

sections 260.185, 260.191, 260.192, and sections 14 and 15 where placement is made outside of this state's jurisdictional boundaries. Each report shall contain information as to date of placement, length of anticipated placement, program costs, reasons for out of state placement, and any other information as the office requires to determine the number of out of state placements, the reasons for these placements, and the costs involved. The report shall not contain the name of the child. Any information contained in the reports relating to factors identifying a particular child is confidential and may be disclosed only by order of the juvenile court. Any person violating this subdivision as to release of this confidential information is guilty of a misdemeanor.

Subd. 7. EXPUNGEMENT. The court may expunge the adjudication of a child as a juvenile alcohol or controlled substance offender at any time it deems advisable.

Sec. 16. EFFECTIVE DATE.

Sections 1 to 14 are effective August 1, 1982 and apply to proceedings commenced on and after that date.

Approved March 22, 1982

CHAPTER 545 — H.F.No. 930

An act relating to the collection and dissemination of data; classifying data as private, confidential, nonpublic, and protected nonpublic; amending Minnesota Statutes 1980, Sections 15.162, Subdivision 4; 15.1621, Subdivision 1; 15.1642, Subdivision 5; 15.165, Subdivision 2; 15.1678; 15.1679; 15.1691, Subdivision 6; 15.1692, Subdivision 2; 169.09, Subdivision 13; 268.12, Subdivision 12; Minnesota Statutes 1981 Supplement, Sections 15.1682; 15.1699; 15.775, Subdivision 2; 15.781, Subdivisions 1, 2, and 4; and 15.784, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 15.

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

Section 1. Minnesota Statutes 1980, Section 15.162, Subdivision 4, is amended to read:

Subd. 4. "Individual" means a natural person. In the case of a minor or an individual adjudged mentally incompetent, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

Sec. 2. Minnesota Statutes 1980, Section 15.1621, Subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **PUBLIC DATA.** All government data collected, created, received, maintained or disseminated by a state agency, political subdivision, or statewide system shall be public unless classified by statute, or temporary classification pursuant to section 15.1642, or federal law, as ~~not public nonpublic~~ or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every state agency, political subdivision and statewide system shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records.

Sec. 3. Minnesota Statutes 1980, Section 15.1642, Subdivision 5, is amended to read:

Subd. 5. **EXPIRATION OF TEMPORARY CLASSIFICATION.** Emergency classifications granted before July 1, 1979 are redesignated as temporary classifications. All temporary classifications granted under this section prior to April 24, 1980 and still in effect, and all temporary classifications thereafter applied for and granted pursuant to this section shall expire on July 31, 1981 or 18 24 months after the classification is granted, whichever occurs later.

Sec. 4. Minnesota Statutes 1980, Section 15.165, Subdivision 2, is amended to read:

Subd. 2. An individual asked to supply private or confidential data concerning himself shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision or statewide system; (b) whether he may refuse or is legally required to supply the requested data; (c) any known consequence arising from his supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data to a law enforcement officer.

Sec. 5. Minnesota Statutes 1980, Section 15.1678, is amended to read:

15.1678 PROPERTY COMPLAINT DATA.

The names of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential, pursuant to section 15.162, subdivision 2a.

Sec. 6. Minnesota Statutes 1980, Section 15.1679, is amended to read:

15.1679 LIBRARY DATA.

Subdivision 1. All records collected, maintained, used or disseminated by a ~~public~~ library operated by any state agency, political subdivision or statewide

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system shall be administered in accordance with the provisions of sections 15.1611 to 15.17.

Subd. 2. That portion of records maintained by a public library which links a library patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is classified as private, pursuant to section 15.162, subdivision 5a, and shall not be disclosed except pursuant to a valid court order.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 15.1682, is amended to read:

15.1682 ENERGY AND FINANCIAL DATA AND STATISTICS.

Subdivision 1. Energy and financial data, statistics, and information furnished to the Minnesota energy agency department of energy, planning and development by a coal supplier or petroleum supplier pursuant to section 116H.10, either directly or through a federal department or agency are classified as nonpublic data as defined by section 15.162, subdivision 5c.

