

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1466

(SENATE AUTHORS: REST)

DATE	D-PG	OFFICIAL STATUS
03/09/2015	600	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
03/12/2015	763	Comm report: To pass and re-referred to Judiciary
03/16/2015	822a	Comm report: To pass as amended and re-refer to Transportation and Public Safety
03/18/2015		Comm report: To pass as amended Second reading

A bill for an act
relating to economic development; Department of Employment and Economic
Development; making policy changes; modifying data sharing; amending
Minnesota Statutes 2014, sections 116J.035, subdivision 1a; 171.12, subdivision
7; 268.19, subdivision 1.

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

ARTICLE 1

DPS DATA SHARING

Section 1. Minnesota Statutes 2014, section 171.12, subdivision 7, is amended to read:

Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's
license or Minnesota identification card shall be treated as provided by United States Code,
title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or
permitted by that section. The commissioner shall disclose the data in bulk form upon
request to an authorized recipient under United States Code, title 18, section 2721. The
commissioner shall disclose personal information as defined in United States Code, title
18, section 2725, to the commissioner of employment and economic development to
fulfill the commissioner of employment and economic development's duties under law to
conduct labor market demographic analysis.

(b) An applicant for a driver's license or a Minnesota identification card may consent,
in writing, to the commissioner to disclose the applicant's personal information exempted
by United States Code, title 18, section 2721, to any person who makes a request for the
personal information. If the applicant so authorizes disclosures, the commissioner shall
implement the request and the information may be used.

(c) If authorized by an applicant for a driver's license or a Minnesota identification card, as indicated in paragraph (b), the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation.

(d) An applicant for a driver's license, instruction permit, or Minnesota identification card may request that the applicant's residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the service for process mailing address in place of the residence address in all documents and notices pertaining to the driver's license, instruction permit, or Minnesota identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518A.26, subdivision 18.

ARTICLE 2

PROMOTIONAL AUTHORITY

Section 1. Minnesota Statutes 2014, section 116J.035, subdivision 1a, is amended to read:

Subd. 1a. **Promotional contracts.** In order to best carry out duties and responsibilities and to serve the people of the state in the promotion of tourism, trade, and economic development, the commissioner may engage in programs and projects, including solicitations and proposals for programs and projects, jointly with a private person, firm, corporation or association ~~and~~. The commissioner may enter into contracts under terms to be mutually agreed upon to carry out ~~such~~ these programs and projects not including acquisition of land or buildings. Contracts may be negotiated and are not subject to the provisions of chapter 16C relating to competitive bidding.

ARTICLE 3

UNEMPLOYMENT INSURANCE DATA FOR FORECASTING

Section 1. Minnesota Statutes 2014, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law

are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court order or section 13.05. A subpoena is not considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

(1) state and federal agencies specifically authorized access to the data by state or federal law;

(2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;

(3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;

(4) the public authority responsible for child support in Minnesota or any other state in accordance with section 256.978;

(5) human rights agencies within Minnesota that have enforcement powers;

(6) the Department of Revenue to the extent necessary for its duties under Minnesota laws;

(7) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(8) the Department of Labor and Industry and the Commerce Fraud Bureau in the Department of Commerce for uses consistent with the administration of their duties under Minnesota law;

(9) the Department of Human Services and the Office of Inspector General and its agents within the Department of Human Services, including county fraud investigators, for investigations related to recipient or provider fraud and employees of providers when the provider is suspected of committing public assistance fraud;

(10) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(11) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

4.1 (12) local, state, and federal law enforcement agencies for the purpose of
4.2 ascertaining the last known address and employment location of an individual who is the
4.3 subject of a criminal investigation;

4.4 (13) the United States Immigration and Customs Enforcement has access to data on
4.5 specific individuals and specific employers provided the specific individual or specific
4.6 employer is the subject of an investigation by that agency;

4.7 (14) the Department of Health for the purposes of epidemiologic investigations;

4.8 (15) the Department of Corrections for the purpose of case planning for preprobation
4.9 and postprobation employment tracking of offenders sentenced to probation and
4.10 preconfinement and postconfinement employment tracking of committed offenders;

4.11 (16) the state auditor to the extent necessary to conduct audits of job opportunity
4.12 building zones as required under section 469.3201; ~~and~~

4.13 (17) the Office of Higher Education for purposes of supporting program
4.14 improvement, system evaluation, and research initiatives including the Statewide
4.15 Longitudinal Education Data System; and

4.16 (18) the Department of Management and Budget for purposes of preparing revenue
4.17 and expenditure forecasts under section 16A.103.

4.18 (b) Data on individuals and employers that are collected, maintained, or used by
4.19 the department in an investigation under section 268.182 are confidential as to data
4.20 on individuals and protected nonpublic data not on individuals as defined in section
4.21 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district
4.22 court order or to a party named in a criminal proceeding, administrative or judicial, for
4.23 preparation of a defense.

4.24 (c) Data gathered by the department in the administration of the Minnesota
4.25 unemployment insurance program must not be made the subject or the basis for any
4.26 suit in any civil proceedings, administrative or judicial, unless the action is initiated by
4.27 the department.

APPENDIX
Article locations in S1466-1

ARTICLE 1 DPS DATA SHARING Page.Ln 1.7

ARTICLE 2 PROMOTIONAL AUTHORITY Page.Ln 2.17

ARTICLE 3 UNEMPLOYMENT INSURANCE DATA FOR FORECASTING Page.Ln 2.29