

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED TENTH DAY

St. Paul, Minnesota, Wednesday, April 19, 2000

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

The roll was called, and the following Senators answered to their names:

Anderson	Higgins	Knutson	Neuville	Robling
Belanger	Hottinger	Krentz	Novak	Runbeck
Berg	Janezich	Laidig	Oliver	Sams
Berglin	Johnson, D.E.	Langseth	Olson	Samuelson
Betzold	Johnson, D.H.	Larson	Ourada	Scheevel
Cohen	Johnson, D.J.	Lesewski	Pappas	Scheid
Day	Junge	Lessard	Pariseau	Solon
Dille	Kelley, S.P.	Limmer	Piper	Spear
Fischbach	Kelly, R.C.	Lourey	Pogemiller	Stevens
Flynn	Kierlin	Marty	Price	Stumpf
Foley	Kinkel	Metzen	Ranum	Vickerman
Frederickson	Kiscaden	Moe, R.D.	Ring	Wiger
Hanson	Kleis	Murphy	Robertson	Ziegler

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Senators Terwilliger and Wiener were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 18, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3091, 1699, 2972, 2615, 1202 and 1733.

Sincerely,
Jesse Ventura, Governor

April 18, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
1618		415	3:50 p.m. April 17	April 17
2471		416	3:56 p.m. April 17	April 17
3272		417	3:56 p.m. April 17	April 17
3091		418	10:34 a.m. April 18	April 18
1699		419	10:34 a.m. April 18	April 18
2972		420	10:35 a.m. April 18	April 18
2615		421	10:36 a.m. April 18	April 18
1202		422	10:39 a.m. April 18	April 18
1733		423	10:35 a.m. April 18	April 18

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House wishes to recall for the purpose of further consideration House File No. 3436.

H.F. No. 3436: A bill for an act relating to education; ensuring input on board of teaching rules; providing for a report on the skills examination for teacher candidates; amending Minnesota Statutes 1998, section 122A.18, subdivision 2.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 2000

Senator Moe, R.D. moved that the message on H.F. No. 3436 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2951, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2951: A bill for an act relating to municipalities; clarifying the use of alternative

dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

Senate File No. 2951 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3169, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 3169: A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.17, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

Senate File No. 3169 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3178, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 3178: A bill for an act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; amending Minnesota Statutes 1998, sections 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; and 326.3361, subdivision 1.

Senate File No. 3178 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

MOTIONS AND RESOLUTIONS

Senator Murphy moved that the name of Senator Ourada be added as a co-author to S.F. No. 3823. The motion prevailed.

Senator Lourey introduced--

Senate Resolution No. 160: A Senate resolution congratulating the Moose Lake City Council for being the first Minnesota city to adopt a smoke-free restaurant ordinance, thereby protecting patrons and employees from the risks of secondhand smoke.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 161: A Senate resolution congratulating the Woodbury High School girls soccer team on winning the 1999 State High School Class AA Girls Soccer Championship.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 3312, 3213, 3501 and 2833.

SPECIAL ORDER

H.F. No. 3312: A bill for an act relating to agriculture; changing the scope of the value-added agricultural product processing and marketing grant program; establishing a certification pilot program; changing meeting provisions and duties of the board of grain standards; changing certain fees; making technical changes to pesticide and fertilizer laws; clarifying the scope of certain regulation of wholesale produce dealers; updating certain food standards; simplifying certain language; providing for uniformity in meat and poultry inspection; changing certain reporting requirements; increasing the amount of livestock dealer bonds; clarifying status of certain grain buying transactions; changing certain grain storage provisions; changing the corporate and partnership farming law; amending Minnesota Statutes 1998, sections 17.101, subdivision 5; 17A.05, subdivision 2; 17B.07; 17B.12; 18C.005, subdivision 34, and by adding a subdivision; 18C.215, subdivisions 1, 2, and by adding a subdivision; 18C.411, subdivision 1; 18C.421, subdivision 1; 18D.201, subdivision 3; 27.01, subdivision 8; 27.19, subdivision 1; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 31.632; 31.633, subdivision 1; 31.651; 31A.02, subdivisions 5, 6, 10, 13, and 14; 31A.03; 31A.05; 31A.06; 31A.07, subdivisions 1 and 2; 31A.08; 31A.10; 31A.13; 31A.16; 31A.17; 223.16, subdivision 5; 223.17, subdivision 5; 223.175; 232.21, by adding a subdivision; 232.23, subdivisions 1, 3, and 6; 500.24, subdivisions 3a, 3b, 4, and 5; and 500.245, subdivision 2; Minnesota Statutes 1999 Supplement, sections 17B.15, subdivision 1; 28A.075; 31A.01; 31A.15, subdivision 1; 31B.07, subdivision 3; 500.24, subdivisions 2 and 3; and 500.245, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17.

Senator Sams moved to amend H.F. No. 3312, as amended pursuant to Rule 49, adopted by the Senate March 24, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3223.)

