

- 1.1 Senator moves to amend S.F. No. 856 as follows:
- 1.2 Page 3, line 10, delete the comma and insert "or"
- 1.3 Page 3, line 11, delete ", or judicial"
- 1.4 Page 3, line 22, before "intentional" insert "an" and delete "acts of deception" and insert
- 1.5 "or deceptive act"
- 1.6 Page 3, line 25, after the second comma, insert "inefficient practices,"
- 1.7 Page 3, line 26, delete everything after the period
- 1.8 Page 3, delete line 27
- 1.9 Page 5, line 3, after "the" insert "Bureau of Criminal Apprehension, the attorney general's
- 1.10 office, or other"
- 1.11 Page 6, line 5, delete "auditor" and insert "inspector general"
- 1.12 Page 6, delete section 8 and insert:
- 1.13 "Sec. 8. [15D.046] DATA PRACTICES.
- 1.14 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
- 1.15 the meanings given.
- 1.16 (b) "Confidential data on individuals" has the meaning given in section 13.02, subdivision
- 1.17 3.
- 1.18 (c) "Government entity" has the meaning given in section 13.02, subdivision 7a.
- 1.19 (d) "Nonpublic data" has the meaning given in section 13.02, subdivision 9.
- 1.20 (e) "Not public data" has the meaning given in section 13.02, subdivision 8a.
- 1.21 (f) "Private data on individuals" has the meaning given in section 13.02, subdivision 12.
- 1.22 (g) "Protected nonpublic data" has the meaning given in section 13.02, subdivision 13.
- 1.23 Subd. 2. Government Data Practices Act. The inspector general is a government entity
- 1.24 and is subject to the Government Data Practices Act, chapter 13.
- 1.25 Subd. 3. Access. In order to perform the duties authorized by this chapter, the inspector
- 1.26 general shall have access to data of any classification, including data classified as not public
- 1.27 data. It is not a violation of chapter 13 or any other statute classifying government data as
- 1.28 not public data if a government entity provides data pursuant to a subpoena issued under
- 1.29 this chapter.

2.1 Subd. 4. **Dissemination.** The inspector general may disseminate data of any classification,
2.2 including not public data, to:

2.3 (1) a government entity, other than a law enforcement agency or prosecuting authority,
2.4 if the dissemination of the data aids a pending investigation; or

2.5 (2) a law enforcement agency or prosecuting authority if there is reason to believe that
2.6 the data are evidence of criminal activity within the agency's or authority's jurisdiction.

2.7 Subd. 5. **Data classifications.** (a) Notwithstanding any other law, data relating to an
2.8 investigation conducted under this chapter are confidential data on individuals or protected
2.9 nonpublic data while the investigation is active.

2.10 (b) Data relating to an investigation conducted under this section become public data
2.11 upon the inspector general's completion of the investigation, unless:

2.12 (1) the release of the data would jeopardize another active investigation;

2.13 (2) the inspector general reasonably believes the data will be used in litigation; or

2.14 (3) the data is classified as not public under another statute or paragraph (e).

2.15 (c) Data subject to paragraph (b), clause (2), are confidential data on individuals or
2.16 protected nonpublic data and become public when the litigation has been completed or is
2.17 no longer being actively pursued.

2.18 (d) Unless the data are subject to a more restrictive classification, upon the inspector
2.19 general's decision to no longer actively pursue an investigation under this chapter, data
2.20 relating to an investigation are private data on individuals or nonpublic data except the
2.21 following data are public:

2.22 (1) data relating to the investigation's existence, status, and disposition; and

2.23 (2) data that document the inspector general's work.

2.24 For an investigation subject to this paragraph, data identifying individuals or an entity that
2.25 is not a government entity, are private data on individuals or nonpublic data.

2.26 (e) Data on an individual supplying information for an investigation that could reasonably
2.27 be used to determine the individual's identity are private data on individuals if the information
2.28 supplied was needed for the investigation and would not have been provided to the inspector
2.29 general without an assurance to the individual that the individual's identity would remain
2.30 private.

3.1 (f) Data relating to an investigation conducted under this chapter that is obtained from
3.2 an entity that is not a government entity have the same classification that the data would
3.3 have if obtained from a government entity."

3.4 Page 6, line 23, delete "licensed peace officers to serve as" and insert "individuals with
3.5 experience in criminal investigations to serve as" and delete "and to" and insert "for the
3.6 office."

3.7 Page 6, line 24, delete everything before the period and insert "To the extent the inspector
3.8 general deems advisable, these individuals must have previous experience in complex
3.9 investigations as law enforcement officers"

3.10 Page 7, delete lines 12 and 13

3.11 Renumber the subdivisions in sequence

3.12 Page 7, line 27, delete everything after the second period

3.13 Page 7, line 28, delete everything before the second "the"

3.14 Page 7, line 29, after "Commission" insert "is"

3.15 Page 8, after line 7, insert:

3.16 "Subd. 3. **Duties.** The Legislative Inspector General Advisory Commission must:

3.17 (1) consider applicants for and make recommendations to the chief administrative law
3.18 judge for the position of inspector general; and

3.19 (2) may conduct hearings to review the work of the inspector general to ensure
3.20 impartiality, independence, and effectiveness."

3.21 Renumber the subdivisions in sequence

3.22 Page 10, line 10, before "Positions" insert "(a)"

3.23 Page 10, after line 19, insert:

3.24 "(b) No employees or positions in the Department of Corrections are transferred under
3.25 this section."