Subd. 2. ENERGY AUDIT DATA. Data contained in copies of bids, contracts, letters of agreement between utility companies and third party auditors and firms, and in utility statements or documents showing costs for employee performance of energy audits which are received by the department of energy, planning and development in order to arbitrate disputes arising from complaints concerning the award of contracts to perform energy conservation audits are classified as protected nonpublic data not on individuals as defined by section 15.162, subdivision 5d.

Sec. 8. Minnesota Statutes 1980, Section 15.1691, Subdivision 6, is amended to read:

Subd. 6. **OTHER DATA.** Data collected, used, maintained or disseminated by the welfare system that is not data on individuals is public pursuant to ~~sections section 15.1621 and 15.17,~~ except that security information as defined in section 15.1673, subdivision 1, clause (a) shall be nonpublic.

Sec. 9. Minnesota Statutes 1980, Section 15.1692, Subdivision 2, is amended to read:

Subd. 2. Except for employees described in subdivision 6, the following personnel data on current and former employees, volunteers and independent contractors of a state agency, statewide system or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience;

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date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; work location; a work telephone number; badge number; honors and awards received; data which accounts for the individual's work time; and, city and county of residence.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 15.1699, is amended to read:

15.1699 EMPLOYEE ASSISTANCE DATA.

All data created, collected or maintained by any state agency or political subdivision to administer employee assistance programs similar to the one authorized by section 16.02, subdivision 28, are classified as private, pursuant to section 15.162, subdivision 5a. This section shall not be interpreted to authorize the establishment of employee assistance programs.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 15.775, Subdivision 2, is amended to read:

Subd. 2. **CIVIL ACTIONS.** Data collected by state agencies, political subdivisions or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 15.162, subdivision 5d in the case of data not on individuals and confidential pursuant to section 15.162, subdivision 2a in the case of data on individuals. Any agency, political subdivision or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 15.781, Subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** As used in this section "licensing agency" means any board, department or agency of this state which is given the statutory authority to issue professional or other types of licenses, except the various agencies primarily administered by the commissioner of public welfare. Data pertaining to persons or agencies licensed or registered under authority of the commissioner of public welfare shall be administered pursuant to section 15.1691, subdivision 4.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 15.781, Subdivision 2, is amended to read:

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Subd. 2. **PRIVATE DATA.** The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 15.162, subdivision 5a: data, other than their names and addresses, submitted by licensees and applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to having his or her name disclosed; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 15.781, Subdivision 4, is amended to read:

Subd. 4. **PUBLIC DATA.** Licensing agency minutes, application data on licensees, orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 15.162, subdivision 5b. The entire record concerning the disciplinary proceeding is public data pursuant to section 15.162, subdivision 5b, in those instances where there is a public hearing concerning the disciplinary action.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 15.784, Subdivision 2, is amended to read:

Subd. 2. **INCOME PROPERTY ASSESSMENT DATA.** The following data collected by political subdivisions from individuals or business entities concerning income properties are classified as private or nonpublic data pursuant to section 15.162, subdivision 5a and 5c:

- (a) Detailed income and expense figures for the current year plus the previous three years;
- (b) Average vacancy factors for the previous three years;
- (c) Verified net rentable areas or net usable areas, whichever is appropriate;
- (d) Anticipated income and expenses for the current year; and
- (e) Projected vacancy factor for the current year.

Sec. 16. **[15.801] CRIMINAL HISTORY DATA.**

Subdivision 1. DEFINITION. For purposes of this section, "criminal history data" means all data maintained in criminal history records compiled by the bureau of criminal apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photo-

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graphs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

Subd. 2. CLASSIFICATION. Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 15.162, subdivision 5a.

Subd. 3. LIMITATION. Nothing in this section shall limit public access to data made public by section 15.791.

Sec. 17. [15.802] CORRECTIONS AND DETENTION DATA.

Subdivision 1. DEFINITION. As used in this section, "corrections and detention data" means data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities.

Subd. 2. PRIVATE DATA. Unless the data are summary data or arrest data, or a statute specifically provides a different classification, corrections and detention data on individuals are classified as private pursuant to section 15.162, subdivision 5a, to the extent that the release of the data would either (a) disclose personal, medical, psychological, or financial information or (b) endanger an individual's life.