Page 2, after line 32, insert:

"Sec. 2. Minnesota Statutes 1998, section 21.86, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS.] A person may not advertise or sell any agricultural, vegetable, flower, or tree and shrub seed if:

(a) Except as provided in clauses (1) to (3), a test to determine the percentage of germination required by sections 21.82 and 21.83 has not been completed within a nine-month period, exclusive of the calendar month in which the test was completed.

(1) When advertised or offered for sale as agricultural seed, native grass and forb seeds must have been tested for percentage of germination as required by section 21.82 within a 14-month period, exclusive of the calendar month in which the test was completed.

(2) This prohibition does not apply to tree, shrub, agricultural, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging.

(3) If seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;

(b) It is not labeled in accordance with sections 21.82 and 21.83 or has false or misleading labeling;

(c) False or misleading advertisement has been used in respect to its sale;

(d) It contains prohibited noxious weed seeds;

(e) It consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;

(f) It contains more than one percent by weight of all weed seeds;

(g) It contains less than the stated net weight of contents;

(h) It contains less than the stated number of seeds in the container;

(i) It contains any labeling, advertising, or other representation subject to sections 21.82 and 21.83 representing the seed to be certified unless:

(1) it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and

(2) the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;

(j) It is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or

(k) The person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 21.84."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Sams then moved to amend H.F. No. 3312, as amended pursuant to Rule 49, adopted by the Senate March 24, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3223.)

Page 41, line 7, delete "July" and insert "October"

Page 42, after line 27, insert:

"Sec. 2. [TIMELY RESPONSE TO PERMIT APPLICATIONS; REPORT ON NEEDS.]

If the agency determines that it is unable to accomplish timely response to animal feedlot permit applications under Minnesota Statutes, section 15.99, using existing resources, the commissioner shall, not later than October 15, 2000, report to the commissioner of finance and the environment and agriculture policy and finance committees of the senate and house of representatives on the additional resources needed to accomplish timely response."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hanson moved to amend H.F. No. 3312, as amended pursuant to Rule 49, adopted by the Senate March 24, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3223.)

Page 33, after line 28, insert:

"Sec. 2. Minnesota Statutes 1998, section 223.16, subdivision 5, is amended to read:

Subd. 5. [GRAIN BUYER.] "Grain buyer" means a person who purchases grain ~~from a producer~~ for the purpose of reselling the grain with the exception of a person who purchases seed grain for crop production or who purchases grain as feed for the person's own livestock."

Page 35, after line 2, insert:

"Sec. 6. Minnesota Statutes 1998, section 232.23, subdivision 1, is amended to read:

Subdivision 1. [DISCRIMINATION PROHIBITED.] (a) Except as provided in paragraph (b), a public grain warehouse operator must receive for storage, so far as the capacity of the grain warehouse will permit, all sound grain tendered in warehouseable condition without discrimination against any person tendering the grain.

(b) The requirements in paragraph (a) do not apply to storage capacity that is managed by the public grain warehouse operator but is not under the same ownership as the grain warehouse."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend H.F. No. 3312, as amended pursuant to Rule 49, adopted by the Senate March 24, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3223.)

Page 33, after line 4, insert:

"Section 1. Minnesota Statutes 1998, section 17A.03, subdivision 5, is amended to read:

Subd. 5. [LIVESTOCK.] "Livestock" means cattle, sheep, swine, horses intended for slaughter, mules, farmed cervidae, as defined in section 17.451, subdivision 2, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, buffalo, and goats."

Page 33, after line 28, insert:

"Sec. 3. Minnesota Statutes 1998, section 31B.02, subdivision 4, is amended to read:

Subd. 4. [LIVESTOCK.] "Livestock" means live or dead cattle, sheep, swine, horses, mules,

farmed cervidae, as defined in section 17.451, subdivision 2, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, buffalo, or goats."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kelley, S.P. moved to amend the Hanson amendment to H.F. No. 3312, adopted by the Senate April 19, 2000, as follows:

Page 1, line 24, after "capacity" insert "owned by producers"

The motion prevailed. So the amendment to the amendment was adopted.

Senator Vickerman moved to amend H.F. No. 3312, as amended pursuant to Rule 49, adopted by the Senate March 24, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3223.)

Page 40, after line 6, insert:

"Sec. 10. Minnesota Statutes 1998, section 18E.04, subdivision 4, is amended to read:

Subd. 4. [REIMBURSEMENT PAYMENTS.] (a) The board shall pay a person that is eligible for reimbursement or payment under subdivisions 1, 2, and 3 from the agricultural chemical response and reimbursement account for:

(1) 90 percent of the total reasonable and necessary corrective action costs greater than \$1,000 and less than or equal to \$100,000; and

(2) 100 percent of the total reasonable and necessary corrective action costs greater than \$100,000 but less than or equal to \$200,000;

(3) 80 percent of the total reasonable and necessary corrective action costs greater than \$200,000 but less than or equal to \$300,000; and

(4) 60 percent of the total reasonable and necessary corrective action costs greater than \$300,000 but less than or equal to \$350,000.

(b) A reimbursement or payment may not be made until the board has determined that the costs are reasonable and are for a reimbursement of the costs that were actually incurred.

(c) The board may make periodic payments or reimbursements as corrective action costs are incurred upon receipt of invoices for the corrective action costs.

