follows:

1.2 Page 1, delete section 2 and insert:

1.3 "Sec. 2. Minnesota Statutes 2004, section 144.125, subdivision 3, is amended to  
1.4 read:

1.5 Subd. 3. **Objection of parents to test.** Before the testing is performed, persons  
1.6 with a duty to perform testing under subdivision 1 shall advise parents of infants (1) that  
1.7 the blood or tissue samples used to perform testing thereunder as well as the results of  
1.8 such testing may be retained by the Department of Health, (2) the benefit of retaining the  
1.9 blood or tissue sample, and (3) the concerns related to genetic testing and data banking of  
1.10 DNA samples, (4) that retained blood specimens may be made available for medical and  
1.11 genetic research, and (5) that the following options are available to them with respect to  
1.12 the testing: (i) to decline to have the tests, or (ii) to elect to have the tests but to require  
1.13 that all blood samples and records of test results be destroyed within ~~24 months~~ 30 days of  
1.14 the testing or receipt of a parent's direction to destroy them, (iii) private, nonstate testing  
1.15 options, or (iv) consenting or refusing consent to use of test results in medical or genetic  
1.16 research. If the parents of an infant object in writing to testing for heritable and congenital  
1.17 disorders or elect to require that blood samples and test results be destroyed, the objection  
1.18 or election shall be recorded on a form that is signed by a parent or legal guardian and  
1.19 made part of the infant's medical record. A form for objecting to the testing and electing  
1.20 to have samples and blood test results destroyed must be given to the parents. A written  
1.21 objection exempts an infant from the requirements of this section and section 144.128. "

1.22 Page 3, after line 20, insert:

1.23 "Sec. 4. Minnesota Statutes 2004, section 144.125, is amended by adding a  
1.24 subdivision to read:

1.25 Subd. 5. Remedies. A person with a duty to perform testing under subdivision 1 who  
1.26 fails to provide the notice or form required under subdivision 3 is liable to a parent who  
1.27 was entitled to receive the notice or form for damages in the amount of \$10,000 or actual  
1.28 damages, whichever is greater, and costs, disbursements, and reasonable attorney fees."

1.29 Renumber the sections in sequence and correct the internal references

1.30 Amend the title accordingly

# Senate Judiciary Committee

## Roll Call Vote

BILL: SF/HF        *Moved to table A-2 amendment to SF 3344*

Member	AYE	NAY
Senator Betzold	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Chaudhary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Hann	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Limmer	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Marty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Neuville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Ortman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Rest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Skoglund	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Total        5 4

The Motion:

PASSED

DID NOT PASS

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


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**Senate**

**State of Minnesota**

## **S.F. No. 3344 - Genetic Testing of Infants**

**Author:** Senator Linda Scheid

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

**Date:** March 29, 2006

---

**Section 1** amends the law authorizing the Commissioner of Health to revise the list of tests to be administered for determining the presence of a heritable or congenital disorder to provide that this may be done only with authorization of the legislature. Current language that authorizes the tests to be changed based on recommendations from an advisory committee is stricken.

**Section 2** modifies the provisions dealing with the right of parents to object to testing and the notice that must be provided. A person with a duty to perform testing must request the parent's consent before testing; provide a form with which parents may direct the state to dispose of test results and blood specimens; and offer private testing options. Parents must be advised in a form separate from the consent form of a number of factors, including the fact that the parents are not legally required to consent, that the testing is genetic testing, and other information regarding the method, benefit, and concerns with respect to genetic testing. Options must also be available under which various levels of testing may be authorized. In addition, the consent form itself must contain specified information.

**Section 3** requires the Commissioner of Health to prepare a separate form for parents to use to direct that blood samples and records of test results be destroyed not later than 30 days after receipt of the form.

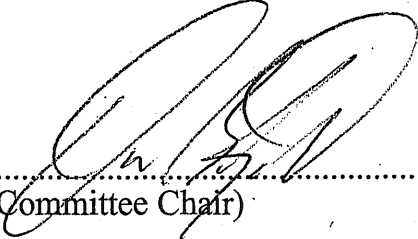
**Section 4** amends the duties of the Commissioner of Health to require that test results be provided to parents who elect testing, and a certificate of destruction must be provided to those who elect to have the results and specimens destroyed.

KP:rer

1.1 **Senator Betzold from the Committee on Judiciary, to which was re-referred**

1.2 **S.F. No. 2662:** A bill for an act relating to housing; creating a blighted housing  
3 rehabilitation program; providing for transfer of possession or ownership of nuisance  
4 properties to nonprofit housing organizations; proposing coding for new law in Minnesota  
1.5 Statutes, chapter 463.

1.6 Reports the same back with the recommendation that the bill do pass. Report  
1.7 adopted.

  
.....  
(Committee Chair)

1.8  
1.9  
  
1.10 March 30, 2006 .....  
1.11 (Date of Committee recommendation)

*Handwritten mark*

*noisy*

1.1 A bill for an act  
 1.2 relating to housing; creating a blighted housing rehabilitation program; providing  
 1.3 for transfer of possession or ownership of nuisance properties to nonprofit  
 1.4 housing organizations; proposing coding for new law in Minnesota Statutes,  
 1.5 chapter 463.

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

1.7 Section 1. [463.270] DEFINITIONS.

1.8 Subdivision 1. Scope. As used in sections 463.270 to 463.276, the terms defined in  
 1.9 this section have the meanings given them.

1.10 Subd. 2. Last known address. "Last known address" includes the address where  
 1.11 the property is located or the address as listed in the tax records.

1.12 Subd. 3. Low- or moderate-income housing. "Low- or moderate-income housing"  
 1.13 means housing for persons and families whose income does not exceed 80 percent of the  
 1.14 greater of state median income or area or county median income as determined by the  
 1.15 federal Department of Housing and Urban Development.

1.16 Subd. 4. Nonprofit housing organization. "Nonprofit housing organization" or  
 1.17 "organization" means a nonprofit corporation organized under chapter 317A or similar law  
 1.18 of another state that has as one of its purposes the improvement of housing. Nonprofit  
 1.19 housing organization includes a church, or convention or association of churches, or  
 1.20 an organization operated primarily for religious purposes that is operated, supervised,  
 1.21 controlled, or principally supported by a church or convention or association of churches  
 1.22 described in United States Code, title 26, section 501(c)(3), of the federal Internal Revenue  
 1.23 Code and exempt from income tax under section 501(a).

*Handwritten box around "Nonprofit housing organization" text*

1.24 Subd. 5. Nuisance. "Nuisance" means any property that because of its physical  
 1.25 condition or use is a public nuisance, or any property that constitutes a blight on the

2.1 surrounding area, or any property that is not fit for human habitation under the applicable  
2.2 fire, building, and housing codes. Nuisance also means any property on which any illegal  
2.3 activity involving controlled substances as defined in section 152.01, subdivision 4, or  
2.4 marijuana takes place or any property on which any illegal activity by a criminal gang,  
2.5 as defined in section 609.229, subdivision 1, takes place.