Subd. 3. CONFIDENTIAL DATA. Corrections and detention data are confidential, pursuant to section 15.162, subdivision 2a, to the extent that release of the data would: (a) endanger an individual's life, (b) endanger the effectiveness of an investigation authorized by statute and relating to the enforcement of rules or law, (c) identify a confidential informant, or (d) clearly endanger the security of any institution or its population.

Subd. 4. PUBLIC DATA. After any presentation to a court, any data made private or confidential by this section shall be public to the extent reflected in court records.

Sec. 18. [15.803] COURT SERVICES DATA.

Subdivision 1. DEFINITION. As used in this section "court services data" means data which is created, collected, used or maintained by a court services department, parole or probation authority, or correctional agency and which is on individuals who are or were defendants, parolees or probationers of a municipal, district or county court, participants in diversion programs, petitioners or respondents to a family court, or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court.

Subd. 2. GENERAL. Unless the data is summary data or a statute, including sections 609.115 and 257.70, specifically provides a different classifica-

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tion, the following court services data are classified as private pursuant to section 15.162, subdivision 5a:

(a) Court services data on individuals gathered at the request of a municipal, district or county court to determine the need for any treatment, rehabilitation, counseling, or any other need of a defendant, parolee, probationer, or participant in a diversion program, and used by the court to assist in assigning an appropriate sentence or other disposition in a case;

(b) Court services data on petitioners or respondents to a family court gathered at the request of the court for purposes of, but not limited to, individual, family, marriage, chemical dependency and marriage dissolution adjustment counseling, including recommendations to the court as to the custody of minor children in marriage dissolution cases;

(c) Court services data on individuals gathered by psychologists in the course of providing the court or its staff with psychological evaluations or in the course of counseling individual clients referred by the court for the purpose of assisting them with personal conflicts or difficulties.

Subd. 3. THIRD PARTY INFORMATION. Whenever, in the course of gathering the private data specified above, a psychologist, probation officer or other agent of the court is directed by the court to obtain data on individual defendants, parolees, probationers, or petitioners or respondents in a family court, and the source of that data provides the data only upon the condition of its being held confidential, that data and the identity of the source shall be confidential data on individuals, pursuant to section 15.162, subdivision 2a.

Subd. 4. PROBATION DATA. Progress reports and other reports and recommendations provided at the request of the court by parole or probation officers for the purpose of determining the appropriate legal action or disposition regarding an individual on probation are confidential data on individuals.

Subd. 5. DISCLOSURE. Private or confidential court services data shall not be disclosed except:

(a) Pursuant to section 15.163;

(b) Pursuant to a statute specifically authorizing disclosure of court services data;

(c) With the written permission of the source of confidential data;

(d) To the court services department, parole or probation authority or correctional agency having statutorily granted supervision over the individual subject of the data; or

(e) Pursuant to a valid court order.

Subd. 6. PUBLIC DATA. The following court services data on adult individuals is public:

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(a) Name, age, sex, occupation and the fact that an individual is a parolee, probationer or participant in a diversion program, and if so, at what location;

(b) The offense for which the individual was placed under supervision;

(c) The dates supervision began and ended and the duration of supervision;

(d) Court services data which was public in a court or other agency which originated the data;

(e) Arrest and detention orders, orders for parole revocation and the reasons for revocation;

(f) The conditions of parole, probation or participation and the extent to which those conditions have been or are being met;

(g) Identities of agencies, units within agencies and individuals providing supervision; and

(h) The legal basis for any change in supervision and the date, time and locations associated with the change.

Subd. 7. **LIMITATION.** Nothing in this section shall limit public access to data made public by section 15.791.

Sec. 19. [15.804] AUTHORITY DATA.

Subdivision 1. The following data received, created or maintained by the St. Paul civic center authority are classified as nonpublic data pursuant to section 15.62, subdivision 5c:

(a) A letter or other documentation from any person who makes inquiry to the authority as to the availability of authority facilities for staging events;

(b) Identity of firms and corporations which contact the authority;

(c) Type of event which they wish to stage in authority facilities;

(d) Suggested terms of rentals; and

(e) Responses of authority staff to these inquiries.

