

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 12.31 DIVISION OF EMERGENCY SERVICES

### 12.31 Enemy attack or peacetime emergency; declaration of emergency.

Subdivision 1. In the event information from the president of the United States or of the federal emergency management agency or the department of defense or through the national air warning system indicates the imminence of an actual enemy attack upon the United States, which means the several states, the District of Columbia, the Commonwealth of Puerto Rico, and the Panama Canal Zone, or the occurrence, within the state of Minnesota, of a major disaster from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a civil defense emergency exists in all or any part of the state; and, if the legislature is then in regular session, or, if it is not, if the governor concurrently with his proclamation declaring such an emergency issues a call convening immediately both houses of the legislature, he shall have and may exercise for a period not to exceed 30 days the emergency powers and duties conferred and imposed upon him by sections 12.31 to 12.37, and the political subdivision shall have and may exercise for such period of not to exceed 30 days the powers and duties conferred and imposed upon them by sections 12.31 to 12.37. The lapse of such emergency powers shall not, as regards any act or acts occurring or committed within said 30-day period, deprive any person, firm, corporation, political subdivision, municipal corporation or body politic of any right or rights to compensation or reimbursement which he, she, it or they may have under the provisions of this chapter.

Subd. 2. The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, industrial accident or hazardous materials accident endangers life and property and local government resources are inadequate to handle the situation. It shall not be continued for a period of more than five days unless extended by resolution of the executive council up to 30 days. Any order, or proclamation declaring, continuing or terminating an emergency shall be given prompt and general publicity and shall be filed with the secretary of state.

Subd. 3. A declaration of a peacetime emergency shall invoke necessary portions of the state comprehensive plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance thereunder.

[ 1979 c 65 s 2 ]

### 12.32 Governor's orders and rules, effect.

All orders, rules and regulations promulgated by the governor under authority of section 12.21, subdivision 3, paragraph (1), when approved by the executive council and a copy thereof has been filed in the office of the secretary of state, shall have, during a civil defense or energy supply emergency, the full force and effect of law. All rules, regulations, and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter, or with any order, rule, or regulation having the force and effect of law issued under the authority of this chapter, shall be suspended during the period of time and to the extent that such conflict exists.

[ Ex1979 c 2 s 8 ]

## CHAPTER 15. DEPARTMENTS OF STATE IN GENERAL

Sec.		Sec.	
15.015	Transfer of functions under Government Reorganization Act of 1969, effect.	15.1691	Welfare data.
15.0411	Definitions.	15.1692	Personnel data.
15.065	Fiscal notes.	15.1693	Educational data.
15.1611	Government data.	15.1694	Attorneys.
15.162	Collection, security and dissemination of records; definitions.	15.1695	Law enforcement data.
15.1621	Access to government data.	15.1696	Data access for crime victims.
15.163	Duties of responsible authority.	15.1697	Elected officials; correspondence; private data.
15.1641	Repealed.	15.1698	Medical data.
15.1642	Temporary classification.	15.17	Official records.
15.166	Civil penalties.	15.191	Imprest cash funds.
15.169	Repealed.	15.62	Athletic leave of absence.

### 15.015 Transfer of functions under Government Reorganization Act of 1969, effect.

Subdivision 1. Any department or other administrative agency to which the functions, powers, and duties of a previously existing department or other agency are by

# MINNESOTA STATUTES 1979 SUPPLEMENT

## DEPARTMENTS OF STATE IN GENERAL 15.162

Laws 1969, Chapter 1129 assigned and transferred shall be deemed and held to constitute a continuation of the former department or agency as to matters within the jurisdiction of the former department or agency, and not a new authority for the purpose of succession to all rights, powers, duties and obligations of the former department or agency as constituted at the time of such assignment or transfer except as otherwise provided by Laws 1969, Chapter 1129, with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

[For text of subs 2 to 6, see M.S.1978]

[ 1979 c 333 s 61 ]

### 15.0411 Definitions.

[For text of subd 1, see M.S.1978]

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. "Agency" also means the capitol area architectural and planning board. Sections 15.0411 to 15.052 do not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in sections 12.31 to 12.37, (c) corrections board, (d) the unemployment insurance program in the department of economic security, (e) the director of mediation services, (f) the workers' compensation division in the department of labor and industry, (g) the workers' compensation court of appeals, (h) board of pardons, or (i) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to the Minnesota municipal board or the public employment relations board.