2.6 Subd. 6. **Parties in interest.** "Parties in interest" means any owner or owners of  
2.7 record, judgment creditor, tax purchaser, or other party having any legal or equitable  
2.8 title or interest in the property.

2.9 Subd. 7. **Property.** "Property" means any residential real estate that has been  
2.10 continuously unoccupied by persons legally in possession for the preceding year.

2.11 Subd. 8. **Rehabilitation.** "Rehabilitation" means the process of improving the  
2.12 property including, but not limited to, bringing property into compliance with applicable  
2.13 fire, housing, and building codes.

2.14 Sec. 2. **[463.271] PETITION FOR TEMPORARY POSSESSION.**

2.15 Subdivision 1. **General requirements.** (a) A nonprofit housing organization may  
2.16 bring a petition for temporary possession of property if:

2.17 (1) the property has been continuously unoccupied by persons legally in possession  
2.18 for the preceding year;

2.19 (2) the property is a nuisance;

2.20 (3) the organization intends to rehabilitate the property and use the property as  
2.21 housing for low- and moderate-income persons and families; and

2.22 (4) the organization has sent notice to the parties in interest of the property, by  
2.23 certified or registered mail, mailed to their last known address and posted on the property  
2.24 at least 30 but not more than 60 days before the date the petition is brought, of the  
2.25 organization's intent to bring a petition for possession under section 463.272.

2.26 (b) A proceeding under this section may be commenced as a civil action in  
2.27 district court in the county in which the property is located. The petition must allege  
2.28 the conditions specified in paragraph (a). All parties in interest of the property must be  
2.29 named as respondents in the petition. Before a hearing on the petition, the petitioner shall  
2.30 record a notice of the pendency of the petition with the county recorder or the registrar  
2.31 of titles in the case of registered property.

2.32 Subd. 2. **Hearing.** (a) At the hearing on the petition, the organization shall submit  
2.33 to the court a plan for the rehabilitation of the property and present evidence that the  
2.34 organization has adequate resources to rehabilitate and manage the property. For the

3.1 purpose of developing a plan, representatives of the organization may be permitted entry  
3.2 onto the property by the court at times and on terms as the court deems appropriate.

3.4 (b) Upon request, the court shall grant a respondent 120 days to bring the property  
3.5 into compliance with applicable fire, housing, and building codes, provided that the  
3.6 respondent submits a plan to the court that is reasonably sufficient for these purposes. The  
3.7 court may, for good cause shown, extend the compliance period. If the property is brought  
3.8 into compliance within the compliance period, the court shall dismiss the petition. If the  
3.9 respondent fails to bring the property into compliance within the compliance period, the  
3.9 court shall consider the petition.

3.10 **Sec. 3. [463.272] REHABILITATION ORDER.**

3.11 If the court approves the petition, the court shall enter an order approving the  
3.12 rehabilitation plan and granting temporary possession of the property to the organization.  
3.13 The organization may, subject to court approval, enter into leases or other agreements in  
3.14 relation to the property.

3.15 **Sec. 4. [463.273] ANNUAL REPORT.**

3.16 The organization shall file an annual report with the court in relation to the  
3.17 rehabilitation and use of the property. The court shall require reports and status updates to  
3.18 be filed as it deems appropriate under the circumstances but no less frequently than once  
3.19 per year. The report shall include statements of all expenditures made by the organization  
3.20 including, but not limited to, payments for the rehabilitation, operation, and maintenance  
3.21 of and repairs to the property, and for real estate taxes, and payments to mortgagees and  
3.22 lienholders during the preceding year, and shall include statements of all income and  
3.23 receipts from the property for the preceding year.

3.24 **Sec. 5. [463.274] RIGHTS OF OWNER.**

3.25 An owner is entitled to regain possession of the property by petitioning to the court  
3.26 for restoration of possession and, upon due notice to the organization, for a hearing on the  
3.27 petition. At the hearing, the court shall determine proper compensation to the organization  
3.28 for its expenditures, including management fees, based on the organization's reports to  
3.29 the court. The court, in determining the proper compensation to the organization, may  
3.30 consider income or receipts received from the property, and the increase in the market  
3.31 value of the property resulting from the rehabilitation by the organization. In no event  
3.32 shall the amount paid be less than the amount spent by the organization plus management  
3.33 fees and interest. After the owner pays the compensation to the organization as determined

4.1 by the court, the owner shall resume possession of the property, subject to all existing  
4.2 rental agreements, whether written or verbal, entered into by the organization.

4.3 **Sec. 6. [463.275] PROPERTY REDEMPTION.**

4.4 If the property is sold for unpaid taxes, an organization with temporary possession  
4.5 may redeem the property in the same manner as the owner is permitted, and amounts paid  
4.6 to redeem the property shall be included as expenditures in the organization's report to  
4.7 the court.

4.8 **Sec. 7. [463.276] PETITION FOR TRANSFER OF OWNERSHIP.**

4.9 If an owner takes no action to regain possession of the property in the two-year  
4.10 period following entry of an order granting temporary possession of the property to the  
4.11 organization, the organization may file a petition for an order transferring ownership of  
4.13 the property to the organization. Upon due notice to the named respondents, an order  
4.14 may be entered transferring ownership to the organization. The order must specify that  
4.15 the property be used for low- and moderate-income housing for at least a ten-year period  
after the order is entered.



3-30-6

# Senate Judiciary Committee

## Roll Call Vote

BILL: SF/HF SF 2662 <sup>in to pass</sup> to the floor

Member	AYE	NAY
Senator Betzold	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chaudhary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Hann	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Limmer	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Marty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Neuville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Ortman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Rest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Skoglund	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total	<u>5</u>	<u>4</u>

The Motion:

PASSED

DID NOT PASS

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

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JO ANNE ZOFF SELLNER  
DIRECTOR

# Senate

State of Minnesota

## **S.F. No. 2662 - Blighted Property Remedies**

**Author:** Senator Linda Higgins

**Prepared by:** John C. Fuller, Senate Counsel (651/296-3914)

**Date:** March 29, 2006

---

S.F. No. 2662 provides for a legal process that a nonprofit housing organization may use to acquire possession and possibly ownership of nuisance property that has been unoccupied for at least one year and that is suitable for low- or moderate-income housing.

Section 1 contains definitions.

Subdivision 4 defines a nuisance as a property that constitutes a public nuisance, is blighted, or is not fit for human habitation under applicable codes. Nuisance is also defined to include property on which certain criminal or gang activity occurs.

Section 2, subdivision 1, authorizes a nonprofit housing organization to, with proper notice to the owner, petition a district court for temporary possession of nuisance property that has been continuously unoccupied for at least one year for temporary possession of the property for purposes of rehabilitating it for low- and moderate-income housing.

Subdivision 2 requires the housing organization to propose a plan of rehabilitation and to demonstrate that it has adequate resources to implement the plan. Parties with an interest in the property, including creditors and the owners, may submit their own rehabilitation plan and must be given time to carry out their plan if the plan appears reasonably designed to correct code violations.