(d) Money in the agricultural chemical response and reimbursement account is appropriated to the commissioner to make payments and reimbursements directed by the board under this subdivision.

(e) The board may not make reimbursement greater than the maximum allowed under paragraph (a) for all incidents on a single site which:

(1) were not reported at the time of release but were discovered and reported after July 1, 1989; and

(2) may have occurred prior to July 1, 1989, as determined by the commissioner.

(f) The board may only reimburse an eligible person for separate incidents within a single site if the commissioner determines that each incident is completely separate and distinct in respect of location within the single site or time of occurrence."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend H.F. No. 3312, as amended pursuant to Rule 49, adopted by the Senate March 24, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3223.)

Pages 40 to 42, delete article 10

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

H.F. No. 3312 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Knutson	Neuville	Robling
Belanger	Janezich	Laidig	Novak	Runbeck
Berg	Johnson, D.E.	Langseth	Olson	Sams
Cohen	Johnson, D.J.	Larson	Ourada	Samuelson
Day	Junge	Lesewski	Pappas	Solon
Dille	Kelley, S.P.	Lessard	Pariseau	Spear
Fischbach	Kelly, R.C.	Limmer	Piper	Stevens
Flynn	Kierlin	Lourey	Pogemiller	Stumpf
Frederickson	Kinkel	Metzen	Price	Vickerman
Hanson	Kiscaden	Moe, R.D.	Ring	Wiger
Higgins	Kleis	Murphy	Robertson	Ziegler

Those who voted in the negative were:

Berglin	Foley	Marty	Ranum	Scheid
Betzold	Krentz			

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3213: A bill for an act relating to natural resources; modifying timber provisions; requiring certain rule changes for public use of recreational areas; amending Minnesota Statutes 1998, sections 90.121; 90.14; 90.151, subdivisions 1 and 4; 90.161, subdivisions 1 and 2; 90.162; 90.173; 90.181; 90.201, subdivision 2, and by adding a subdivision; 90.252; and 90.281; proposing coding for new law in Minnesota Statutes, chapter 90.

Senator Lessard moved to amend H.F. No. 3213, as amended pursuant to Rule 49, adopted by the Senate April 10, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 2878.)

Pages 1 to 5, delete sections 1 to 3

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson moved to amend the Lessard amendment to H.F. No. 3213 as follows:

Page 1, line 6, delete "5" and insert "4" and delete "to 3" and insert "and 2"

The motion did not prevail. So the amendment to the amendment was not adopted.

The question was taken on the adoption of the Lessard amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.E.	Lesewski	Olson	Scheevel
Day	Johnson, D.J.	Lessard	Ourada	Solon
Dille	Kierlin	Limmer	Pariseau	Stevens
Fischbach	Kinkel	Metzen	Robling	Stumpf
Hanson	Langseth	Moe, R.D.	Sams	Vickerman
Janezich	Larson	Murphy	Samuelson	Ziegler

Those who voted in the negative were:

Anderson	Frederickson	Knutson	Oliver	Robertson
Belanger	Higgins	Krentz	Pappas	Runbeck
Berglin	Hottinger	Laidig	Piper	Scheid
Betzold	Junge	Lourey	Pogemiller	Spear
Cohen	Kelley, S.P.	Marty	Price	Wiger
Flynn	Kiscaden	Neuville	Ranum	
Foley	Kleis	Novak	Ring	

The motion did not prevail. So the amendment was not adopted.

Senator Lessard moved that H.F. No. 3213 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 3501: A bill for an act relating to labor; modifying a provision governing exchange of information between the departments of labor and industry and revenue; amending Minnesota Statutes 1998, section 270B.14, subdivision 8.

Senator Betzold moved to amend H.F. No. 3501 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 13.01, is amended by adding a subdivision to read:

Subd. 4. [HEADNOTES.] The headnotes printed in boldface type before paragraphs in this chapter are mere catchwords to indicate the content of a paragraph and are not part of the statute.

Sec. 2. Minnesota Statutes 1998, section 13.01, is amended by adding a subdivision to read:

Subd. 5. [PROVISIONS CODED IN OTHER CHAPTERS.] (a) The sections referenced in this chapter that are codified outside this chapter classify government data as other than public, place restrictions on access to government data, or involve data sharing.

(b) Those sections are governed by the definitions and general provisions in sections 13.01 to 13.07 and the remedies and penalties provided in sections 13.08 and 13.09, except:

(1) for records of the judiciary, as provided in section 13.90; or

(2) as specifically provided otherwise by law.

Sec. 3. Minnesota Statutes 1998, section 13.02, is amended by adding a subdivision to read:

Subd. 7a. [GOVERNMENT ENTITY.] "Government entity" means a state agency, statewide system, or political subdivision.

Sec. 4. Minnesota Statutes 1999 Supplement, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, "inspection" includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging a reasonable fee for remote access to data under a specific statutory grant of authority. A government entity may charge a fee for remote access to data where either the data or the access is enhanced at the request of the person seeking access.

