

Subd. 4. DISCLOSURE OF PERSONNEL DATA BY PUBLIC EMPLOYER.

Subdivision 2 applies to the disclosure of all public personnel data and to the following private personnel data under section 13.43 by a public employer if the current or former employee gives written consent to the release of the private data:

(1) written employee evaluations conducted before the employee's separation from the employer, and the employee's written response, if any, contained in the employee's personnel record; and

(2) written reasons for separation from employment.

Subd. 5. SCHOOL DISTRICT DISCLOSURE OF VIOLENCE OR INAPPROPRIATE SEXUAL CONTACT.

(a) Subdivision 2 applies to a disclosure by the superintendent of a school district or the superintendent's designee, or a person having administrative control of a charter school, to another school district or charter school of: (1) public personnel data under section 13.43, subdivision 2, relating to acts of violence toward or inappropriate sexual contact with a student that resulted in disciplinary action; and (2) private personnel data under section 13.43, subdivision 16.

(b) A disclosure under this subdivision must be in writing with a copy sent contemporaneously by regular mail to the employee's last known address.

Subd. 6. APPLICATION; RELATION TO OTHER LAW. (a) This section does not affect the availability of other limitations on liability under common law.

(b) This section does not apply to an action involving an alleged violation of chapter 363 or other statute.

(c) This section does not diminish or impair the rights of a person under a collective bargaining agreement.

Sec. 4. EFFECTIVE DATE.

Section 3 is effective August 1, 2004, and applies to disclosures of information made on or after that date.

Presented to the governor March 18, 2004

Signed by the governor March 22, 2004, 2:03 p.m.

CHAPTER 138—S.F.No. 2182

An act relating to utilities; repealing sunset of performance-based gas utility regulation; regulating performance-based regulation plans; amending Minnesota Statutes 2002, section 216B.1675, subdivisions 1, 3, 13; Laws 1997, chapter 25, section 3.

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

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

Section 1. Minnesota Statutes 2002, section 216B.1675, subdivision 1, is amended to read:

Subdivision 1. **PURPOSE.** Performance-based regulation plans for public utilities offering natural gas services are authorized in order to provide quality service at rates that can reasonably and reliably be expected to be materially lower than rates would be under current regulation and to reduce the cost of regulation. Performance-based regulation plans are intended to provide the utility with increased earnings for efficient performance and decreased earnings for inefficient performance.

Sec. 2. Minnesota Statutes 2002, section 216B.1675, subdivision 3, is amended to read:

Subd. 3. **PLAN CONTENTS.** The commission may approve a performance regulation plan for natural gas distribution services upon finding that the plan:

(1) contains a benchmark or measure of gas distribution costs that is a reasonable and reliable predictor of the utility's rates for gas distribution service under cost-of-service regulation;

(2) ensures that rates for gas distribution services to customers under the plan will be materially lower than the rates would be under cost-of-service regulation as predicted by the benchmark in clause (1);

(3) links the utility's earnings to its performance by permitting higher utility earnings than under cost-of-service regulation only when the utility's performance is more efficient than the benchmark;

(4) can be reasonably and reliably expected to offer lower administrative costs than would otherwise be experienced under cost-of-service regulation;

(5) contains a reasonable limit on utility earnings;

(6) is ~~compatible with the development of increased competition in the natural gas industry;~~

~~(7)~~ has adequate provisions to prevent the degradation of service quality; and

~~(8)~~ (7) provides for gathering of relevant data and evaluation of the plan's effect on rates, service quality, utility earnings, competition in providing natural gas, and regulatory costs.

Sec. 3. Minnesota Statutes 2002, section 216B.1675, subdivision 13, is amended to read:

Subd. 13. **GENERAL EVALUATION.** The commission shall evaluate the effectiveness of all plans approved under this section and submit its findings to the legislature by January 1, ~~2005~~ 2012.

Sec. 4. Laws 1997, chapter 25, section 3, is amended to read:

Sec. 3. **EFFECTIVE DATE; EXPIRATION.**

Sections 1 and 2 are effective on August 1, 1997, and ~~expire~~ expire January 1, 2006.

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

Presented to the governor March 18, 2004

Signed by the governor March 19, 2004, 6:52 p.m.

CHAPTER 139—S.F.No. 1799

An act relating to local government; clarifying conflict of interest for watershed district and soil and water conservation district officers; amending Minnesota Statutes 2002, section 471.88, subdivision 1.

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

Section 1. Minnesota Statutes 2002, section 471.88, subdivision 1, is amended to read:

Subdivision 1. **COVERAGE.** The governing body of any port authority, seaway port authority, economic development authority, watershed district, soil and water conservation district, town, school district, hospital district, county, or city, by unanimous vote, may contract for goods or services with an interested officer of the governmental unit in any of the following cases.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor March 18, 2004

Signed by the governor March 19, 2004, 6:57 p.m.

CHAPTER 140—S.F.No. 1814

An act relating to metropolitan government; providing for the use of electronic funds transfer; amending Minnesota Statutes 2002, section 473.13, subdivision 4.

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

Section 1. Minnesota Statutes 2002, section 473.13, subdivision 4, is amended to read:

Subd. 4. **ACCOUNTS; AUDITS.** The council shall keep an accurate account of its receipts and disbursements. Disbursements of council money must be made by check or by electronic funds transfer, signed or authorized by the chair or vice-chair of the council, and countersigned or authorized by its regional administrator or designee after whatever auditing and approval of the expenditure may be required by the council. The state auditor shall audit the books and accounts of the council once each year, or as often as funds and personnel of the state auditor permit. The council shall

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