[For text of subs 3 and 4, see M.S.1978]

[ 1979 c 50 s 2; 1979 c 332 art 1 s 8 ]

### 15.065 Fiscal notes.

Notwithstanding any other law to the contrary, the departments of health, public welfare, economic security, corrections and the health related boards shall not put into effect any rule, regulation, or standard, which has a fiscal impact in excess of \$100,000 annually without first providing the house appropriations and the senate finance committees with fiscal notes.

[ 1979 c 336 s 15 ]

### 15.1611 Government data.

Subdivision 1. All state agencies, political subdivisions and statewide systems shall be governed by sections 15.1611 to 15.1698.

Subd. 2. Sections 15.1611 to 15.1698 may be cited as the "Minnesota government data practices act."

[ 1979 c 328 s 1 ]

### 15.162 Collection, security and dissemination of records; definitions.

Subdivision 1. As used in sections 15.1611 to 15.1698, the terms defined in this section have the meanings given them.

[For text of subs 1a and 2, see M.S.1978]

Subd. 2a. "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15.162 DEPARTMENTS OF STATE IN GENERAL

or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant a temporary classification pursuant to section 15.1642 of both criminal and civil investigative data, or on July 31, 1980, whichever occurs first.

[For text of subs 3 to 5b, see M.S.1978]

Subd. 6. "Responsible authority" in a state agency or statewide system means the state official designated by law or by the commissioner as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data. "Responsible authority" in any political subdivision means the individual designated by the governing body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.

[For text of subs 7 to 9, see M.S.1978]

Subd. 10. "Designee" means any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data.

Subd. 11. "Government data" means all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use.

Subd. 12. "Person" means any individual, partnership, corporation, association, business trust, or a legal representative of an organization.

[ 1979 c 328 s 2-6 ]

### 15.1621 Access to government data.

Subdivision 1. **Public data.** All government data collected, created, received, maintained or disseminated by a state agency, political subdivision, or statewide system shall be public unless classified by statute, or temporary classification pursuant to section 15.1642, or federal law, as not public, or with respect to data on individuals, as private or confidential. The responsible authority in every state agency, political subdivision and statewide system shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photo-static, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records.

Subd. 2. **Procedures.** The responsible authority in every state agency, political subdivision, and statewide system shall establish procedures, consistent with sections 15.1611 to 15.1698, to insure that requests for government data are received and complied with in an appropriate and prompt manner. Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all records containing government data except as otherwise expressly provided by law.

A responsible authority may designate one or more designees.

Subd. 3. **Request for data.** Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy government data at reasonable times and places, and if the person requests, he shall be informed of the data's meaning. The responsible authority or designee shall provide copies of government data upon request. The responsible authority may require the requesting person to pay the actual costs of making, certifying and compiling the copies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.

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

# MINNESOTA STATUTES 1979 SUPPLEMENT

## DEPARTMENTS OF STATE IN GENERAL 15.163

shall so inform the requesting person orally at the time of the request, and in writing as soon thereafter as possible, and shall cite the statute, temporary classification, or federal law on which the determination is based.

[ 1979 c 328 s 7 ]

### 15.163 Duties of responsible authority.

Subdivision 1. **Annual inventory of records.** The responsible authority shall prepare a public document containing his name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by his state agency, statewide system, or political subdivision. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to maintain the accuracy of the document. The document shall be available from the responsible authority to the public in accordance with the provisions of sections 15.1621 and 15.17.

Subd. 2. **Copies to commissioner.** The commissioner may require responsible authorities to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures.

Subd. 3. **Standards for collection and storage.** Collection and storage of public, private or confidential data on individuals and use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

Subd. 4. **Collection and use of data; general rule.** Private or confidential data on an individual shall not be collected, stored, used or disseminated by political subdivisions, statewide systems or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 15.165, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state or federal law subsequent to the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about him or her to an insurer or its authorized representative, unless the statement is:

- (1) In plain language;
- (2) Dated;
- (3) Specific in designating the particular persons or agencies the data subject is authorizing to disclose information about him or her;
- (4) Specific as to the nature of the information he or she is authorizing to be disclosed;
- (5) Specific as to the persons or agencies to whom he or she is authorizing information to be disclosed;

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15.163 DEPARTMENTS OF STATE IN GENERAL

(6) Specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;

(7) Specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

**Subd. 5. Data protection.** The responsible authority shall (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all records containing data on individuals.