Section 3 authorizes the district court to enter an order granting temporary possession to the housing organization to carry out its rehabilitation plan.

Section 4 requires the housing organization to file various reports with the court concerning its rehabilitation work and income and expenses connected with the property. The reports must be filed at least annually.

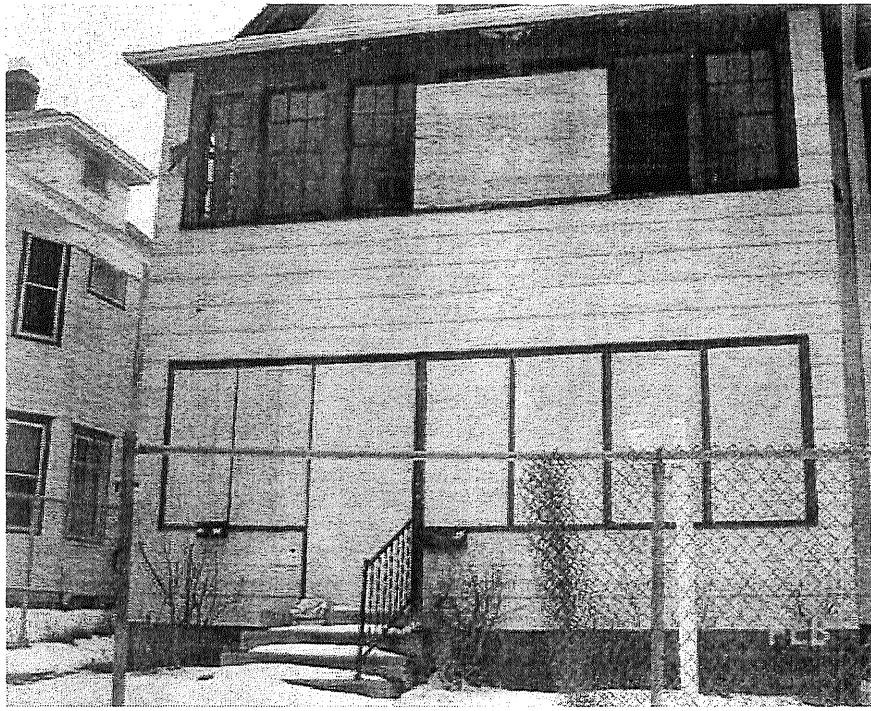
Section 5 grants the owner of the property the right to petition the court for restoration of possession. The owner must pay the housing organization for its expenses related to the house and for any increase in value less any rental or other income the housing organization received from the property.

Section 6 grants the housing organization the same rights to redeem a property after a sale for taxes as are possessed by an owner.

Section 7 grants authority to the district court to transfer ownership of the property to the housing organization upon proper notice to the owner if the owner has taken no action with respect to the property within two years of the order temporarily granting possession to the housing organization.

JCF:cs

SF 2662-1  
handout



**By all accounts, vacant and boarded properties are a curse.  
They are a cost factor that cities just can't afford.**

- A study in Austin, Texas, found that “blocks with unsecured [vacant] buildings had 3.2 times as many drug calls to police, 1.8 times as many theft calls, and twice the number of violent calls” as blocks without vacant buildings.
- Over the past five years, St. Louis has spent \$15.5 million, or nearly \$100 per household, to demolish vacant buildings. Detroit spends \$800,000 per year and Philadelphia spends \$1,846,745 per year cleaning vacant lots.
- A 2001 study in Philadelphia found that houses within 150 feet of a vacant or abandoned property experienced a net loss of \$7,627 in value.
- The US Fire Administration reports that more than 12,000 fires in vacant structures are reported each year in the U.S., resulting in \$73 million in property damage annually. They also report that more than 70% of fires in vacant or abandoned buildings are incendiary or suspicious.
- A University of Minnesota study found that an inhabited, rehabilitated property would produce the current equivalent of \$13,145 in total property taxes over 20 years, compared with only \$1,148 for a vacant lot and \$5650 for a reoccupied by unrenovated house.
- The same U of M study estimated the impact of renovating vacant and abandoned properties on improvements by nearby property owners at \$13,507 in enhanced property tax revenues from private investment over 20 years.
- Richmond, VA, enacted Neighborhoods in Bloom to reduce numbers of vacant buildings. After the first two years, the target neighborhoods experienced a 37 percent reduction in violent crime and a 19 percent reduction in property crime. It concentrated on six targeted neighborhoods most in need of revitalization and focused more than half of its CDBG money on those six neighborhoods, about \$7 million.

Senator Skoglund introduced—

S.F. No. 3132: Referred to the Committee on Judiciary.

1 A bill for an act

1.2 relating to data practices; proposing classifications of data as private and  
1.3 nonpublic; amending Minnesota Statutes 2004, section 13.3805, by adding a  
1.4 subdivision.

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

1.6 Section 1. Minnesota Statutes 2004, section 13.3805, is amended by adding a  
1.7 subdivision to read:

1.8 Subd. 4. Drinking water testing data. All data maintained by the Department  
1.9 of Health or community public water systems that identify the address of the testing  
1.10 site and the name, address, and telephone number of residential homeowners of each  
1.11 specific site that is tested for lead and copper as required by the federal Safe Drinking  
1.12 Water Act, the United States Environmental Protection Agency's lead and copper rule,  
1.13 and the department's drinking water protection program are classified as private data on  
1.14 individuals and nonpublic data.

1.1 To: Senator Betzold, Chair  
1.2 Committee on Judiciary  
3 Senator Skoglund,  
1.4 Chair of the Subcommittee on Data Practices, to which was referred

1.5 **S.F. No. 3414:** A bill for an act relating to government data practices; providing for  
1.6 parole and probation authorities to have access to certain records; amending Minnesota  
1.7 Statutes 2004, section 624.714, by adding a subdivision.

1.8 Reports the same back with the recommendation that the bill be amended as follows:

1.9 Delete everything after the enacting clause and insert:

1.10 "Section 1. Minnesota Statutes 2005 Supplement, section 13.6905, subdivision 3,  
1.11 is amended to read:

1.12 Subd. 3. **Motor vehicle registration.** ~~Various data on~~ Access to motor vehicle  
1.13 ~~registrations are classified under~~ registration data is governed by sections 168.327,  
1.14 subdivision 3, and 168.346.

1.15 Sec. 2. Minnesota Statutes 2004, section 13.6905, subdivision 10, is amended to read:

1.16 Subd. 10. **Driver's license ~~address~~ or Minnesota identification card.** ~~The~~  
1.17 ~~residence address of certain individuals provided to the commissioner of public safety~~  
1.18 Access to data in drivers' driver's license or Minnesota identification card applications is  
1.19 ~~classified under section~~ governed by section 171.12, subdivision 7.