(c) The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

(d) When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

(e) The responsible authority of a state agency, statewide system, or political subdivision that maintains public government data in a computer storage medium shall provide to any person making a request under this section a copy of any public data contained in that medium, in electronic form, if the government entity can reasonably make the copy or have a copy made. This does not require a government entity to provide the data in an electronic format or program that is different from the format or program in which the data are maintained by the government entity. The entity may require the requesting person to pay the actual cost of providing the copy.

(e) (f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 5. Minnesota Statutes 1998, section 13.03, subdivision 5, is amended to read:

Subd. 5. [COPYRIGHT OR PATENT OF COMPUTER PROGRAM OF GOVERNMENT DATA.] Nothing in this chapter or any other statute shall be construed to prevent A state agency, statewide system, or political subdivision from acquiring may enforce a copyright or acquire a patent for a computer software program or components of a program created by that government agency without statutory authority. In the event that a government agency does acquire acquires a patent or copyright to a computer software program or component of a program, the data shall be treated as trade secret information pursuant to section 13.37.

Sec. 6. Minnesota Statutes 1998, section 13.05, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS FOR COLLECTION AND STORAGE.] Collection and storage, and use of all data on individuals and the use and dissemination of private and confidential data on individuals shall be is limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government. Dissemination of private or confidential data on individuals is limited to that necessary for the administration and management of programs specifically authorized by the legislature or mandated by the federal government.

Sec. 7. Minnesota Statutes 1998, section 13.05, is amended by adding a subdivision to read:

Subd. 12. [IDENTIFICATION OR JUSTIFICATION.] Unless specifically authorized by statute, government entities may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.

Sec. 8. Minnesota Statutes 1998, section 13.05, is amended by adding a subdivision to read:

Subd. 13. [DATA PRACTICES COMPLIANCE OFFICIAL.] By December 1, 2000, each responsible authority or other appropriate authority in every government entity shall appoint or designate an employee of the government entity to act as the entity's data practices compliance official. The data practices compliance official is the designated employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

Sec. 9. Minnesota Statutes 1998, section 13.08, subdivision 4, is amended to read:

Subd. 4. [ACTION TO COMPEL COMPLIANCE.] (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 13;
- (3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;

(5) sought an advisory opinion from the commissioner of administration under section 13.072 related to the matter at issue and acted in conformity with that opinion or an opinion sought by another person; or

(6) provided ongoing training to government entity personnel who respond to requests under this chapter.

Sec. 10. [13.081] [ADMINISTRATIVE REMEDIES.]

Subdivision 1. [COMPLAINTS.] Any person who believes that a government entity is not in compliance with this chapter may file a complaint with the commissioner. The commissioner shall specify the form of the complaint. The commissioner shall conduct an investigation to determine whether the complaint is valid or whether another alternative dispute resolution process exists to address the issue presented. If the commissioner determines the complaint is not valid or another alternative dispute resolution process is a more appropriate forum for resolving the dispute, the commissioner shall dismiss the complaint and so inform the person who filed the complaint and the government entity that was the subject of the complaint. If the commissioner determines the complaint is valid, the commissioner may take any of the actions under subdivision 2 to resolve the complaint. The commissioner shall either dismiss the complaint or refer it for one of the actions under subdivision 2 within 20 days of receipt of the complaint. For good cause and upon written notice to the person bringing the complaint, the commissioner may extend this deadline for one additional 30-day period.

Subd. 2. [INFORMAL RESOLUTION OF COMPLAINT.] The commissioner may attempt to resolve a complaint informally or, with the consent of both parties, refer the matter to an alternative dispute resolution process and use the services of the office of dispute resolution or the office of administrative hearings to arbitrate or mediate the dispute.

Sec. 11. Minnesota Statutes 1999 Supplement, section 13.32, subdivision 7, is amended to read:

Subd. 7. [USES OF DATA.] School officials who receive data on juveniles, as authorized under sections 260B.171 and 260C.171, may use and share that data within the school district or educational entity as necessary to protect persons and property or to address the educational and other needs of students. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise result from their actions.

Sec. 12. Minnesota Statutes 1998, section 13.41, subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA; DESIGNATED ADDRESSES AND TELEPHONE NUMBERS.]
(a) The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 13.02, subdivision 12: data, other than their names and designated addresses, submitted by applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to the disclosure; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.

(b) An applicant for a license shall designate on the application a residence or business address and telephone number at which the applicant can be contacted in connection with the license application. A licensee ~~who is subject to a health-related licensing board, as defined in section 214.01, subdivision 2,~~ shall designate a residence or business address and telephone number at which the licensee can be contacted in connection with the license. By designating an address under this paragraph, the applicant or licensee is deemed to have consented to service of process at that address for legal or administrative proceedings arising from licensed activities.

Sec. 13. [13.512] [PROPERTY TAX DATA; OPTION TO WITHHOLD ACCESS FOR NONGOVERNMENT PURPOSES.]

Subdivision 1. [APPLICATION.] This section applies in a county where the county board has approved its application in the county.