**Subd. 6. Contracts.** Except as provided in section 15.1691, subdivision 5, in any contract between a governmental unit subject to sections 15.1611 to 15.1698 and any person, when the contract requires that data on individuals be made available to the contracting parties by the governmental unit, that data shall be administered consistent with sections 15.1611 to 15.1698. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.

**Subd. 7. Preparation of summary data.** The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities shall be permitted. Unless classified pursuant to section 15.1642, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person, in writing, sets forth his purpose and agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

**Subd. 8. Publication of access procedures.** The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 15.165 and the specific procedures in effect in the state agency, statewide system or political subdivision for access by the data subject to public or private data on individuals.

**Subd. 9. Intergovernmental access of data.** A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

Data shall have the same classification in the hands of the agency receiving it as it had in the agency providing it.

[ 1979 c 328 s 8 ]

**15.1641** [ Repealed, 1979 c 328 s 24 ]

### **15.1642 Temporary classification.**

**Subdivision 1. Application.** The responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved or granted by the commissioner, whichever is earlier.

**Subd. 2. Contents of application for private or confidential data.** An application for temporary classification of data on individuals shall include and the applicant

# MINNESOTA STATUTES 1979 SUPPLEMENT

## DEPARTMENTS OF STATE IN GENERAL 15.1642

shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as private or confidential; and either

(a) That data similar to that for which the temporary classification is sought has been treated as either private or confidential by other state agencies or political subdivisions, and by the public; or

(b) That a compelling need exists for immediate temporary classification, which if not granted could adversely affect the public interest or the health, safety, well being or reputation of the data subject.

Subd. 2a. **Contents of application for non-public data.** An application for temporary classification of government data not on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as non-public; and either

(a) That data similar to that for which the temporary classification is sought has been treated as non-public by other state agencies or political subdivisions, and by the public; or

(b) Public access to the data would render unworkable a program authorized by law; or

(c) That a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety or welfare of the public.

Subd. 3. **Determination.** The commissioner shall either grant or disapprove the application for temporary classification within 45 days after it is filed. If the commissioner disapproves the application, he shall set forth in detail his reasons for the disapproval, and shall include a statement of what classification he believes is appropriate for the data which is the subject of the application. Twenty days after the date of the commissioner's disapproval of an application, the data which is the subject of the application shall become public data, unless the responsible authority submits an amended application for temporary classification which requests the classification deemed appropriate by the commissioner in his statement of disapproval or which sets forth additional information relating to the original proposed classification. Upon the filing of an amended application, the data which is the subject of the amended application shall be deemed to be classified as set forth in the amended application for a period of 20 days or until the amended application is granted or disapproved by the commissioner, whichever is earlier. The commissioner shall either grant or disapprove the amended application within 20 days after it is filed. Five working days after the date of the commissioner's disapproval of the amended application, the data which is the subject of the application shall become public data. No more than one amended application may be submitted for any single file or system.

If the commissioner grants an application for temporary classification, it shall become effective immediately, and the complete record relating to the application shall be submitted to the attorney general, who shall review the classification as to form and legality. Within 25 days, the attorney general shall approve the classification, disapprove a classification as confidential but approve a classification as private, or disapprove the classification. If the attorney general disapproves a classification, the data which is the subject of the classification shall become public data five working days after the date of the attorney general's disapproval.

Subd. 4. [ Repealed, 1979 c 328 s 24 ]

Subd. 5. **Expiration of temporary classification.** Emergency classifications granted before July 1, 1979 are redesignated as temporary classifications. All temporary classifications granted under this section prior to July 1, 1979 and still in effect shall expire on July 31, 1980. For purposes of this section, all temporary classifications granted prior to December 1, 1979, shall be treated as if they were granted in 1979.

Subd. 5a. **Legislative consideration and expiration of temporary classifications.** On or before January 15 of each year, the commissioner shall submit all temporary classifications granted in the prior year in bill form for legislative consideration. Unless enacted by law, each temporary classification so submitted shall expire 18 months after being granted and may not be renewed more than once.

