

human health, preventing to prevent the spread of animal diseases, or preserving to pre-
serve the health of the animal or animals treated.

(b) A veterinarian's lien has priority over a security interest perfected before the veterinarian's lien only if the security interest is perfected after March 22, 1986.

(c) The priority among veterinarian's liens filed under this section is according to the first lien filed.

Sec. 6. Minnesota Statutes 1996, section 514.92, subdivision 5, is amended to read:

Subd. 5. **TERMINATION.** (a) A veterinarian's lien under this section terminates:

(1) 180 days after the last item of the veterinarian's services was performed if a proper lien statement is not filed; or

(2) one year after the lien is filed if an action to enforce the lien has not been started.

(b) A filing officer may remove and destroy terminated lien statements in the same manner as provided for a financing statement under section 336.9-410.

Presented to the governor May 7, 1997

Signed by the governor May 8, 1997, 10:52 a.m.

CHAPTER 111—S.F.No. 525

An act relating to public administration; modifying ownership restrictions for privatization of capital intensive public services; providing for the nonpublic status of internal competitive proposals; amending Minnesota Statutes 1996, sections 13.37; 471A.02, subdivisions 6, 11, and 13; 471A.03, subdivision 3; and 471A.10.

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

A

Section 1. Minnesota Statutes 1996, section 471A.02, subdivision 6, is amended to read:

Subd. 6. **CAPITAL INTENSIVE PUBLIC SERVICES.** "Capital intensive public services" means the prevention, control, and abatement of water pollution through wastewater treatment facilities as defined by section 115.71, subdivision 6, and the furnishing of potable water. Capital intensive public services may be limited (1) to the acquisition, design and construction, and ownership or (2) to the operation and maintenance, by the private vendor of related facilities, but, Capital intensive public services does not include the furnishing of heating or cooling energy.

Sec. 2. Minnesota Statutes 1996, section 471A.02, subdivision 11, is amended to read:

Subd. 11. **RELATED FACILITIES.** "Related facilities" means all real and personal property used by the private vendor in furnishing capital intensive public services, ex-

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cluding any product of the related facilities, such as drinking water, furnished under the service contract. Related facilities may be owned by the municipality or the private vendor or jointly by both.

Sec. 3. Minnesota Statutes 1996, section 471A.02, subdivision 13, is amended to read:

Subd. 13. **SERVICE FEE.** "Service fee" means the payments the municipality is required under the service contract to make, or cause to be made, to the private vendor, including payments made by third parties to the private vendor for products or services and credited against payments the municipality would otherwise have to make, or cause to be made, under the service contract. The capital cost component of the service fee may be paid over the term of the service contract or in one or more lump sum payments during the term.

Sec. 4. Minnesota Statutes 1996, section 471A.03, subdivision 3, is amended to read:

Subd. 3. **PROCUREMENT PROCEDURES.** The municipality may agree under the service contract that the private vendor will acquire and, construct, alter, repair, or maintain any and all related facilities without compliance with any competitive bidding requirements, provided (1) the municipality, or municipalities if the related facilities furnish capital intensive public services to more than one municipality, has in the aggregate either no or no more than a 50 percent ownership interest in the related facilities, and (2). The municipality enters may enter into the service contract only after requesting from two or more private vendors proposals for the furnishing of the capital intensive public services, under terms and conditions the municipality determines to be fair and reasonable. After making the request and receiving any proposals in response to the request, the municipality may negotiate the service contract with any private vendor that meets the requirements specified in that responds to the request for proposals.

Sec. 5. Minnesota Statutes 1996, section 471A.10, is amended to read:

471A.10 PUBLIC EMPLOYEE LAWS; SALE OR LEASE OF EXISTING FACILITY.

(a) Unless expressly provided therein, and except as provided in this section, no state law, charter provision, or ordinance of a municipality relating to public employees shall apply to a person solely by reason of that person's employment by a private vendor in connection with services rendered under a service contract.