1.20 Sec. 3. Minnesota Statutes 2004, section 136A.162, is amended to read:

1.21 **136A.162 CLASSIFICATION OF DATA.**

1.22 ~~All~~ (a) Except as provided in paragraphs (b) and (c), data on applicants for financial  
1.23 assistance collected and used by the Higher Education Services Office for student  
1.24 financial aid programs administered by that office ~~shall be classified as~~ are private data  
1.25 on individuals ~~under~~ as defined in section 13.02, subdivision 12. ~~Exceptions to this~~  
1.26 ~~classification are that:~~

1.27 ~~(a) the names and addresses of program recipients or participants are public data;~~

1.28 (b) Data on applicants may be disclosed to the commissioner of human services  
1.29 to the extent necessary to determine eligibility under section 136A.121, subdivision 2,  
1.30 clause (5); ~~and.~~

1.31 (c) The following data collected in the Minnesota supplemental loan program under  
1.32 section 136A.1701 may be disclosed to a consumer credit reporting agency only if the  
1.33 borrower and the cosigner give informed consent, according to section 13.05, subdivision  
4, at the time of application for a loan:

1.35 (1) the lender-assigned borrower identification number;

1.36 (2) the name and address of borrower;

- 2.1 (3) the name and address of cosigner;
- 2.2 (4) the date the account is opened;
- 2.3 (5) the outstanding account balance;
- 2.4 (6) the dollar amount past due;
- 2.5 (7) the number of payments past due;
- 2.6 (8) the number of late payments in previous 12 months;
- 2.7 (9) the type of account;
- 2.8 (10) the responsibility for the account; and
- 2.9 (11) the status or remarks code.

2.10 Sec. 4. Minnesota Statutes 2005 Supplement, section 168.346, subdivision 1, is  
2.11 amended to read:

2.12 Subdivision 1. **Vehicle registration data; federal compliance.** (a) Except as  
2.13 otherwise provided in this section, data on an individual provided to register a vehicle is  
2.14 private data on individuals, as defined in section 13.02, and shall be treated as provided  
2.15 by United States Code, title 18, section 2721, as in effect on May 23, 2005, and. The  
2.16 data shall be disclosed as required by section 2721, paragraph (b), or as permitted by  
2.17 that section paragraph (b), clauses (1), (2) to (7), (9), and (14). The data must also be  
2.18 provided to a federally certified or designated nonprofit organ procurement organization in  
2.19 connection with its authorized activities.

2.20 (b) The registered owner of a vehicle who is an individual may expressly consent in  
2.21 writing to the commissioner to disclose the individual's personal information exempted  
2.22 by United States Code, title 18, section 2721, to any person who makes a written request  
2.23 for the personal information. If the registered owner is an individual and so authorizes  
2.24 disclosure, the commissioner shall implement the request. The consent must be on a  
2.25 document separate from the application for registration. The commissioner must not  
2.26 condition the issuance of the registration upon the consent or give any preference to an  
2.27 individual who grants consent.

2.28 ~~(c) If authorized by the registered owner as indicated in paragraph (b), the registered~~  
2.29 ~~owner's personal information may be used, rented, or sold solely for bulk distribution by~~  
2.30 ~~organizations for business purposes including surveys, marketing, or solicitation. The~~  
2.31 ~~commissioner may disclose data on individuals provided to register a vehicle only on an~~  
2.32 ~~individual record basis in response to a permissible user's identification of the individual~~  
2.33 ~~subject of the data to whom the permissible use relates. The commissioner must not~~  
2.34 ~~disclose a register owner's personal information on a bulk record basis. This paragraph~~  
2.35 ~~does not apply to the permissible use in United States Code, title 18, section 2721(b)(1).~~

2.36 (d) A recipient of data under this subdivision must not resell or redisclose the data.

3.1 (e) A person who requests disclosure of data under paragraph (a) must identify the  
3.2 data elements requested and the reason each element is needed and may receive only those  
3 data elements needed to accomplish the purpose of the request. A person requesting data  
3.4 on 500 or more individuals must document compliance with data security measures as  
3.5 required by the commissioner. The commissioner shall implement a system for tracking  
3.6 the sale or disclosure of personal information described in paragraph (a) by those who  
3.7 receive personal information from the commissioner. The commissioner shall audit  
3.8 activities of recipients of personal information under paragraph (a) with regard to that  
3.9 information. Persons who receive personal information from the commissioner must  
3.10 cooperate with all compliance activities.

3.11 (f) The remedies and penalties in section 8.31 apply to a user of personal information  
3.12 who violates this section or the terms of a user agreement.

3.13 (g) The commissioner shall charge the following fees for access to data under  
3.14 this section by a permissible user, other than an organ procurement organization or  
3.15 government agency:

3.16 (1) \$..... application fee; and

3.17 (2) \$..... fee for each inquiry regarding an individual.

3.18 Of the fees collected under this paragraph, .... percent is for the commissioner of  
3.19 public safety for operation of the permissible user system and .... percent is to be deposited  
3.20 in the financial crimes account under section 299A.683.

3.21 **Sec. 5. [171.072] TRIBAL IDENTIFICATION CARD.**

3.22 (a) Notwithstanding any law to the contrary, when a Minnesota identification card is  
3.23 deemed an acceptable form of identification under statute or rule, a tribal identification  
3.24 card is an equivalent form of identification.

3.25 (b) For purposes of this subdivision, "tribal identification card" means an unexpired  
3.26 identification card issued by the tribal government of a tribe recognized by the Bureau of  
3.27 Indian Affairs, United States Department of the Interior, that contains the name, signature,  
3.28 and picture of the individual.

3.29 **Sec. 6. Minnesota Statutes 2005 Supplement, section 171.12, subdivision 7, is**  
3.30 **amended to read:**

3.31 **Subd. 7. Privacy of data.** (a) Except as otherwise provided in this section, data on  
3.32 individuals provided to obtain a driver's license or Minnesota identification card is private  
3 data on individuals, as defined in section 13.02, and shall be treated as provided by United  
3.34 States Code, title 18, section 2721, as in effect on May 23, 2005, and. The data shall  
3.35 be disclosed as required by section 2721, paragraph (b), or as permitted by that section



4.1 paragraph (b), clauses (1), (2) to (7), (9), and (14). The data must also be provided to a  
4.2 federally certified or designated nonprofit organ procurement organization in connection  
4.3 with its authorized activities.

4.4 (b) An applicant for a driver's license or a Minnesota identification card may  
4.5 expressly consent, in writing, to the commissioner to disclose the applicant's personal  
4.6 information exempted by United States Code, title 18, section 2721, to any person who  
4.7 makes a request for the personal information. If the applicant so authorizes disclosures,  
4.8 the commissioner shall implement the request and the information may be used. The  
4.9 consent must be on a document separate from the application for registration. The  
4.10 commissioner must not condition the issuance of the registration upon the consent or give  
4.11 any preference to an individual who grants consent.