[ 1979 c 328 s 9-13 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15.166 DEPARTMENTS OF STATE IN GENERAL

### 15.166 Civil penalties.

Subdivision 1. Notwithstanding section 466.03, a political subdivision, responsible authority or state agency which violates any provision of sections 15.1611 to 15.1698 is liable to a person who suffers any damage as a result of the violation, and the person damaged may bring an action against the political subdivision, responsible authority, statewide system or state agency to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the political subdivision, statewide system or state agency shall, in addition, be liable to exemplary damages of not less than \$100, nor more than \$10,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under sections 15.1611 to 15.1698.

Subd. 2. A political subdivision, responsible authority, statewide system or state agency which violates or proposes to violate sections 15.1611 to 15.1698 may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate sections 15.1611 to 15.1698.

Subd. 3. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person may bring an action in district court to compel compliance with sections 15.1611 to 15.1698 and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that a request for government data is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. The matter shall be heard as soon as possible. In an action involving a request for government data under section 15.1621 or 15.165, 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.

[ 1979 c 328 s 14 ]

**15.169** [ Repealed, 1979 c 328 s 24 ]

### 15.1691 Welfare data.

Subdivision 1. **Definitions.** As used in this section:

(a) "Individual" means an individual pursuant to section 15.162, subdivision 4, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law.

(c) "Welfare system" includes the department of public welfare, county welfare boards, human services boards, community mental health boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations and other entities under contract to any of the above agencies to the extent specified in the contract.

Subd. 2. **General.** Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(a) Pursuant to section 15.163;

(b) Pursuant to a valid court order;

(c) Pursuant to a statute specifically authorizing access to the private data;

(d) To an agent of the welfare system, including appropriate law enforcement personnel, who are acting in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;

(e) To personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

# MINNESOTA STATUTES 1979 SUPPLEMENT

## DEPARTMENTS OF STATE IN GENERAL 15.1692

(f) To administer federal funds or programs; or

(g) Between personnel of the welfare system working in the same program.

Subd. 3. **Investigative data.** Data collected, maintained, used or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except:

(a) Pursuant to section 15.163;

(b) Pursuant to statute or valid court order;

(c) To a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense.

After presentation in court, the data shall be public data on individuals to the extent reflected in court records.

Subd. 4. **Licensing data.** All data pertaining to persons licensed or registered under the authority of the commissioner of public welfare, except for personal and personal financial data submitted by applicants and licensees under the home day care program and the family foster care program, is public data. Personal and personal financial data on home day care program and family foster care program applicants and licensees is private data pursuant to section 15.162, subdivision 5a.

Subd. 5. **Medical data; contracts.** Data relating to the medical, psychiatric or mental health of any person, including diagnosis, progress charts, treatment received, case histories, and opinions of health care providers, which is collected, maintained, used or disseminated by a private health care provider under contract to any agency of the welfare system is private data on individuals, and is subject to the provisions of sections 15.162 to 15.1671, and this section, except that the provisions of section 15.165, subdivision 3, shall not apply. Access to medical data referred to in this subdivision by the individual who is the subject of the data is subject to the provisions of section 144.335.

Subd. 6. **Other data.** Data collected, used, maintained or disseminated by the welfare system that is not data on individuals is public pursuant to sections 15.1621 and 15.17.

[ 1979 c 328 s 15 ]

### 15.1692 Personnel data.

Subdivision 1. As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by a state agency, statewide system or political subdivision.

Subd. 2. Except for employees described in subdivision 6, the following personnel data on current and former employees of a state agency, statewide system or political subdivision is public: name; actual gross salary; salary range; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation.

Subd. 3. Except for applicants described in subdivision 6, the following personnel data on current and former applicants for employment by a state agency, statewide system or political subdivision is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy.

Subd. 4. Personnel examinations and answer keys are confidential, except pursuant to a valid court order.

Subd. 5. All other personnel data is private data on individuals, except pursuant to a valid court order.

Subd. 6. All personnel data maintained by any state agency, statewide system or political subdivision relating to an individual employed as or an applicant for employment as an undercover law enforcement officer is private data on individuals.

[ 1979 c 328 s 17 ]



# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15.1693 DEPARTMENTS OF STATE IN GENERAL

### 15.1693 Educational data.

Subdivision 1. As used in this section:

(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.

Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are confidential; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit.

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 15.1692.

(b) "Student" includes a person currently or formerly enrolled or registered, and applicants for enrollment or registration at a public educational agency or institution.

(c) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds the maker of the record in his position.

Subd. 2. Except as provided in subdivision 4, educational data is private data on individuals and shall not be disclosed except as follows:

(a) Pursuant to section 15.163;

(b) Pursuant to a valid court order;

(c) Pursuant to a statute specifically authorizing access to the private data;

(d) To disclose information in health and safety emergencies pursuant to the provisions of 20 U.S.C., Section 1232g(b)(1)(I) and 45 C.F.R., Section 99.36 which are in effect on July 1, 1979; or

(e) Pursuant to the provisions of 20 U.S.C., Sections 1232g(b)(1), (b)(4)(A), (b)(4)-(B), (b)(1)(B), (b)(3) and 45 C.F.R., Sections 99.31, 99.32, 99.33, 99.34 and 99.35 which are in effect on July 1, 1979.

Subd. 3. A student shall not have the right of access to private data provided in section 15.165, subdivision 3, as to financial records and statements of his parents or any information contained therein.

Subd. 4. Information designated as directory information pursuant to the provisions of 20 U.S.C., Section 1232g and regulations adopted pursuant thereto which are in effect on July 1, 1979 is public data on individuals.

[ 1979 c 328 s 18 ]

### 15.1694 Attorneys.

Notwithstanding the provisions of sections 15.162 to 15.17, the use, collection, storage, and dissemination of data by an attorney acting in his professional capacity for the state, a state agency or a political subdivision shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility; provided that this section shall not be construed to affect the applicability of any statute, other than sections 15.162 to 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority, other than the attorney, from his duties and responsibilities pursuant to sections 15.1611 to 15.17.

[ 1979 c 328 s 19 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## DEPARTMENTS OF STATE IN GENERAL 15.1698

### 15.1695 Law enforcement data.

Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:

(a) Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and

(b) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Subd. 2. Nothing in this chapter shall prohibit the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation.

Subd. 3. Information reflecting deliberative processes or investigative techniques of law enforcement agencies is confidential; provided that information, reports, or memoranda which have been adopted as the final opinion or justification for decision of a law enforcement agency are public.

Subd. 4. Nothing in this section shall be held to expand or limit the scope of discovery available at law to any party in a civil, criminal, or administrative proceeding.

[ 1979 c 328 s 20 ]

### 15.1696 Data access for crime victims.

The prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or his legal representative upon written request unless the prosecuting authority reasonably believes:

(a) That the release of that data will interfere with the investigation; or

(b) That the request is prompted by a desire on the part of the requestor to engage in unlawful activities.

[ 1979 c 328 s 21 ]

### 15.1697 Elected officials; correspondence; private data.

Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient.

[ 1979 c 328 s 22 ]

### 15.1698 Medical data.

Subdivision 1. **Definition.** As used in this section, "directory information" means name of the patient, date admitted, general condition, and date released.

Subd. 2. **Access to records.** Access to medical data in the possession of a political subdivision, state agency, or statewide system, by the individual who is the subject of the data is subject to the provisions of section 144.335.

Subd. 3. **Public hospitals; directory information.** If a person is a patient in a hospital operated by a state agency or political subdivision pursuant to legal commitment, directory information is public data. If a person is a patient other than pursuant to commitment in a hospital controlled by a state agency or political subdivision, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals.

Directory information about an emergency patient who is unable to communicate which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory in-

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15.1698 DEPARTMENTS OF STATE IN GENERAL

formation be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

[ 1979 c 328 s 16 ]

### 15.17 Official records.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. **Accessible to public.** Access to records containing government data is governed by section 15.1621.

[ 1979 c 328 s 23 ]

### 15.191 Imprest cash funds.

Subdivision 1. **Emergency disbursements.** Imprest cash funds for the purpose of making minor disbursements, providing for change, and providing employees with a portion or all of their payroll warrant where the warrant has not been received through the payroll system, may be established by state departments or agencies from existing appropriations in the manner prescribed by this section.

[For text of subs 2 and 3, see M.S.1978]

[ 1979 c 333 s 62 ]

### 15.62 Athletic leave of absence.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. If the public employee granted the leave is an employee of a school district, university system or other political subdivision, the state shall reimburse the employer for the actual cost to the employer of employing a substitute.