Subd. 2. [PROCEDURE.] A county shall send an owner of property in the county that is subject to property taxation a clear and conspicuous notice that the owner's name and other information may be disclosed for nongovernment purposes, including surveys, marketing, and solicitation. The notice must be in a form that includes a provision under which the owner may request that the owner's name be excluded from lists generated by the county and disclosed to a nongovernment entity. If the property owner so requests on the form provided, the county shall exclude the owner's name from any list generated by the county and disclosed to a nongovernment entity.

Sec. 14. [13.623] [ST. PAUL HOUSING AND REDEVELOPMENT AUTHORITY DATA.]

Subdivision 1. [PRIVATE AND NONPUBLIC DATA.] The following data that are submitted to the St. Paul housing and redevelopment authority by individuals and business entities that are requesting financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Subd. 2. [PUBLIC DATA.] Data submitted to the authority under subdivision 1 become public data if the authority provides financial assistance to the individual or business entity, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Sec. 15. [13.624] [ST. PAUL ECONOMIC ASSISTANCE DATA.]

Subdivision 1. [PRIVATE AND NONPUBLIC DATA.] The following data that are submitted to the city of St. Paul by individuals and business entities that are requesting financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Subd. 2. [PUBLIC DATA.] Data submitted to the city under subdivision 1 become public data if the city provides financial assistance to the individual or business entity, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Sec. 16. Minnesota Statutes 1998, section 13.84, subdivision 5, is amended to read:

Subd. 5. [DISCLOSURE.] Private or confidential court services data shall not be disclosed except:

- (a) Pursuant to section 13.05;
- (b) Pursuant to a statute specifically authorizing disclosure of court services data;
- (c) With the written permission of the source of confidential data;
- (d) To the court services department, parole or probation authority or state or local correctional agency or facility having statutorily granted supervision over the individual subject of the data;
- (e) Pursuant to subdivision 5a; or
- (f) Pursuant to a valid court order.

Sec. 17. Minnesota Statutes 1998, section 13.84, subdivision 6, is amended to read:

Subd. 6. [PUBLIC DATA.] The following court services data on adult individuals is public:

(a) name, age, date of birth, sex, occupation and the fact that an individual is a parolee, probationer or participant in a diversion program, and if so, at what location;

(b) the offense for which the individual was placed under supervision;

(c) the dates supervision began and ended and the duration of supervision;

(d) court services data which was public in a court or other agency which originated the data;

(e) arrest and detention orders, orders for parole or probation revocation and the reasons for revocation;

(f) the conditions of parole, probation or participation and the extent to which those conditions have been or are being met;

(g) identities of agencies, units within agencies and individuals providing supervision; and

(h) the legal basis for any change in supervision and the date, time and locations associated with the change.

Sec. 18. Minnesota Statutes 1999 Supplement, section 13.99, subdivision 19, is amended to read:

Subd. 19. [HMO EXAMINATIONS.] Data obtained by the commissioner of health in the course of an examination of the affairs of a health maintenance organization are classified under section 62D.14, subdivisions 1 and 4 4a.

Sec. 19. Minnesota Statutes 1999 Supplement, section 13.99, is amended by adding a subdivision to read:

Subd. 27g. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING PROGRAM SERVICES.] Data on individuals receiving services under certain programs administered by the department of children, families, and learning are classified under sections 119A.376, subdivision 4; 119A.44, subdivision 7; and 119A.50, subdivision 2.

Sec. 20. Minnesota Statutes 1998, section 62D.14, is amended by adding a subdivision to read:

Subd. 4a. [CLASSIFICATION OF DATA.] Any data or information obtained by the commissioner under this section or section 62D.145 shall be classified as private data on individuals as defined in chapter 13. Such data shall be protected and may be released consistent with the provisions of section 60A.03, subdivision 9.

Sec. 21. [62D.145] [DISCLOSURE OF INFORMATION HELD BY HEALTH MAINTENANCE ORGANIZATIONS.]

Subdivision 1. [PERSONAL AND PRIVILEGED INFORMATION.] The ability of a health maintenance organization to disclose personal information, as defined in section 72A.491, subdivision 17, and privileged information, as defined in section 72A.491, subdivision 19, is governed by sections 72A.497, 72A.499, and 72A.502.

Subd. 2. [HEALTH DATA OR INFORMATION.] (a) A health maintenance organization is prohibited from disclosing to any person any individually identifiable data or information held by the health maintenance organization pertaining to the diagnosis, treatment, or health of any enrollee, or any application obtained from any person, except:

(1) to the extent necessary to carry out the purposes of this chapter, the commissioner and a designee shall have access to the above data or information but the data removed from the health maintenance organization or participating entity shall not identify any particular patient or client by name or contain any other unique personal identifier;

(2) upon the express consent of the enrollee or applicant;

- (3) pursuant to statute or court order for the production of evidence or the discovery thereof;
- (4) in the event of claim or litigation between the person and the provider or health maintenance organization wherein such data or information is pertinent;
- (5) to meet the requirements of contracts for prepaid medical services with the commissioner of human services authorized under chapter 256B, 256D, or 256L;
- (6) to meet the requirements of contracts for benefit plans with the commissioner of employee relations under chapter 43A; or
- (7) as otherwise authorized pursuant to statute.