(b) A private vendor purchasing or leasing existing related facilities from a municipality or operating or maintaining the facility shall recognize all exclusive bargaining representatives and existing labor agreements and those agreements shall remain in force until they expire by their terms. Persons who are not employed by a municipality in a related facility at the time of a lease or purchase of the facility by the private vendor are not "public employees" within the meaning of the public employees retirement act, chapter 353. Persons employed by a municipality in a related facility at the time of a lease or purchase of the facility by a private vendor shall continue to be considered to be "public employees" within the meaning of the public employees retirement act, chapter 353, but may elect to terminate their participation in the public employees retirement association as provided in this section. Each such employee may exercise the election annually on the

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anniversary of the person's initial employment by the municipality. An employee electing to terminate participation in the association is entitled to benefits that the employee would be entitled to if terminating public employment and may participate in a retirement program established by the private vendor.

B

Sec. 6. Minnesota Statutes 1996, section 13.37, is amended to read:

13.37 GENERAL NONPUBLIC DATA.

Subdivision 1. **DEFINITIONS.** As used in this section, the following terms have the meanings given them.

(a) "Security information" means government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. "Security information" includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers.

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(c) "Labor relations information" means management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.

(d) "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, and work telephone number.

(e) "Internal competitive proposal" means a proposal to provide government services that is prepared by the staff of a political subdivision in competition with proposals solicited by the political subdivision from the private sector.

Subd. 2. **CLASSIFICATION.** The following government data is classified as non-public data with regard to data not on individuals, pursuant to section 13.02, subdivision 9, and as private data with regard to data on individuals, pursuant to section 13.02, subdivision 12: Security information; trade secret information; sealed absentee ballots prior to opening by an election judge; sealed bids, including the number of bids received, prior to the opening of the bids; internal competitive proposals prior to the time specified by a political subdivision for the receipt of private sector proposals for the services; parking space leasing data; and labor relations information, provided that specific labor relations information which relates to a specific labor organization is classified as protected non-public data pursuant to section 13.02, subdivision 13.

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Subd. 3. **DATA DISSEMINATION.** Crime prevention block maps and names, home addresses, and telephone numbers of volunteers who participate in community crime prevention programs may be disseminated to volunteers participating in crime prevention programs.

Sec. 7. EFFECTIVE DATE.

Sections 1 to 6 are effective the day following their final enactment.

Presented to the governor May 7, 1997

Signed by the governor May 8, 1997, 11:08 a.m.

CHAPTER 112—S.F.No. 813

An act relating to children; providing for transfer of custody of a child to a relative by a consent decree; authorizing communication or contact agreements between adoptive parents and birth parents; providing for a relative conference and relative care agreement following a report of child abuse or neglect; amending Minnesota Statutes 1996, sections 257.02; 259.59, by adding a subdivision; 260.191, subdivision 3b; 260.241, subdivision 1; and 518.158; proposing coding for new law in Minnesota Statutes, chapters 257; 259; and 626.

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

Section 1. Minnesota Statutes 1996, section 257.02, is amended to read:

257.02 SURRENDER OF PARENTAL RIGHTS.

No person other than the parents or relatives may assume the permanent care and custody of a child under 14 years of age unless authorized so to do by an order or decree of court. However, if a parent of a child who is being cared for by a relative dies, or if the parent is not or cannot fulfill parental duties with respect to the child, the relative may bring a petition under section 260.131. Except in proceedings for adoption or by a consent decree entered under section 257.0215, no parent may assign or otherwise transfer to another parental rights or duties with respect to the permanent care and custody of a child under 14 years of age. Any such transfer shall be void.

Sec. 2. [257.0215] CUSTODY CONSENT DECREE.

A parent may transfer legal and physical custody of a child to a relative by a consent decree entered under this section. The court may approve a proposed consent decree if the custody arrangement is in the best interests of the child and all parties to the decree agree to it after being fully informed of its contents. A consent decree under this section must:

(1) transfer legal and physical custody of the child to a named relative and state that this includes the ability to determine the child's residence; make decisions regarding the child's education, religious training, and health care; and obtain information and public services on behalf of the child in the same manner as a parent;

(2) indicate whether the transfer of custody is temporary or permanent; and

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