[ 1979 c 208 s 1 ]

## CHAPTER 15A. STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES

Sec.		Sec.	
15A.081	Salaries and salary ranges for certain employees.	15A.13	Other terms and conditions of employment.
15A.083	Salaries for positions in the judicial branch.		

### 15A.081 Salaries and salary ranges for certain employees.

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Salary or Range	
	Effective July 1, 1979	Effective July 1, 1980
Administration, department of commissioner	\$44,000	\$47,000
Agriculture, department of commissioner	38,000	40,000
Commerce, department of commissioner of banks	34,000	36,500

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15.1698 DEPARTMENTS OF STATE IN GENERAL

formation be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

[ 1979 c 328 s 16 ]

### 15.17 Official records.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. **Accessible to public.** Access to records containing government data is governed by section 15.1621.

[ 1979 c 328 s 23 ]

### 15.191 Imprest cash funds.

Subdivision 1. **Emergency disbursements.** Imprest cash funds for the purpose of making minor disbursements, providing for change, and providing employees with a portion or all of their payroll warrant where the warrant has not been received through the payroll system, may be established by state departments or agencies from existing appropriations in the manner prescribed by this section.

[For text of subs 2 and 3, see M.S.1978]

[ 1979 c 333 s 62 ]

### 15.62 Athletic leave of absence.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. If the public employee granted the leave is an employee of a school district, university system or other political subdivision, the state shall reimburse the employer for the actual cost to the employer of employing a substitute.

[ 1979 c 208 s 1 ]

## CHAPTER 15A. STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES

Sec.		Sec.	
15A.081	Salaries and salary ranges for certain employees.	15A.13	Other terms and conditions of employment.
15A.083	Salaries for positions in the judicial branch.		

### 15A.081 Salaries and salary ranges for certain employees.

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Salary or Range	
	Effective July 1, 1979	Effective July 1, 1980
Administration, department of commissioner	\$44,000	\$47,000
Agriculture, department of commissioner	38,000	40,000
Commerce, department of commissioner of banks	34,000	36,500

# MINNESOTA STATUTES 1979 SUPPLEMENT

## STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES 15A.081

commissioner of insurance	34,000	36,500
commissioner of securities	34,000	36,500
director of consumer services	28,000	30,000
Community college system		
chancellor	44,000	46,000
Corrections, department of		
commissioner	42,000	45,000
ombudsman	33,000	35,000
Crime control planning board,		
executive director	33,000	35,000
Economic development, department of		
commissioner	34,000	36,000
Economic security, department of		
commissioner	43,000	45,000
Education, department of		
commissioner	43,000	45,000
Energy agency		
director	38,000	40,000
Finance, department of		
commissioner	48,000	50,000
Health, department of		
commissioner	47,000	49,000
Hearing examiners office		
chief hearing examiner	38,000	40,000
Higher education coordinating board		
executive director	40,000	42,000
Housing finance agency		
executive director	39,000	41,000
Human rights, department of		
commissioner	31,000	33,000
Indian affairs board		
executive director	27,000	29,000
Investment, board of		
executive secretary	42,000	44,000
Iron range resources and rehabilitation board		
commissioner	30,000	31,000
Labor and industry, department of		
commissioner	38,000	40,000
judge of the workers' compensation court of appeals	38,000	40,000
Mediation services, bureau of		
director	36,000	38,000

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15A.081 STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES

Natural resources, department of commissioner	44,000	47,000
Personnel, department of commissioner	44,000	47,000
Planning agency director	43,000	45,000
Pollution control agency director	38,000	40,000
Public safety, department of commissioner	38,000	41,000
Public service, department of commissioner, public service commission	34,000	36,000
director	34,000	36,000
Public welfare, department of commissioner	44,000	48,000
Revenue, department of commissioner	44,000	47,000
State university system chancellor	44,000	46,000
Transportation, department of commissioner	44,000	48,000
Veterans affairs, department of commissioner	31,000	33,000

Subd. 5. A deputy of a position listed in subdivision 1, shall be paid a salary equal to 95 percent of the salary of the head of that department or agency as listed in subdivision 1.

