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State of Minnesota
HOUSE OF REPRESENTATIVES
First Division Engrossment

NINETY-FIRST SESSION

H. F. No. 1404

02/18/2019 Authored by Lesch and Johnson
The bill was read for the first time and referred to the Committee on Ways and Means

Division Action

Referred by Chair to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to data practices; establishing a Legislative Commission on Intelligence
1.3 and Technology; proposing coding for new law in Minnesota Statutes, chapter 3.

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

1.5 Section 1. **[3.8844] LEGISLATIVE COMMISSION ON INTELLIGENCE AND**
1.6 **TECHNOLOGY.**

1.7 Subdivision 1. **Established.** The Legislative Commission on Intelligence and Technology
1.8 is created to study and make recommendations on issues relating to the effect of emerging
1.9 technology on privacy. The commission has investigatory and oversight jurisdiction over
1.10 government surveillance programs and technology, including subpoena power.

1.11 Subd. 2. **Membership.** The commission consists of four members of the senate, two
1.12 appointed by the majority leader and two appointed by the minority leader, and four members
1.13 of the house of representatives, two appointed by the speaker of the house and two appointed
1.14 by the minority leader. Each appointing authority must make appointments as soon as
1.15 possible after the beginning of the regular legislative session in an odd-numbered year. Each
1.16 member of the commission must take an oath, swearing to faithfully discharge the duties
1.17 of members of the commission in compliance with the laws governing the commission.

1.18 Subd. 3. **Terms; vacancies.** Commission member terms begin upon appointment and
1.19 end at the beginning of the regular legislative session in the next odd-numbered year. In the
1.20 case of a vacancy, the appropriate appointing authority must fill the vacancy for the remainder
1.21 of the unexpired term.

2.1 Subd. 4. **Officers.** The commission must elect a chair and vice-chair and may elect other
2.2 officers as the commission determines is necessary. The chair alternates between a member
2.3 of the senate and a member of the house of representatives in January of each odd-numbered
2.4 year.

2.5 Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to
2.6 the commission.

2.7 Subd. 6. **Meetings; data.** Notwithstanding any other laws or legislative rules to the
2.8 contrary, the commission may determine that a meeting shall not be open to the public.
2.9 Notwithstanding any contrary provision of chapter 13 or other law, the commission may
2.10 require a law enforcement official to disclose not public data to the commission, as the
2.11 commission determines is necessary for performance of the commission's duties. If data
2.12 provided to the commission is disseminated by the commission or its members or agents
2.13 in violation of section 13.05, subdivision 4, the commission is subject to liability under
2.14 section 13.08, subdivisions 1 and 3. Disclosure of not public data by a member of the
2.15 commission is grounds for an ethics complaint to the committee with jurisdiction over ethics
2.16 in the chamber in which the member serves.

2.17 Subd. 7. **Subpoena power.** The chair or vice-chair or a member of the commission
2.18 designated by the chair may issue subpoenas requiring the appearance of persons, production
2.19 of relevant records, and giving of relevant testimony on matters within the jurisdiction of
2.20 the commission. The person issuing the subpoena may request the issuance of an attachment
2.21 to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to
2.22 do so. Section 3.153 applies to issuance of subpoenas under this section, except as otherwise
2.23 provided in this section.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.
2.25 Appointing authorities must make initial appointments by June 1, 2019. The speaker of the
2.26 house must designate one member of the commission to convene the first meeting of the
2.27 commission by June 15, 2019.