

2012 MISCELLANEOUS LEGISLATIVE BULLETIN
(2012 Regular Session)

MINNESOTA • REVENUE

Appeals and Legal Services Division
600 North Robert Street
Saint Paul, Minnesota 55146-2220

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DISCLOSURE AND DATA PRACTICES

Security information data. Minn. Stat. §13.37, subd. 2, was amended to provide that if a government entity denies a data request based on a determination that the data are security information, upon request, it must provide a short description explaining the necessity for the classification. Effective August 1, 2012. Minn. Laws 2012, Chapter 290, Section 17.

Personnel data; employee of contractor or subcontractor. Minn. Stat. §13.43 was amended to add a subdivision 19 to provide that if the personal telephone number, home address, and e-mail address of an employee are maintained as a result of a contractual relationship entered into on or after August 1, 2012, between a contractor or subcontractor and a government entity, the data are private. A government entity must share the data with a government entity to perform a function authorized by law and must disclose the data to a government entity or any person for prevailing wage purposes. Effective August 1, 2012. Minn. Laws 2012, Chapter 290, Section 23.

Real property; appraisal value data. Minn. Stat. §13.44, subd. 3, was amended to allow a government entity to make data that are confidential or protected nonpublic data to become public data. For a state agency, the commissioner makes the determination. Effective May 11, 2012. Minn. Laws 2012, Chapter 290, Section 24.

Fiscal Notes. Minn. Stat. § 13.64 was amended by adding subdivision 3, which provides that when a member of the legislature requests an “unofficial” fiscal note, meaning a fiscal note on draft language for a bill that has not been introduced, the member may direct that the data on the request, the bill draft, and the unofficial fiscal note be classified as private data on individuals or nonpublic data. However, if the unofficial fiscal note or an updated version is subsequently used for an introduced bill or any legislation by a member offering it for consideration by a legislative committee, then the data becomes public. Effective August 1, 2012. Minn. Laws 2012, Chapter 290, Section 39.

Investigative Data. Minn. Stat. § 13.82 was amended by adding a subdivision 30 which provides that investigative data that becomes inactive under subdivision 7 [criminal investigative data] that are a person’s financial account number or transaction numbers are private or nonpublic data. [Note that under section 270B.03, subdivision 6, if such data has been collected by the Department of Revenue in order to prepare a case against a person for the commission of a crime, it also would be classified as private or nonpublic data once the investigative data became inactive.] Effective August 1, 2012. Minn. Laws 2012, Chapter 290, Section 58.

Electronic Licensing System Data. Minn. Stat. § 84.0874 was amended with a new paragraph (b), which provides in part in clause (1) that the a person’s name, addresses, driver's license number, and date of birth, which is created, collected, stored or maintained by the department of natural resources for purposes of obtaining a noncommercial game and fish license, cross-country ski pass, horse pass, or snowmobile trailer sticker, or for purposes of registering a motor vehicle, or any other electronic licensing transaction, is private data which may be disclosed for use by any government agency in carrying out its functions. Effective August 1, 2012. Minn. Laws 2012, Chapter 290, Section 69.

Health Care Service Revenue Data. Minn. Stat. § 270B.14, subd. 11, was amended to eliminate paragraph (d) which permitted the commissioner of revenue to disclose health care service revenue data to the commissioner of health as provided by repealed Section 62J.41, subd. 2. Effective August 1, 2012. 2012 Minn. Laws, Chapter 187, Article 1, Section 44

Enterprise Zones Data Practices. Minn. Stat. § 469.173, subd. 5, was amended to clarify that the Commissioner of Revenue's authority to share data with cities that have border city enterprise zones applies regardless of the subdivision under which state funding is provided in Minn. Stat. § 469.169. Effective August 1, 2012. 2012 Minn. Laws, Chapter 294, Article 2, Section 32.

RULEMAKING

Submit Docket and official report. Minn. Stat. § 14.116 was amended to require each state agency to submit its rulemaking docket and the official rulemaking record, by January 15 of each year, for any rule adopted during the preceding calendar year. These documents must be submitted to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule. This section also requires agencies to submit copies of notices of intent to adopt rules and of Statements of Need and Reasonableness (SONARs) to the Legislative Coordinating Commission. Effective August 1, 2012. 2012 Minn. Laws, Chapter 238, Section 1.

Assess "cumulative effect." Minn. Stat. § 14.131 was amended to require each agency proposing a rule to include in its statement of need and reasonableness an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. "Cumulative effect" is defined to mean the impact that results from incremental impact of the rule in addition to other rules, regardless of what state or federal agency has adopted other rules, and can result from individually minor but collectively significant rules adopted over time. Effective August 1, 2012. 2012 Minn. Laws, Chapter 238, Section 2.

OTHER

Special Recovery Fund; Cancellation. An uncodified provision transfers \$4,112,000 of the balance in this Revenue Department fund to the general fund in FY 12. Effective May 15, 2012. 2012 Minn. Laws, Chapter 294, Article 3.