No provision in a contract for a benefit plan under chapter 43A shall authorize dissemination of individually identifiable health records, unless the dissemination of the health records is required to carry out the requirements of the contract and employees whose health records will be disseminated are fully informed of the dissemination by the department of employee relations at the time the employees are enrolling for or changing insurance coverage.

(b) In any case involving a suspected violation of a law applicable to health maintenance organizations in which access to health data maintained by the health maintenance organization or participating entity is necessary, the commissioner and agents, while maintaining the privacy rights of individuals and families, shall be permitted to obtain data that identifies any particular patient or client by name. A health maintenance organization shall be entitled to claim any statutory privileges against such disclosure which the provider who furnished the information to the health maintenance organization is entitled to claim.

Sec. 22. Minnesota Statutes 1998, section 72A.491, subdivision 17, is amended to read:

Subd. 17. [PERSONAL INFORMATION.] "Personal information" means any individually identifiable information gathered in connection with an insurance transaction from which judgments can be made about an individual's character, habits, avocations, finances, occupation, general reputation, credit, health, or any other personal characteristics. The term includes the individual's name and address and health record information, but does not include privileged information. Personal information does not include health record information maintained by a health maintenance organization as defined under section 62D.02, subdivision 4, in its capacity as a health provider.

Sec. 23. Minnesota Statutes 1998, section 119A.376, is amended by adding a subdivision to read:

Subd. 4. [DATA CLASSIFICATION.] Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals as defined in section 13.02.

Sec. 24. Minnesota Statutes 1998, section 119A.44, is amended by adding a subdivision to read:

Subd. 7. [DATA CLASSIFICATION.] Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals as defined in section 13.02.

Sec. 25. Minnesota Statutes 1998, section 119A.50, is amended to read:

119A.50 [HEAD START PROGRAM.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The department of children, families, and learning is the state agency responsible for administering the Head Start program. The commissioner of children, families, and learning may make grants to public or private nonprofit agencies for the purpose of providing supplemental funds for the federal Head Start program.

Subd. 2. [DATA CLASSIFICATION.] Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals as defined in section 13.02.

Sec. 26. Minnesota Statutes 1999 Supplement, section 256.978, subdivision 1, is amended to read:

Subdivision 1. [REQUEST FOR INFORMATION.] (a) The public authority responsible for child support in this state or any other state, in order to locate a person or to obtain information necessary to establish paternity and child support or to modify or enforce child support or distribute collections, may request information reasonably necessary to the inquiry from the records of (1) ~~all departments, boards, bureaus, or other agencies of this state~~ agencies or political subdivisions of this state, as defined in section 13.02, which shall, notwithstanding the provisions of section 268.19 or any other law to the contrary, provide the information necessary for this purpose; and (2) employers, utility companies, insurance companies, financial institutions, credit grantors, and labor associations doing business in this state. They shall provide a response upon written or electronic request within 30 days of service of the request made by the public authority. Information requested and used or transmitted by the commissioner according to the authority conferred by this section may be made available to other agencies, statewide systems, and political subdivisions of this state, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program.

(b) For purposes of this section, "state" includes the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Sec. 27. Minnesota Statutes 1999 Supplement, section 268.19, is amended to read:

268.19 [INFORMATION DATA PRIVACY.]

(a) Except as otherwise provided by this section, data gathered from any employer or individual pursuant to the administration of sections 268.03 to 268.23 are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a court order or section 13.05. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of Minnesota or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;
- (3) human rights agencies within Minnesota that have enforcement powers;
- (4) the department of revenue must have access to department private data on individuals and nonpublic data not on individuals only to the extent necessary for enforcement of Minnesota tax laws;
- (5) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (6) the department of labor and industry on an interchangeable basis with the department subject to the following limitations and regardless of any law to the contrary:
 - (i) the department must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under sections 268.03 to 268.23; and
 - (ii) the department of labor and industry must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under Minnesota law;

(7) the department of trade and economic development may have access to private data on individual employers and nonpublic data not on individual employers for its internal use only; when received by the department of trade and economic development, the data remain private data on individuals or nonpublic data;

(8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(9) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation; ~~and~~

(10) the federal Immigration and Naturalization Service may have access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency; and

(11) the department of health may have access to private data on individuals and nonpublic data not on individuals solely for the purposes of epidemiologic investigations.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except pursuant to statute or court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Tape recordings and transcripts of recordings of proceedings conducted in accordance with section 268.105 and exhibits received into evidence at those proceedings are private data on individuals and nonpublic data not on individuals and must be disclosed only pursuant to the administration of section 268.105, or pursuant to a court order.

(d) The department may disseminate an employer's name, address, industry code, occupations employed, and the number of employees by ranges of not less than 100 for the purpose of assisting individuals using the Minnesota workforce center system in obtaining employment.

(e) The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are private data on individuals or nonpublic data.

(f) Data gathered by the department pursuant to the administration of sections 268.03 to 268.23 must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 28. Minnesota Statutes 1998, section 270B.14, subdivision 8, is amended to read:

Subd. 8. [EXCHANGE BETWEEN DEPARTMENTS OF LABOR AND INDUSTRY AND REVENUE.] The departments of labor and industry and revenue may exchange information as follows:

- (1) data used in determining whether a business is an employer or a contracting agent;
- (2) taxpayer identity information relating to employers and employees for purposes of supporting tax administration and chapter 176; and
- (3) data to the extent provided in and for the purpose set out in section 176.181, subdivision 8.