Subd. 6. The following salaries are provided for the constitutional officers of the state:

	Effective July 1, 1979	Effective July 1, 1980
Governor	\$62,000	\$66,500
Attorney general	52,500	56,000
Lieutenant governor	38,000	40,000
Auditor	34,000	36,000
Secretary of state	34,000	36,000
Treasurer	34,000	36,000

The salaries of the chief deputy attorney general, deputy auditor, deputy secretary of state and deputy treasurer shall be 95 percent of the salaries of their respective superior constitutional officers.

Subd. 7. The following salaries are provided for officers of metropolitan agencies:

	Effective July 1, 1979	Effective July 1, 1980
Chairman, metropolitan council		

# MINNESOTA STATUTES 1979 SUPPLEMENT

## STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES 15A.083

(part-time)	\$21,000	\$22,500
(full-time)	42,000	44,500
Chairman, metropolitan airports commission	10,500	11,500
Chairman, metropolitan transit commission		
(part-time)	18,000	19,000
(full-time)	36,000	38,000
Chairman, metropolitan waste control commission	16,000	17,000

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

[ 1979 c 192 s 1; 1979 c 332 art 2 s 1 ]

### 15A.083 Salaries for positions in the judicial branch.

Subdivision 1. **Elective judicial officers.** The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

	Effective July 1, 1979	Effective July 1, 1980
(1) Chief justice of the supreme court	\$56,000	\$59,000
(2) Associate justice of the supreme court	52,500	56,000
(3) District judge, judge of county court (learned in the law), probate court, and county municipal court	45,000	48,000
(4) Judge of a county court (not learned in the law)	29,500	31,500

Subd. 2. **County court and county municipal judges.** (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota shall receive a salary of \$45,000, effective July 1, 1979, and \$48,000, effective July 1, 1980.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

[For text of subd 3, see M.S.1978]

Subd. 4. **Ranges for other judicial positions.** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the personnel board has been consulted in advance and its approval obtained. Any salary increase that would ad-

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 15A.083 STATE AND OTHER PUBLIC OFFICERS AND EMPLOYEES, COMPENSATION AND ALLOWANCES

just an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the personnel board.

	Salary or Range	
	Effective July 1, 1979	Effective July 1, 1980
Public defender	\$37,500	\$40,000
District administrator	27,000-37,500	28,500-40,000
County attorneys council executive director	22,000-32,000	23,500-34,000
Board on judicial standards executive director	36,000	38,000
State court administrator	44,500	47,000
Subd. 4a. [ Repealed, 1979 c 332 art 2 s 7 ]		

[For text of subs 5 and 6, see M.S.1978]

[ 1979 c 332 art 2 s 2-4 ]

### 15A.13 Other terms and conditions of employment.

The annual salaries prescribed by chapter 15A for positions in the unclassified service of the executive branch of the state government are in addition to other terms and conditions of their employment as now or hereafter prescribed by law or the commissioner of personnel pursuant to section 43.127, subdivision 6.

[ 1979 c 332 art 1 s 9 ]

## CHAPTER 16. DEPARTMENT OF ADMINISTRATION

Sec. 16.02	Powers, duties.	Sec. 16.826	Duties and powers of board.
16.083	Procurement from small businesses.	16.866	Surcharge.
16.32	Plans and specifications; limitations.	16.868	Referenda on state building code in non-metropolitan counties.
16.723	Leased parking facilities, charged to state employees.	16.93	Computerization by school districts.
16.822	Definitions.	16.965	Computer system development.
16.825	Request for designer.	16.97	Criminal and juvenile defense grants.

### 16.02 Powers, duties.

[For text of subs 1 to 10, see M.S.1978]

Subd. 10a. No state agency shall lease additional space for its own use in any private building unless it has certified in writing to the commissioner of administration that it has thoroughly investigated the availability of presently vacant space in public buildings, such as closed school buildings, and found none that is feasible and adequate for its needs.

[For text of subs 13 to 26, see M.S.1978]

Subd. 27. To provide micrographics services and products to meet the needs of state agencies. Within available resources, the commissioner may also provide micrographic services to political subdivisions. All state agency plans and programs for micrographics shall be submitted to and receive the approval of the commissioner prior to implementation. Upon the commissioner's approval, subsidiary or independent microfilm operations may be implemented in other state agencies. The commissioner may direct