4.12 (c) ~~If authorized by an applicant for a driver's license or a Minnesota identification~~  
4.13 ~~card, as indicated in paragraph (b), the applicant's personal information may be used,~~  
4.14 ~~rented, or sold solely for bulk distribution by organizations for business purposes,~~  
4.15 ~~including surveys, marketing, or solicitation. The commissioner may disclose data on~~  
4.16 individuals provided to obtain a driver's license or Minnesota identification card only  
4.17 on an individual record basis in response to a permissible user's identification of the  
4.18 individual subject of the data to whom the permissible use relates. The commissioner must  
4.19 not disclose a register owner's personal information on a bulk record basis. This paragraph  
4.20 does not apply to the permissible use in United States Code, title 18, section 2721(b)(1).

4.21 (d) A recipient of data under this subdivision shall not resell or redisclose the data.

4.22 (e) A person who requests disclosure of data under paragraph (a) must identify the  
4.23 data elements requested and the reason each element is needed and may receive only those  
4.24 data elements needed to accomplish the purpose of the request. A person requesting data  
4.25 on 500 or more individuals must document compliance with data security measures as  
4.26 required by the commissioner. The commissioner shall implement a system for tracking  
4.27 the sale or disclosure of personal information described in paragraph (a) by those who  
4.28 receive personal information from the commissioner. The commissioner shall audit  
4.29 activities of recipients of personal information under paragraph (a) with regard to that  
4.30 information. Persons who receive personal information from the commissioner must  
4.31 cooperate with all compliance activities.

4.32 (f) The remedies and penalties in section 8.31 apply to a user of personal information  
4.33 who violates this section or the terms of a user agreement.

4.34 (g) The commissioner shall charge the following fees for access to data under  
4.35 this section by a permissible user, other than an organ procurement organization or  
4.36 government agency:

5.1 (1) \$..... application fee; and

5.2 (2) \$..... fee for each inquiry regarding an individual.

3 Of the fees collected under this paragraph, .... percent is for the commissioner of  
5.4 public safety for operation of the permissible user system and .... percent is to be deposited  
5.5 in the financial crimes account under section 299A.683.

5.6 ~~(d)~~ (h) An applicant for a driver's license, instruction permit, or Minnesota  
5.7 identification card may request that the applicant's residence address be classified  
5.8 as "private data on individuals," as defined in section 13.02, subdivision 12. The  
5.9 commissioner shall grant the classification on receipt of a signed statement by the  
5.10 individual that the classification is required for the safety of the applicant or the applicant's  
5.11 family, if the statement also provides a valid, existing address where the applicant  
5.12 consents to receive service of process. The commissioner shall use the service for  
5.13 process mailing address in place of the residence address in all documents and notices  
5.14 pertaining to the driver's license, instruction permit, or Minnesota identification card. The  
5.15 residence address and any information provided in the classification request, other than the  
5.16 mailing address, are private data on individuals and may be provided to requesting law  
5.17 enforcement agencies, probation and parole agencies, and public authorities, as defined  
5.18 in section 518.54, subdivision 9.

5.19 **Sec. 7. [299A.683] PUBLIC SAFETY AND FINANCIAL CRIMES ACCOUNT.**

5.20 A public safety and financial crimes account is created in the special revenue fund  
5.21 consisting of the fees collected under sections 168.346 and 171.12 that are designated for  
5.22 this purpose. Money in the account is annually appropriated to the commissioner of  
5.23 public safety for purposes of the operations of the Minnesota Financial Crimes Task  
5.24 Force established under section 299A.681, subdivision 3. The commissioner shall make  
5.25 specialized financial crimes prosecutors' grants as recommended by the Minnesota  
5.26 Financial Crimes Oversight Council in consultation with representatives of county  
5.27 attorneys and the attorney general.

5.28 **Sec. 8. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 1, is**  
5.29 **amended to read:**

5.30 **Subdivision 1. Generally. (a)** A person or entity, not including a government entity,  
5.31 may not do any of the following:

5.32 (1) publicly post or publicly display in any manner an individual's Social Security  
5.33 number. "Publicly post" or "publicly display" means to intentionally communicate or  
5.34 otherwise make available to the general public;

6.1 (2) print an individual's Social Security number on any card required for the  
6.2 individual to access products or services provided by the person or entity;

6.3 (3) require an individual to transmit the individual's Social Security number over the  
6.4 Internet, unless the connection is secure or the Social Security number is encrypted;

6.5 (4) require an individual to use the individual's Social Security number to access an  
6.6 Internet Web site, unless a password or unique personal identification number or other  
6.7 authentication device is also required to access the Internet Web site; or

6.8 (5) print a number that the person or entity knows to be an individual's Social  
6.9 Security number on any materials that are mailed to the individual, unless state or federal  
6.10 law requires the Social Security number to be on the document to be mailed. If, in  
6.11 connection with a transaction involving or otherwise relating to an individual, a person  
6.12 or entity receives a number from a third party, that person or entity is under no duty to  
6.13 inquire or otherwise determine whether the number is or includes that individual's Social  
6.14 Security number and may print that number on materials mailed to the individual, unless  
6.15 the person or entity receiving the number has actual knowledge that the number is or  
6.16 includes the individual's Social Security number;

6.17 (6) assign or use a number as an account identifier that is identical to or incorporates  
6.18 an individual's complete Social Security number; or

6.19 (7) sell Social Security numbers obtained from individuals in the course of business.

6.20 ~~Notwithstanding clauses (1) to (5), Social Security numbers may be included in~~  
6.21 ~~applications and forms sent by mail, including documents sent as part of an application or~~  
6.22 ~~enrollment process, or to establish, amend, or terminate an account, contract, or policy,~~  
6.23 ~~or to confirm the accuracy of the Social Security number. Nothing in this paragraph~~  
6.24 ~~authorizes inclusion of a Social Security number on the outside of a mailing.~~

6.25 (b) A person or entity, not including a government entity, must restrict access to  
6.26 individual Social Security numbers it holds so that only employees who require the  
6.27 numbers in order to perform their job duties have access to the numbers.

6.28 ~~Except as provided in subdivision 2, (c) This section applies only to the use of Social~~  
6.29 ~~Security numbers on or after July 1, 2007.~~

6.30 Sec. 9. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 3, is  
6.31 amended to read:

6.32 Subd. 3. **Coordination with other law.** This section does not prevent:

6.33 (1) the collection, use, or release of a Social Security number as required by state or  
6.34 federal law or;

6.35 (2) the use of a Social Security number for internal verification or administrative  
6.36 purposes;

7.1 (3) the use of a Social Security number to access a credit report for purposes allowed  
 7.2 by the federal Fair Credit Reporting Act, United States Code, title 15, section 1681a, if a  
 3 Social Security number is required in order to access the credit report; or

7.4 (4) the use of a Social Security number to access or report information to a person  
 7.5 who maintains a database of information used in connection with the prevention or  
 7.6 detection of fraud.

7.7 Sec. 10. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision  
 7.8 to read:


7.9 Subd. 14a. Parole and probation authority access to records. Parole and  
 7.10 probation authorities must be given access to records or data collected, made, or held  
 7.11 under this section concerning any applicant or permit holder who is a defendant, parolee,  
 7.12 or probationer of a district court.

