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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2146

02/08/2012 Authored by Scott

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to data practices; classifying certain Metropolitan Council data for
1.3 building plans, specifications, and drawings; classifying certain government
1.4 agency requests for bids and proposal data; amending Minnesota Statutes 2010,
1.5 sections 13.202, subdivision 11; 13.591, subdivision 3; 473.504, by adding a
1.6 subdivision.

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

1.8 Section 1. Minnesota Statutes 2010, section 13.202, subdivision 11, is amended to read:

1.9 Subd. 11. **Metropolitan government.** (a) **Affirmative action plans.** Treatment
1.10 of data relating to metropolitan agency affirmative action plans is governed by section
1.11 473.143, subdivisions 5 and 7.

1.12 (b) **Contracts for management services.** Data relating to compensation of
1.13 personnel who work under a management service contract are classified by section
1.14 473.405, subdivision 12.

1.15 (c) **Arena acquisition.** Certain data in connection with a decision whether to acquire
1.16 a sports arena are classified under section 473.598, subdivision 4.

1.17 (d) **Airports commission.** Certain airline data submitted to the Metropolitan
1.18 Airports Commission in connection with the issuance of revenue bonds are classified
1.19 under section 473.6671, subdivision 3.

1.20 (e) **Solid waste landfill fee.** Information obtained from the operator of a mixed
1.21 municipal solid waste disposal facility under section 473.843 is classified under section
1.22 473.843, subdivision 4.

1.23 (f) **Metropolitan airport parking customers.** Data relating to applicants for or
1.24 users of automated parking facilities at the Minneapolis-St. Paul International Airport are
1.25 classified under section 473.685.

2.1 (g) Metropolitan Council treatment and disposal facilities. Certain data on
2.2 council metropolitan treatment and disposal system facilities and building plans and other
2.3 information submitted to the council are classified under section 473.504, subdivision 13.

2.4 Sec. 2. Minnesota Statutes 2010, section 13.591, subdivision 3, is amended to read:

2.5 Subd. 3. **Business as vendor.** (a) Data submitted by a business to a government
2.6 entity in response to a request for bids as defined in section 16C.02, subdivision 11, are
2.7 private or nonpublic until the bids are opened. Once the bids are opened, the name of the
2.8 bidder and the dollar amount specified in the response are read and become public. All
2.9 other data in a bidder's response to a bid are private or nonpublic data until completion of
2.10 the selection process. For purposes of this section, "completion of the selection process"
2.11 means that the government entity has completed its evaluation and has ranked the
2.12 responses. After a government entity has completed the selection process, all remaining
2.13 data submitted by all bidders are public with the exception of trade secret data as defined
2.14 and classified in section 13.37. A statement by a bidder that submitted data are copyrighted
2.15 or otherwise protected does not prevent public access to the data contained in the bid.

2.16 If all responses to a request for bids are rejected prior to completion of the selection
2.17 process, all data, other than that made public at the bid opening, remain private or
2.18 nonpublic until a resolicitation of bids results in completion of the selection process
2.19 or a determination is made to abandon the purchase. If the rejection occurs after the
2.20 completion of the selection process, the data remain public. If a resolicitation of bids does
2.21 not occur within one year of the bid opening date, the remaining data become public.

2.22 (b) Data submitted by a business to a government entity in response to a request
2.23 for proposal, as defined in section 16C.02, subdivision 12, are private or nonpublic until
2.24 the responses are opened. Once the responses are opened, the name of the responder is
2.25 read and becomes public. All other data in a responder's response to a request for proposal
2.26 are private or nonpublic data until completion of the evaluation process. For purposes of
2.27 this section, "completion of the evaluation process" means that the government entity has
2.28 completed negotiating the contract with the selected vendor. After a government entity
2.29 has completed the evaluation process, all remaining data submitted by all responders are
2.30 public with the exception of trade secret data as defined and classified in section 13.37. A
2.31 statement by a responder that submitted data are copyrighted or otherwise protected does
2.32 not prevent public access to the data contained in the response.

2.33 If all responses to a request for proposal are rejected prior to completion of the
2.34 evaluation process, all data, other than that made public at the response opening, remain
2.35 private or nonpublic until a resolicitation of the requests for proposal results in completion

of the evaluation process or a determination is made to abandon the purchase. If the rejection occurs after the completion of the evaluation process, the data remain public. If a resolicitation of proposals does not occur within one year of the proposal opening date, the remaining data become public.

(c) If a government entity asks individuals outside the government entity to assist with the evaluation of the bids or responses, the government entity may share private or nonpublic data in the bids or responses with those individuals. The individuals participating in the evaluation may not further disseminate the private or nonpublic data they review.

(d) Data created by a government entity to create a request for bids or a request for proposal are classified as nonpublic. To the extent that a government entity involves persons outside the government entity to create the request for bids or request for proposal, the data remain nonpublic in the hands of all persons who may not further disseminate any data that are created or reviewed as part of the request for bids or request for proposal development. Data created by a government entity to create a request for bids or a request for proposal become public, as applicable:

(1) at the completion of the selection process for bids or the completion of the evaluation process for proposals;

(2) when a determination is made to abandon the purchase; or

(3) if all responses to a request for bids or request for proposal have been rejected prior to completion of the selection or evaluation process and bids or proposals are not resolicited within one year of the bid or proposal opening date.

Sec. 3. Minnesota Statutes 2010, section 473.504, is amended by adding a subdivision to read:

Subd. 13. **Building plans and specifications.** (a) The following are nonpublic security information under section 13.37:

(1) security features, detailed system plans, building plans, building specifications, and building drawings of interceptor, treatment, and disposal facilities owned or operated by the council; and

(2) security features, building plans, building specifications, and building drawings submitted to the council in connection with the performance of the council's wastewater services responsibilities under sections 473.501 to 473.549.

(b) The council may share its security features, detailed system plans, building plans, building specifications, and building drawings with anyone as needed for the construction, operation, or maintenance of its interceptor, treatment, and disposal facilities,

4.1 or as required by law. To the extent nonpublic data on council facilities is disseminated
4.2 to a government entity or to a person, as defined in section 13.02, subdivision 10, the
4.3 data disseminated shall have the same classification in the hands of the entity or person
4.4 receiving the data as the data has in the hands of the council.

4.5 Sec. 4. **APPLICATION.**

4.6 Section 3 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.7 Scott, and Washington.

4.8 Sec. 5. **EFFECTIVE DATE.**

4.9 Sections 1 to 4 are effective the day following final enactment.