Subd. 2. PUBLIC DATA. The data made nonpublic by the provisions of subdivision 1 shall become public upon the occurrence of any of the following:

(a) A lease or contract is entered into between the authority and the inquiring party or parties;

(b) The event which was the subject of inquiry does not occur; or

(c) The event which was the subject of inquiry occurs elsewhere.

Sec. 20. [15.805] RIDESHARE DATA.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The following data on participants, collected by the department of transportation for the purpose of administering the rideshare program, are classified as private pursuant to section 15.162, subdivision 5a: residential address and phone number; beginning and ending work hours; current mode of commuting to and from work; and type of rideshare service information requested.

Sec. 21. **[15.806] APPRAISAL DATA.**

Subdivision 1. CONFIDENTIAL DATA. Estimated or appraised values of individual parcels of real property which are made by personnel of a political subdivision or by independent appraisers acting for political subdivisions for the purpose of acquiring land through purchase or condemnation are classified as confidential data on individuals pursuant to section 15.162, subdivision 2a.

Subd. 2. PUBLIC DATA. The data made confidential by the provisions of subdivision 1 shall become public upon the occurrence of any of the following:

- (a) The negotiating parties exchange appraisals;
- (b) The data are submitted to a court appointed condemnation commissioner;
- (c) The data are presented in court in condemnation proceedings; or
- (d) The negotiating parties enter into an agreement for the purchase and sale of the property.

Sec. 22. Minnesota Statutes 1980, Section 169.09, Subdivision 13, is amended to read:

Subd. 13. **ACCIDENT REPORTS CONFIDENTIAL.** All written reports and supplemental reports required to be provided to the department of public safety by this section shall be without prejudice to the individual so reporting and shall be for the confidential use of the department of public safety, the Minnesota department of transportation, and appropriate federal, county and municipal governmental agencies for accident prevention purposes, except that the department of public safety or any law enforcement department of any municipality or county in this state shall, upon written request of any person involved in an accident or upon written request of the representative of his estate, his surviving spouse, or one or more of his surviving next of kin, or a trustee appointed pursuant to section 573.02, disclose to the requester, his legal counsel or a representative of his insurer any information contained therein except the parties' version of the accident as set out in the written report filed by the parties or may disclose identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department of public safety shall furnish upon the demand of any person who has, or claims to have, made a report, or, upon demand of any court, a certificate showing that a specified accident report has or

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has not been made to the department of public safety solely to prove a compliance or a failure to comply with the requirements that the report be made to the department of public safety. Disclosing any information contained in any accident report, except as provided herein, is unlawful and a misdemeanor.

Nothing herein shall be construed to prevent any person who has made a report pursuant to this chapter from providing information to any persons involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within his knowledge. It is intended by this subdivision to render privileged the reports required but it is not intended to prohibit proof of the facts to which the reports relate. Legally qualified newspaper publications and licensed radio and television stations shall upon request to a law enforcement agency be given an oral statement covering only the time and place of the accident, the names and addresses of the parties involved, and a general statement as to how the accident happened without attempting to fix liability upon anyone, but said legally qualified newspaper publications and licensed radio and television stations shall not be given access to the hereinbefore mentioned confidential reports, nor shall any such statements or information so orally given be used as evidence in any court proceeding, but shall merely be used for the purpose of a proper publication or broadcast of the news.

~~This subdivision shall supersede other state law relating to data privacy or confidentiality with regard to accident reports. When these reports are released for accident prevention purposes the identity of any involved person shall not be revealed. Data contained in these reports shall only be used for accident prevention purposes, except as otherwise provided by this subdivision. Accident reports and data contained therein which may be in the possession or control of departments or agencies other than the department of public safety shall not be discoverable under any provision of law or rule of court.~~

Sec. 23. Minnesota Statutes 1980, Section 268.12, Subdivision 12, is amended to read:

Subd. 12. **INFORMATION.** Except as hereinafter otherwise provided, ~~information obtained~~ data gathered from any employing unit, employer or individual pursuant to the administration of sections 268.03 to 268.24, and from any determination as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or other interested party (or his legal representative) shall be supplied with information from the records of the department of economic security, to the extent necessary for the proper presentation of his claim, contention or refutation of any claim in which he is an interested party in any proceeding under these sections with respect thereto. Subject to such restrictions as the commissioner may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency charged with the administration of

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an employment and security law or the maintenance of a system of public employment offices, any agency of this state which is required by law to provide statistical information to the bureau of labor statistics of the United States department of labor, any local human rights department within the state which has enforcement powers, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon request therefor, the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, or any local human rights department within the state which has enforcement powers, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under these sections. The commissioner may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of these sections, and may in connection with such request, transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(e) of the federal internal revenue code.