13 Sec. 11. **REPEALER.**

7.14 Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 2, is repealed."

7.15 Amend the title accordingly

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

7.18   
 7.19 (Subcommittee Chair)

7.20 March 28, 2006 .....  
 7.21 (Date of Subcommittee recommendation)

1.1 To: Senator Betzold, Chair  
1.2 Committee on Judiciary  
1.3 Senator Skoglund,  
1.4 Chair of the Subcommittee on Data Practices, to which was referred

1.5 **S.F. No. 3132:** A bill for an act relating to data practices; proposing classifications  
1.6 of data as private and nonpublic; amending Minnesota Statutes 2004, section 13.3805,  
1.7 by adding a subdivision.

1.8 Reports the same back with the recommendation that the bill be amended as follows:

1.9 Delete everything after the enacting clause and insert:

1.10 "Section 1. Minnesota Statutes 2004, section 13.072, subdivision 1, is amended to  
1.11 read:

1.12 Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity,  
1.13 the commissioner may give a written opinion on any question relating to public access  
1.14 to government data, rights of subjects of data, or classification of data under this chapter  
1.15 or other Minnesota statutes governing government data practices. Upon request of any  
1.16 person who disagrees with a determination regarding data practices made by a government  
1.17 entity, the commissioner may give a written opinion regarding the person's rights as a  
1.18 subject of government data or right to have access to government data.

1.19 (b) Upon request of a body subject to chapter 13D, the commissioner may give a  
1.20 written opinion on any question relating to the body's duties under chapter 13D. Upon  
1.21 request of a person who disagrees with the manner in which members of a governing body  
1.22 perform their duties under chapter 13D, the commissioner may give a written opinion  
1.23 on compliance with chapter 13D. A governing body or person requesting an opinion  
1.24 under this paragraph must pay the commissioner a fee of \$200. Money received by the  
1.25 commissioner under this paragraph is appropriated to the commissioner for the purposes  
1.26 of this section.

1.27 (c) If the commissioner determines that no opinion will be issued, the commissioner  
1.28 shall give the government entity or body subject to chapter 13D or person requesting  
1.29 the opinion notice of the decision not to issue the opinion within five business days of  
1.30 receipt of the request. If this notice is not given, the commissioner shall issue an opinion  
1.31 within 20 days of receipt of the request.

1.32 (d) For good cause and upon written notice to the person requesting the opinion,  
1.33 the commissioner may extend this deadline for one additional 30-day period. The notice  
1.34 must state the reason for extending the deadline. The government entity or the members  
1.35 of a body subject to chapter 13D must be provided a reasonable opportunity to explain the  
1.36 reasons for its decision regarding the data or how they perform their duties under chapter  
1.37 13D. The commissioner or the government entity or body subject to chapter 13D may

2.1 choose to give notice to the subject of the data concerning the dispute regarding the data  
2.2 or compliance with chapter 13D.

2.3 (e) This section does not apply to a determination made by the commissioner of  
2.4 health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

2.5 (f) A written opinion issued by the attorney general shall take precedence over an  
2.6 opinion issued by the commissioner under this section.

2.7 Sec. 2. Minnesota Statutes 2004, section 13.32, is amended by adding a subdivision to  
2.8 read:

2.9 Subd. 8a. Access by juvenile justice system; bullying behavior. (a) For purposes  
2.10 of this subdivision, "bullying behavior" means any written or verbal expression or physical  
2.11 act or gesture by a student that is intended to cause or is perceived as causing distress to  
2.12 one or more students and that substantially interferes with another student's educational  
2.13 benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct  
2.14 by a student against another student that a reasonable person under the circumstances  
2.15 knows or should know has the effect of harming a student, damaging a student's property,  
2.16 placing a student in reasonable fear of harm to the student's person or property, or creating  
2.17 a hostile educational environment for a student.

2.18 (b) Education data relating to bullying behavior by a student may be disclosed  
2.19 under subdivision 3, clause (i).

2.20 Sec. 3. Minnesota Statutes 2004, section 13.3805, is amended by adding a subdivision  
2.21 to read:

2.22 Subd. 4. Drinking water testing data. Data maintained by the Department  
2.23 of Health or community public water systems that identify the address of the testing  
2.24 site and the name, address, and telephone number of residential homeowners of each  
2.25 specific site that is tested for lead and copper as required by the federal Safe Drinking  
2.26 Water Act, the United States Environmental Protection Agency's lead and copper rule,  
2.27 and the department's drinking water protection program are private data on individuals  
2.28 or nonpublic data.

2.29 Sec. 4. Minnesota Statutes 2004, section 13.87, is amended by adding a subdivision to  
2.30 read:

2.31 Subd. 4. Name and index service data. (a) For purposes of this section, "name  
2.32 and event index service data" means data of the Bureau of Criminal Apprehension that  
2.33 link data on an individual that are stored in one or more databases maintained by criminal  
2.34 justice agencies, as defined in section 299C.46, subdivision 2, or the judiciary.

3.1 (b) Name and event index service data are private data on individuals, provided  
3.2 that if the data link private or public data on an individual to confidential data on that  
3.3 individual, the data are confidential data on that individual. The data become private data  
3.4 if the data no longer link private or public data to confidential data. The classification of  
3.5 data in the name and event index service does not change the classification of the data in  
3.6 the databases linked by the service.

3.7 Sec. 5. Minnesota Statutes 2004, section 138.17, subdivision 7, is amended to read:

3.8 **Subd. 7. Records management program.** ~~A records management program for the~~  
3.9 ~~application of efficient and economical management methods to the creation, utilization,~~  
3.10 ~~maintenance, retention, preservation, and disposal of official records shall be administered~~  
3.11 ~~by the commissioner of administration with assistance from the director of the historical~~  
3.12 ~~society. The State Records Center which stores and services state records not in state~~  
3.13 ~~archives shall be administered by the commissioner of administration. The commissioner~~  
3.14 ~~of administration is empowered to (1) establish standards, procedures, and techniques for~~  
3.15 ~~effective management of government records, (2) make continuing surveys of paper work~~  
3.16 ~~operations, and (3) recommend improvements in current records management practices~~  
3.17 ~~including the use of space, equipment, and supplies employed in creating, maintaining,~~  
3.18 ~~preserving and disposing of government records. It shall be the duty of the head of each~~  
3.19 ~~state agency and the governing body of each county, municipality, and other subdivision~~  
3.20 ~~of government to cooperate with the commissioner in conducting surveys and to establish~~  
3.21 ~~and maintain an active, continuing program for the economical and efficient management~~  
3.22 ~~of the records of each agency, county, municipality, or other subdivision of government.~~  
3 ~~When requested by the commissioner, Public officials shall assist in the preparation of~~  
3.24 ~~prepare an inclusive inventory of records in their custody, to which shall be attached~~  
3.25 ~~a schedule, approved by the head of the governmental unit or agency having custody~~  
3.26 ~~of the records and the commissioner, establishing a time period for the retention or~~  
3.27 ~~disposal of each series of records. When the schedule is unanimously approved by the~~  
3.28 ~~records disposition panel, the head of the governmental unit or agency having custody~~  
3.29 ~~of the records may dispose of the type of records listed in the schedule at a time and in~~  
3.30 ~~a manner prescribed in the schedule for particular records which were created after the~~  
3.31 ~~approval. A list of records disposed of pursuant to this subdivision shall be maintained by~~  
3.32 ~~the governmental unit or agency.~~

