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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1802**

04/24/2013 Authored by Norton

The bill was read for the first time and referred to the Committee on Civil Law

04/29/2013 Adoption of Report: Pass and re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act
1.2 relating to government data; classifying certain data relating to the destination
1.3 medical center corporation; amending Minnesota Statutes 2012, section 13.792;
1.4 proposing coding for new law in Minnesota Statutes, chapter 469.

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

1.6 Section 1. Minnesota Statutes 2012, section 13.792, is amended to read:

1.7 **13.792 PRIVATE DONOR GIFT DATA.**

1.8 The following data maintained by the Minnesota Zoological Garden, the University
1.9 of Minnesota, the Minnesota State Colleges and Universities, the Regional Parks
1.10 Foundation of the Twin Cities, State Services for the Blind, the destination medical center
1.11 corporation established pursuant to section 469.41, and any related entity subject to
1.12 chapter 13 are classified as private or nonpublic:

1.13 (1) research information about prospects and donors gathered to aid in determining
1.14 appropriateness of solicitation and level of gift request;

1.15 (2) specific data in prospect lists that would identify prospects to be solicited, dollar
1.16 amounts to be requested, and name of solicitor;

1.17 (3) portions of solicitation letters and proposals that identify the prospect being
1.18 solicited and the dollar amount being requested;

1.19 (4) letters, pledge cards, and other responses received from donors regarding
1.20 prospective gifts in response to solicitations;

1.21 (5) portions of thank-you letters and other gift acknowledgment communications
1.22 that would identify the name of the donor and the specific amount of the gift, pledge,
1.23 or pledge payment;

2.1 (6) donor financial or estate planning information, or portions of memoranda, letters,
2.2 or other documents commenting on any donor's financial circumstances; and

2.3 (7) data detailing dates of gifts, payment schedule of gifts, form of gifts, and specific
2.4 gift amounts made by donors.

2.5 Names of donors and gift ranges are public data.

2.6 Sec. 2. **[469.41] DESTINATION MEDICAL CENTER CORPORATION**
2.7 **ESTABLISHED.**

2.8 Subdivision 1. **DMCC created.** The city shall establish a destination medical
2.9 center corporation as a nonprofit corporation under chapter 317A to provide the city with
2.10 expertise in preparing and implementing the development plan to establish the city as a
2.11 destination medical center. Except as provided in this article, the nonprofit corporation
2.12 is not subject to laws governing the city.

2.13 Subd. 2. **Membership.** (a) The corporation's governing board consists of nine
2.14 voting members, as follows:

2.15 (1) the mayor of the city, or the mayor's designee, subject to approval by the city
2.16 council;

2.17 (2) a member of the city council, selected by the city council;

2.18 (3) a member of the county board, selected by the county board;

2.19 (4) two representatives of the medical business entity defined in section 469.40,
2.20 subdivision 7, appointed by the city council from among five candidates nominated by the
2.21 medical business entity;

2.22 (5) two representatives of the city business community other than the medical
2.23 business entity, appointed by the city council from among five candidates nominated by
2.24 the Rochester Area Chamber of Commerce; and

2.25 (6) two members, appointed by the governor.

2.26 (b) Appointing authorities must make their appointments as soon as practicable after
2.27 the effective date of this section.

2.28 Subd. 3. **Bylaws.** The corporation shall adopt bylaws governing the terms of
2.29 members, filling vacancies, removal of members, selection of officers and other personnel
2.30 and contractors, and other matters of organization and operation of the corporation.

2.31 Subd. 4. **Open meeting law; data practices.** Meetings of the corporation and any
2.32 committee or subcommittee of the corporation are subject to the open meeting law in
2.33 chapter 13D. The corporation is a government entity for purposes of chapter 13.

2.34 Subd. 5. **Conflicts of interest.** Except for the members appointed under subdivision
2.35 2, paragraph (a), clause (4), to represent the medical business entity, within one year prior

3.1 to or at any time during a member's term of service on the corporation's governing board, a
3.2 member must not be employed by, be a member of the board of directors of, or otherwise
3.3 be a representative of the medical business entity, as defined in subdivision 7. No member
3.4 may serve as a lobbyist, as defined under section 10A.01, subdivision 21.

3.5 Subd. 6. **Powers; gifts.** The corporation may exercise any other powers that are
3.6 granted by its articles of incorporation and bylaws to the extent that those powers are not
3.7 inconsistent with the provisions of sections 469.40 to 469.46. Notwithstanding any law to
3.8 the contrary, the corporation may accept and use gifts of money or in-kind and may use
3.9 any of its money or assets, other than money or assets received from the city, county, or
3.10 state, to develop and implement the adopted development plan.

3.11 Subd. 7. **Dissolution.** The city shall provide for the terms for dissolution of the
3.12 corporation in the articles of incorporation.