Sec. 29. Minnesota Statutes 1998, section 466.03, is amended by adding a subdivision to read:

Subd. 21. [GEOGRAPHIC INFORMATION SYSTEMS (GIS) DATA.] (a) Any claim against

a municipality, based on alleged or actual inaccuracies in geographic information systems data, arising from the public's use of GIS data, if the municipality provides a disclaimer of the accuracy of the information at any point of initial contact with a geographic information system to which the public has general access.

(b) Geographic information systems data is government data subject to the presumption of section 13.01, subdivision 3. GIS data is data generated by a computer database or system that is designed to electronically capture, organize, store, update, manipulate, analyze, and display all forms of geographically referenced information that is compiled, from private or public sources, either alone or in cooperation with other public or private entities, for use by a municipality. GIS data is accurate for its intended use by a municipality and may be inaccurate for other uses.

Sec. 30. Minnesota Statutes 1998, section 609.115, subdivision 5, is amended to read:

Subd. 5. [REPORT TO COMMISSIONER OR LOCAL CORRECTIONAL AGENCY.] If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment. If the defendant is sentenced to a local correctional agency or facility, a copy of the report must be provided to that agency or facility.

Sec. 31. Laws 1999, chapter 216, article 2, section 27, subdivision 1, is amended to read:

Subdivision 1. [PILOT PROJECT AUTHORIZED; PURPOSE.] The fourth judicial district may establish a domestic fatality review team as a 30-month pilot project to review domestic violence deaths that have occurred in the district. The team may review cases in which prosecution has been completed or the prosecutorial authority has decided not to pursue the case. The purpose of the review team is to assess domestic violence deaths in order to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eliminate the incidence of domestic violence and resulting fatalities.

Sec. 32. Laws 1999, chapter 216, article 2, section 27, is amended by adding a subdivision to read:

Subd. 3a. [DUTIES; ACCESS TO DATA.] (a) The domestic fatality review team shall collect, review, and analyze death certificates and death data, including investigative reports; medical and counseling records; victim service records; employment records; child abuse reports; or other information concerning domestic violence deaths; survivor interviews and surveys; and other information deemed by the team as necessary and appropriate concerning the causes and manner of domestic violence deaths.

(b) The review team has access to the following not public data, as defined in Minnesota Statutes, section 13.02, subdivision 8a, relating to a case being reviewed by the team: inactive law enforcement investigative data under Minnesota Statutes, section 13.82; autopsy records and coroner or medical examiner investigative data under Minnesota Statutes, section 13.83; hospital, public health, or other medical records of the victim under Minnesota Statutes, section 13.42; records under Minnesota Statutes, section 13.46, created by social service agencies that provided services to the victim, the alleged perpetrator, or another victim who experienced or was threatened with domestic abuse by the perpetrator; and child maltreatment records under Minnesota Statutes, section 626.556, relating to the victim or a family or household member of the victim. Access to medical records under this paragraph also includes records governed by Minnesota Statutes, section 144.335.

(c) As part of any review, the domestic fatality review team may compel the production of other records by applying to the district court for a subpoena, which will be effective throughout the state according to the rules of civil procedure.

Sec. 33. Laws 1999, chapter 216, article 2, section 27, is amended by adding a subdivision to read:

Subd. 3b. [CONFIDENTIALITY; DATA PRIVACY.] A person attending a domestic fatality review team meeting may not disclose what transpired at the meeting, except to carry out the

purposes of the review team or as otherwise provided in this subdivision. The review team may disclose the names of the victims in the cases it reviewed. The proceedings and records of the review team are confidential data as defined in Minnesota Statutes, section 13.02, subdivision 3, or protected nonpublic data as defined in Minnesota Statutes, section 13.02, subdivision 13, regardless of their classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state or a county agency, arising out of the matters the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review team. This section does not limit a person who presented information before the review team or who is a member of the panel from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the review team or opinions formed by the person as a result of the review team meetings.

Sec. 34. Laws 1999, chapter 216, article 2, section 27, is amended by adding a subdivision to read:

Subd. 3c. [IMMUNITY.] Members of the fourth judicial district domestic fatality advisory board, members of the domestic fatality review team, and members of each review panel, as well as their agents or employees, are immune from claims and are not subject to any suits, liability, damages, or any other recourse, civil or criminal, arising from any act, proceeding, decision, or determination undertaken or performed or recommendation made by the domestic fatality review team, provided they acted in good faith and without malice in carrying out their responsibilities. Good faith is presumed until proven otherwise and the complainant has the burden of proving malice or a lack of good faith. No organization, institution, or person furnishing information, data, testimony, reports, or records to the domestic fatality review team as part of an investigation is civilly or criminally liable or subject to any other recourse for providing the information.

Sec. 35. [REPEALER.]

Minnesota Statutes 1998, section 62D.14, subdivision 4, is repealed.

Sec. 36. [EFFECTIVE DATE.]