Sec. 6. Minnesota Statutes 2004, section 138.17, subdivision 8, is amended to read:

3.34 **Subd. 8. Emergency records preservation.** ~~In light of the danger of nuclear or~~  
3.35 ~~natural disaster, the commissioner of administration, with the assistance of the director~~

4.1 ~~of the historical society, shall establish and maintain a program for the selection and~~  
 4.2 ~~preservation of public records considered essential to the operation of government and to~~  
 4.3 ~~the protection of the rights and interests of persons, and shall make or cause to be made~~  
 4.4 ~~preservation duplicates or designate as preservation duplicates existing copies of such~~  
 4.5 ~~essential public records. Preservation duplicates shall be durable, accurate, complete, and~~  
 4.6 ~~clear, and such duplicates reproduced by photographic or other process which accurately~~  
 4.7 ~~reproduces and forms a durable medium for so reproducing the original shall have the~~  
 4.8 ~~same force and effect for all purposes as the original record whether the original record is~~  
 4.9 ~~in existence or not. A transcript, exemplification, or certified copy of such preservation~~  
 4.10 ~~duplicate shall be deemed for all purposes to be a transcript, exemplification, or certified~~  
 4.11 ~~copy of the original record. Such preservation duplicates shall be preserved in the place~~  
 4.12 ~~and manner of safekeeping prescribed by the commissioner.~~

4.13 Every county, municipality, or other subdivision of government may institute  
 4.14 a program for the preservation of necessary documents essential to the continuity of  
 4.15 government in the event of a disaster or emergency. ~~Such a program shall first be~~  
 4.16 ~~submitted to the commissioner for approval or disapproval and no such program shall be~~  
 4.17 ~~instituted until such approval is obtained.~~

4.18 Sec. 7. Minnesota Statutes 2004, section 144.335, is amended by adding a subdivision  
 4.19 to read:

4.20 **Subd. 3d. Release of records for family and caretaker involvement in mental**  
 4.21 **health care. (a) Notwithstanding subdivision 3a, a provider providing mental health care**  
 4.22 **and treatment may disclose health record information described in paragraph (b) about a**  
 4.23 **patient to a family member of the patient or other person who requests the information if:**

4.24 **(1) the request for information is in writing;**

4.25 **(2) the family member or other person lives with, provides care for, or is directly**  
 4.26 **involved in monitoring the treatment of the patient;**

4.27 **(3) the involvement under clause (2) is verified by the patient's mental health care**  
 4.28 **provider, the patient's attending physician, or a person other than the person requesting**  
 4.29 **the information;**

4.30 **(4) before the disclosure, the patient is informed in writing of the request, the name**  
 4.31 **of the person requesting the information, the reason for the request, and the specific**  
 4.32 **information being requested;**

4.33 **(5) the patient agrees to the disclosure, does not object to the disclosure, or is unable**  
 4.34 **to consent or object; and**

4.35 **(6) the disclosure is necessary to assist in the provision of care or monitoring of the**  
 4.36 **patient's treatment.**



5.1           **(b) The information disclosed under this subdivision is limited to diagnosis,**  
5.2 **admission to or discharge from treatment, the name and dosage of the medications**  
5.3 **prescribed, side effects of the medication, consequences of failure of the patient to take the**  
5.4 **prescribed medication, and a summary of the discharge plan.**

5.5           **(c) If a provider reasonably determines that providing information under this**  
5.6 **subdivision would be detrimental to the physical or mental health of the patient or is**  
5.7 **likely to cause the patient to inflict self harm or to harm another, the provider must not**  
5.8 **disclose the information.**

5.9           **(d) This subdivision does not apply to disclosures for a medical emergency or to**  
5.10 **family members as authorized or required under subdivision 3a, paragraph (b), clause**  
5.11 **(1), or paragraph (f).**

5.12           Sec. 8. Minnesota Statutes 2005 Supplement, section 270C.03, subdivision 1, is  
5.13 amended to read:

5.14           Subdivision 1. **Powers and duties.** The commissioner shall have and exercise  
5.15 the following powers and duties:

5.16           (1) administer and enforce the assessment and collection of taxes;

5.17           (2) make determinations, corrections, and assessments with respect to taxes,  
5.18 including interest, additions to taxes, and assessable penalties;

5.19           (3) use statistical or other sampling techniques consistent with generally accepted  
5.20 auditing standards in examining returns or records and making assessments;

5.21           (4) investigate the tax laws of other states and countries, and formulate and submit  
5.22 to the legislature such legislation as the commissioner may deem expedient to prevent  
5.23 evasions of state revenue laws and to secure just and equal taxation and improvement in  
5.24 the system of state revenue laws;

5.25           (5) consult and confer with the governor upon the subject of taxation, the  
5.26 administration of the laws in regard thereto, and the progress of the work of the  
5.27 department, and furnish the governor, from time to time, such assistance and information  
5.28 as the governor may require relating to tax matters;

5.29           (6) execute and administer any agreement with the secretary of the treasury or the  
5.30 Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Department of Justice of the  
5.31 United States or a representative of another state regarding the exchange of information  
5.32 and administration of the state revenue laws;

5.33           (7) require town, city, county, and other public officers to report information as to the  
5.34 collection of taxes received from licenses and other sources, and such other information  
5.35 as may be needful in the work of the commissioner, in such form as the commissioner  
5.36 may prescribe;

6.1 (8) authorize the use of unmarked motor vehicles to conduct seizures or criminal  
6.2 investigations pursuant to the commissioner's authority; and

6.3 (9) exercise other powers and authority and perform other duties required of or  
6.4 imposed upon the commissioner by law.

