

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 1770**

(SENATE AUTHORS: DZIEDZIC, Sheran, Latz and Hall)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5823	Introduction and first reading Referred to Judiciary
03/06/2014	5981a	Comm report: To pass as amended and re-refer to State and Local Government
03/13/2014	6188a	Comm report: To pass as amended
	6211	Second reading
05/09/2014	8999a	Special Order: Amended
	9000	Third reading Passed
05/16/2014		Returned from House with amendment Senate concurred and repassed bill Third reading

A bill for an act

1.1 relating to data practices; clarifying application of government data practices act  
 1.2 to parties contracting with a government entity; amending Minnesota Statutes  
 1.3 2012, section 13.05, subdivision 11; proposing coding for new law in Minnesota  
 1.4 Statutes, chapter 13.  
 1.5

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

1.7 Section 1. Minnesota Statutes 2012, section 13.05, subdivision 11, is amended to read:

1.8 Subd. 11. **Privatization.** (a) If a government entity enters into a contract with a  
 1.9 private person to perform any of its functions, ~~the government entity shall include in the~~  
 1.10 ~~contract terms that make it clear that all of the~~ all data created, collected, received, stored,  
 1.11 used, maintained, or disseminated by the private person in performing those functions  
 1.12 is subject to the requirements of this chapter and ~~that~~ the private person must comply  
 1.13 with those requirements as if it were a government entity. All contracts entered into by a  
 1.14 government entity with a private person must include a notice that the requirements of  
 1.15 this subdivision apply to the contract. Failure to include the notice in a contract does not  
 1.16 invalidate the application of this subdivision. The remedies in section 13.08 apply to  
 1.17 the private person under this subdivision.

1.18 (b) This subdivision does not create a duty on the part of the private person to  
 1.19 provide access to public data to the public if the public data are available from the  
 1.20 government entity, except as required by the terms of the contract.

1.21 Sec. 2. **[13.387] HEALTH CARE CONTRACT DATA.**

1.22 The provisions of section 13.05, subdivision 11, requiring public access to certain  
 1.23 data of private persons performing a government function, do not apply to health plan  
 1.24 companies, managed care organizations, county-based purchasing plans, third-party

2.1 administrators, providers, or other vendors, or their parent or subsidiary, contracting with a  
2.2 government entity for health care related services. This section expires on June 30, 2015.

2.3 Sec. 3. **HEALTH CARE STUDY.**

2.4 The commissioner of human services, in consultation with interested stakeholders  
2.5 and other state agencies, shall study public policy issues related to application of Minnesota  
2.6 Statutes, section 13.05, subdivision 11, to the entities listed in section 2 and the economic  
2.7 impact on the health care market. The commissioner shall submit a report to the chairs  
2.8 and ranking minority members of the committees of the legislature with jurisdiction over  
2.9 health and human services policy and finance and data practices by December 21, 2014.

2.10 Sec. 4. **EFFECTIVE DATE.**

2.11 This act is effective the day following final enactment.