

Sec. 5. Minnesota Statutes 1990, section 145.64, is amended to read:

145.64 CONFIDENTIALITY OF RECORDS OF REVIEW ORGANIZATION.

Subdivision 1. DATA AND INFORMATION. All data and information acquired by a review organization, in the exercise of its duties and functions, shall be held in confidence, shall not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review organization, and shall not be subject to subpoena or discovery. No person described in section 145.63 shall disclose what transpired at a meeting of a review organization except to the extent necessary to carry out one or more of the purposes of a review organization. The proceedings and records of a review organization shall not be subject to discovery or introduction into evidence in any civil action against a professional arising out of the matter or matters which are the subject of consideration by the review organization. Information, documents or records otherwise available from original sources shall not be immune from discovery or use in any civil action merely because they were presented during proceedings of a review organization, nor shall any person who testified before a review organization or who is a member of it be prevented from testifying as to matters within the person's knowledge, but a witness cannot be asked about the witness' testimony before a review organization or opinions formed by the witness as a result of its hearings. ~~The provisions of this section shall not apply to a review organization of the type described in section 145.61, subdivision 5, clause (h).~~

The confidentiality protection and protection from discovery or introduction into evidence provided in this subdivision shall also apply to the governing body of the review organization and shall not be waived as a result of referral of a matter from the review organization to the governing body or consideration by the governing body of decisions, recommendations, or documentation of the review organization.

Subd. 2. PROVIDER DATA. The restrictions in subdivision 1 shall not apply to professionals requesting or seeking through discovery, data, information, or records relating to their medical staff privileges or participation status.

Presented to the governor May 17, 1991

Signed by the governor May 21, 1991, 1:33 p.m.

CHAPTER 138—H.F.No. 882

An act relating to traffic regulations; increasing criminal and civil penalties for littering; amending Minnesota Statutes 1990, sections 169.42, subdivision 5; and 169.421, subdivision 4.

New language is indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1990, section 169.42, subdivision 5, is amended to read:

Subd. 5. **PENALTY.** Any person violating the provisions of this section is guilty of a misdemeanor. The record of any conviction of or plea of guilty under this section of a person operating a motor vehicle shall be immediately forwarded to the department of public safety for inclusion upon that offender's driving record. Any second or subsequent offense under this section shall require a minimum fine in the amount of ~~\$100~~ \$400. Any judge may, for any violation of this section, order the offender to pick up litter along any public highway or road for four to eight hours under the direction of the department of transportation, with the option of a jail sentence being imposed.

Sec. 2. Minnesota Statutes 1990, section 169.421, subdivision 4, is amended to read:

Subd. 4. **DAMAGES.** Any person or governmental body injured by a violation of subdivision 3 may bring a civil action and recover as damages the actual costs of removal and disposal of the litter plus exemplary damages not to exceed ~~\$100~~ \$400, together with costs and disbursements, including reasonable attorney's fees, as determined by the court.

Presented to the governor May 17, 1991

Signed by the governor May 21, 1991, 1:34 p.m.

CHAPTER 139—H.F.No. 722

An act relating to the military; clarifying language about certain money appropriated for land acquisition; amending Minnesota Statutes 1990, section 190.25, subdivision 3.

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

Section 1. Minnesota Statutes 1990, section 190.25, subdivision 3, is amended to read:

Subd. 3. The adjutant general is authorized to sell in the manner provided by law any or all

(1) land, and

(2) timber, growing crops, buildings, and other improvements, if any, situated upon the land,

acquired under the authority of subdivision 1 or which may hereafter comprise

New language is indicated by underline, deletions by ~~strikeout~~.