All letters, reports, communications, or any other matters, either oral or written, from an employer or his workers to each other or to the commissioner or any of his agents, representatives, or employees, which shall have been written or made in connection with the requirements and administration of sections 268.03 to 268.24 or the regulations thereunder, shall be absolutely privileged and shall not be made subject matter or basis for any suit for slander or libel in any court of this state private data on individuals or nonpublic data not on individuals as defined in section 15.162, subdivisions 5a and 5c and shall not be disclosed except pursuant to this subdivision or pursuant to a valid court order. This private data may be disseminated to and used by the following agencies without the consent of the subject of the data:

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

(b) Any agency of this or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;

(c) Local human rights groups within the state which have enforcement powers;

(d) The Minnesota department of revenue on an interchangeable basis with the department of economic security;

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

(f) The department of labor and industry for the purpose of determining the eligibility of the data subject;

(g) Local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs; and

(h) Local, state and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation.

Data on individuals, employers, and employing units which are collected, maintained, or used by the department in an investigation pursuant to section 268.18, subdivision 3 are confidential as to data on individuals and protected nonpublic data as defined in section 15.162, subdivisions 2a and 5d as to nonindividual employers and employing units, and shall not be disclosed except pursuant to statute or valid court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

Data on individuals, employers, and employing units which are collected, maintained, or used by the department in the adjudication of a separation or eligibility issue pursuant to the administration of section 268.10, subdivision 2 are confidential as to data on individuals and protected nonpublic data as to nonindividual employers and employing units as defined in section 15.162, subdivisions 2a and 5d and shall not be disclosed except pursuant to the administration of section 268.10, subdivisions 3 to 8 or pursuant to a valid court order.

Aggregate data about employers compiled from individual job orders placed with the department of economic security are nonpublic data as defined in section 15.162, subdivision 5c if the commissioner determines that divulging the data would result in disclosure of the identity of the employer. The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are also classified as nonpublic data.

Data on individuals collected, maintained or created because an individual applies for benefits or services provided by the energy assistance and weatherization programs administered by the department of economic security is private data on individuals and shall not be disseminated except pursuant to section 15.163, subdivisions 3 and 4.

Data gathered by the department pursuant to the administration of sections 268.03 to 268.24 shall not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 24. REVISOR'S INSTRUCTIONS.

The revisor of statutes shall codify the provisions of sections 1 to 23 and recodify the provisions of Minnesota Statutes 1980, Section 15.1611 to 15.1699 and of Laws 1981, Chapter 311 in an appropriate place in the next edition of Minnesota Statutes. He shall also correct all statutory cross references in the provisions being codified or recodified.

Sec. 25. EFFECTIVE DATE.

Sections 1 to 24 are effective the day following final enactment.

Approved March 22, 1982

CHAPTER 546 — S.F.No. 1015

An act relating to civil actions; limitations of actions; providing that actions for malpractice against health care professionals and veterinarians be commenced within two years; amending Minnesota Statutes 1980, Sections 145.61, Subdivision 2; and 541.07.

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

Section 1. Minnesota Statutes 1980, Section 145.61, Subdivision 2, is amended to read:

Subd. 2. "Professional" means a person licensed or registered to practice a healing art under Minnesota Statutes 1969, Chapter 147, or Chapter 148, to practice dentistry under Minnesota Statutes 1969, Chapter 150A, to practice as a pharmacist under Minnesota Statutes 1969, Chapter 151, or to practice podiatry under Minnesota Statutes 1969, Chapter 153.

Sec. 2. Minnesota Statutes 1980, Section 541.07, is amended to read:

541.07 TWO YEAR LIMITATIONS.

Except where the uniform commercial code otherwise prescribes, the following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, other health care professionals as defined in section 145.61, and veterinarians as defined in chapter 156, hospitals, sanatoriums, for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counter-claim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist or other health care professional or veterinarian, hospital or sanatorium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but

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