Section 29 is effective the day following final enactment and applies to causes of action arising on or after that date. Section 10 is effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to government data practices; classifying data; providing for access to and sharing of data; authorizing certain restrictions on access to data; clarifying definitions and application provisions; modifying penalty provisions; providing for electronic copies of data; limiting authority of local governments to disseminate private or confidential data; classifying and regulating disclosure of information held by health maintenance organizations; prohibiting monitoring of persons requesting access to public data; requiring government entities to have a data practices compliance official; limiting tort liability for disclosure of geographic information system data; providing for administrative and civil remedies; amending Minnesota Statutes 1998, sections 13.01, by adding subdivisions; 13.02, by adding a subdivision; 13.03, subdivision 5; 13.05, subdivision 3, and by adding subdivisions; 13.08, subdivision 4; 13.41, subdivision 2; 13.84, subdivisions 5 and 6; 62D.14, by adding a subdivision; 72A.491, subdivision 17; 119A.376, by adding a subdivision; 119A.44, by adding a subdivision; 119A.50; 270B.14, subdivision 8; 466.03, by adding a subdivision; and 609.115, subdivision 5; Minnesota Statutes 1999 Supplement, sections 13.03, subdivision 3; 13.32, subdivision 7; 13.99, subdivision 19, and by adding a subdivision; 256.978, subdivision 1; and 268.19; Laws 1999, chapter 216, article 2, section 27, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 13; and 62D; repealing Minnesota Statutes 1998, section 62D.14, subdivision 4."

The motion prevailed. So the amendment was adopted.

H.F. No. 3501 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Krentz	Olson	Scheevel
Belanger	Janezich	Laidig	Pappas	Scheid
Berg	Johnson, D.E.	Langseth	Pariseau	Solon
Berglin	Johnson, D.H.	Larson	Piper	Spear
Betzold	Johnson, D.J.	Lesewski	Pogemiller	Stevens
Cohen	Junge	Lessard	Price	Stumpf
Day	Kelley, S.P.	Limmer	Ranum	Vickerman
Dille	Kelly, R.C.	Lourey	Ring	Wiger
Fischbach	Kierlin	Marty	Robertson	Ziegler
Flynn	Kinkel	Metzen	Robling	
Foley	Kiscaden	Murphy	Runbeck	
Frederickson	Kleis	Neuville	Sams	
Higgins	Knutson	Novak	Samuelson	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2833: A bill for an act relating to crime; authorizing certain behavioral data on students to be disclosed to the juvenile justice system; providing that when a juvenile has been adjudicated delinquent for certain violations of criminal law that the disposition order shall be shared with certain school officials, law enforcement, and specified others; providing for data sharing between probation officers and school officials for juveniles on probation; amending Minnesota Statutes 1998, section 13.32, subdivision 8; Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; and 260B.171, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 121A.

Senator Kelly, R.C. moved that the amendment made to H.F. No. 2833 by the Committee on Rules and Administration in the report adopted April 10, 2000, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Senator Kelly, R.C. then moved to amend H.F. No. 2833 as follows:

Page 2, line 8, delete "clause" and insert "paragraph"

The motion prevailed. So the amendment was adopted.

H.F. No. 2833 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Krentz	Novak	Samuelson
Belanger	Janezich	Laidig	Oliver	Scheevel
Berg	Johnson, D.E.	Langseth	Olson	Scheid
Berglin	Johnson, D.H.	Larson	Ourada	Solon
Betzold	Johnson, D.J.	Lesewski	Pariseau	Spear
Cohen	Junge	Lessard	Piper	Stevens
Day	Kelley, S.P.	Limmer	Pogemiller	Stumpf
Dille	Kelly, R.C.	Lourey	Price	Vickerman
Flynn	Kierlin	Marty	Ring	Wiger
Foley	Kinkel	Metzen	Robertson	Ziegler
Frederickson	Kiscaden	Moe, R.D.	Robling	
Hanson	Kleis	Murphy	Runbeck	
Higgins	Knutson	Neuville	Sams	

So the bill, as amended, was passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Senators Hanson, Foley and Ziegler introduced--

S.F. No. 3828: A bill for an act relating to taxes; sales and use taxes; allowing county agricultural societies to retain the sales tax collected at county fairs; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 11: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2826: Senators Larson, Flynn and Marty.

Senator Moe, R.D. moved that the foregoing appointment be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Oliver was excused from the Session of today from 10:30 to 11:15 a.m. Senator Ranum was excused from the Session of today at 11:55 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Tuesday, April 25, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, April 19, 2000

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 6417 to 6418

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
1618		415	6418
2471		416	6418
3272		417	6418
3091		418	6418
1699		419	6418
2972		420	6418
2615		421	6418
1202		422	6418
1733		423	6418

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
2951	6418	3436	6418	
3169	6419			
3178	6419			
Sen. Con. Res. No. 11	6437			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
3823	6419		
Sen. Res. No. 160	6420		
Sen. Res. No. 161	6420		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
		2826	6437

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
		2833	6436
		3213	6424
		3312	6420
		3501	6425

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. No. 3828	Page 6437
---------------------	-----------