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

6.6 Sec. 9. Minnesota Statutes 2004, section 626.557, subdivision 9a, is amended to read:

6.7 Subd. 9a. **Evaluation and referral of reports made to a common entry**  
6.8 **point unit.** The common entry point must screen the reports of alleged or suspected  
6.9 maltreatment for immediate risk and make all necessary referrals as follows:

6.10 (1) if the common entry point determines that there is an immediate need for  
6.11 adult protective services, the common entry point agency shall immediately notify the  
6.12 appropriate county agency;

6.13 (2) if the report contains suspected criminal activity against a vulnerable adult, the  
6.14 common entry point shall immediately notify the appropriate law enforcement agency;


6.15 (3) if the report references alleged or suspected maltreatment and there is no  
6.16 immediate need for adult protective services, the common entry point shall notify the  
6.17 appropriate lead agency as soon as possible, but in any event no longer than two working  
6.18 days;

6.19 (4) if the report does not reference alleged or suspected maltreatment, the common  
6.20 entry point may determine whether the information will be referred; and

6.21 (5) if the report contains information about a suspicious death, the common entry  
6.22 point shall immediately notify the appropriate law enforcement agencies, the local medical  
6.23 examiner, and the ombudsman established under section 245.92. Law enforcement  
6.24 agencies shall coordinate with the local medical examiner and the ombudsman as provided  
6.25 by law. "

6.26 Amend the title accordingly

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

6.29   
6.30 (Subcommittee Chair)

6.31 March 23, 2006 .....  
6.32 (Date of Subcommittee action)

1.1 Senator ..... moves to amend the Report of the Subcommittee on Data  
1.2 Practices (SS3414SUB) to S.F. No. 3414 as follows:

1.3 Page 3, delete section 5, and insert:

1.4 "Sec. 5. [171.072] TRIBAL IDENTIFICATION CARD.

1.5 (a) A tribal identification card is a primary document for purposes of Minnesota  
1.6 Rules, part 7410.0400, and successor rules.

1.7 (b) For purposes of this subdivision, "tribal identification card" means an unexpired  
1.8 identification card issued by the tribal government of a tribe recognized by the Bureau of  
1.9 Indian Affairs, United States Department of the Interior, that contains the legal name, date  
1.10 of birth, signature, and picture of the enrolled tribal member.

1.11 (c) The tribal identification card must contain security features that make it as  
1.12 impervious to alteration as is reasonably practicable in its design and quality of material  
1.13 and technology. The security features must use materials that are not readily available to  
1.14 the general public. The tribal identification card must not be susceptible to reproduction by  
1.15 photocopying or simulation and must be highly resistant to data or photograph substitution  
1.16 and other tampering."

1.17 Renumber the sections in sequence and correct the internal references

1.18 Amend the title accordingly

1.1 Senator ..... moves to amend the Report of the Subcommittee on Data  
1.2 Practices (SS3132SUB) to S.F. No. 3132 as follows:

1.3 Page 6, after line 5, insert:

1.4 "Sec. 9. [609A.04] BUSINESS SCREENING SERVICES; REMOVAL OF  
1.5 DATA ON EXPUNGED RECORDS; CORRECTIONS.

1.6 Subdivision 1. Definition. For purposes of this section, "business screening service"  
1.7 means a person engaged in the business of gathering, storing, or disseminating background  
1.8 information on individuals that includes records of arrests, citations, criminal proceedings,  
1.9 or convictions involving the individual. Business screening service does not include a  
1.10 residential screening service under sections 504B.235 to 504B.245.

1.11 Subd. 2. Deletion of expunged records. If a business screening service knows that  
1.12 records of an arrest, citation, criminal proceeding, or conviction involving an individual  
1.13 have been expunged under this chapter or other law, the screening service shall delete any  
1.14 reference to those records in information maintained or disseminated by the screening  
1.15 service.

1.16 Subd. 3. Corrections. If the completeness or accuracy of a record involving an  
1.17 arrest, citation, criminal proceeding, or conviction maintained by a business screening  
1.18 service is disputed by the individual who is the subject of the record, the screening  
1.19 service must reinvestigate and document the current status of the record. If the record is  
1.20 found to be inaccurate or can no longer be verified, the screening service must correct  
1.21 the inaccuracy or delete any reference to that record in information maintained or  
1.22 disseminated by the screening service. At the request of the individual, the screening  
1.23 service must give notification of the correction or deletion to persons who have received  
1.24 the record within the past six months.

1.25 Subd. 4. Remedy. A business screening service that violates this section is liable  
1.26 to the individual who is the subject of the record for a penalty of \$10,000 or actual  
1.27 damages caused by the violation, whichever is greater, plus costs and disbursements and  
1.28 reasonable attorney fees.

1.29 EFFECTIVE DATE. This section is effective August 1, 2006. "

1.30 Renumber the sections in sequence and correct the internal references

1.31 Amend the title accordingly

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


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# Senate

State of Minnesota

## **S.F. No. 3132 - Omnibus Data Practices Bill (subcommittee report)**

**Author:** Senator Wes Skoglund

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

**Date:** March 29, 2006

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**Section 1** clarifies the statute dealing with the issuance of data practices opinions by the Commissioner of Administration to provide that if the Commissioner determines that an opinion will not be issued, notice must be given to the requestor of this decision within five business days of the receipt of the request.

**Section 2** amends the educational data statute to authorize schools to disclose bullying behavior by a student to the juvenile justice system, subject to general requirements under current law regarding these disclosures.

**Section 3** provides that data maintained by the Department of Health or community public water systems that identify the address of a site that is tested for lead and copper and the name, address, and telephone number of residential homeowners in the site, are private data or nonpublic data.

**Section 4** classifies name and index service data maintained by the Bureau of Criminal Apprehension as private data, except that if the data link private or public data to confidential data, the data become confidential data.

**Section 5** strikes a requirement that the Commissioner of Administration administer a records management program but retains the requirements that state agencies and local governments have programs in place.

**Section 6** eliminates a requirement that the Commissioner of Administration, with the assistance the director of the Minnesota Historical Society, establish and maintain a program for the selection and preservation of public records considered essential to the operation of government and to the protection of the rights and interests of persons. Local government requirements with respect to

preserving necessary documents essential to the continuity of government in the event of a disaster or emergency would continue.

**Section 7** amends the medical records statute to authorize the release of records necessary for family and caretaker involvement in mental health care under certain circumstances. A provider would be authorized to disclose information about a patient to a family member or other person who requests the information if:

- (1) the request is in writing;
- (2) the person lives with, provides care for, or is directly involved in monitoring the patient's treatment;
- (3) the involvement is verified by the provider, the attending physician, or someone other than the person requesting the information;
- (4) before the disclosure, the patient is informed in writing of the request, the name of the requestor, the reason, and the information being requested;
- (5) the patient agrees to disclosure, does not object, or is unable to consent or object; and
- (6) the disclosure is necessary to assist in the provision of care or monitoring of the patient.

The information that may be disclosed is limited to diagnosis, admission to or discharge from treatment, name and dosage of medication, side effects, consequences of failure to take medication, and a summary of the discharge plan. If the provider reasonably determines that providing information would be detrimental to the health of the patient or is likely to cause the patient to inflict self harm or harm to another, the provider must not disclose the information. This subdivision would not apply to disclosures for a medical emergency or to family members as authorized or required under other provisions of the medical records statute.

**Section 8** amends a provision that authorizes the Commissioner of Revenue to share certain tax data with other government entities to add the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Department of Justice. This reflects a change in the jurisdiction of these investigations under federal law.

**Section 9** amends the data sharing provisions in the Vulnerable Adult Maltreatment Reporting Act to provide for the reporting of suspicious deaths to the local medical examiner, in addition to law enforcement and the ombudsman established under **section 245.92**.

KP:cs