

Sec. 2. Minnesota Statutes 1986, section 629.53, is amended to read:

629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.

A person charged with a criminal offense may be released with or without bail in accordance with Rule 6.02 of the rules of criminal procedure. Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order. In case of conviction ~~of the accused~~, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. ~~If the fine exceeds the money bail deposit, the deposit must be applied to the fine and the defendant committed until the balance is paid. The commitment may not exceed one day's time for each dollar of the unpaid balance of the fine.~~ Money bail in the hands of deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution.

Sec. 3. EFFECTIVE DATE.

Section 1 is effective August 1, 1988, and applies to crimes committed on or after that date.

Approved April 26, 1988

CHAPTER 670—S.F.No. 2122

An act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; providing for access to data; providing for patient access to medical records; requiring outpatient diagnostic and test results to be retained as part of an individual permanent medical record; amending Minnesota Statutes 1986, sections 13.04, subdivision 4; 13.67; 13.791, subdivision 1; 13.84, subdivision 5, and by adding a subdivision; 13.85, by adding a subdivision; 144.335, subdivision 2; 145.32, subdivision 2; 171.12, by adding a subdivision; and 363.061, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 13 and 221; repealing Minnesota Statutes 1986, section 13.72, subdivision 3.

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

Section 1. Minnesota Statutes 1986, section 13.04, subdivision 4, is amended to read:

Subd. 4. PROCEDURE WHEN DATA IS NOT ACCURATE OR COM-

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LETE. (a) An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: ~~(a)~~ (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or ~~(b)~~ (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the provisions of the administrative procedure act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a state agency, political subdivision, or statewide system without regard to the requirements of section 138.17.

After completing, correcting, or destroying successfully challenged data, a state agency, political subdivision, or statewide system may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Sec. 2. Minnesota Statutes 1986, section 13.67, is amended to read:

13.67 EMPLOYEE RELATIONS DATA.

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process;

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies; **and**

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(d) The managerial plan prepared by the department pursuant to section 43A.18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (c), until the plan is submitted to the legislative commission on employee relations; and

(e) Claims experience and all related information received from carriers and claims administrators participating in either the state group insurance plan or the public employees insurance plan as defined in chapter 43A, and survey information collected from employees and employers participating in these plans, except when the department determines that release of the data will not be detrimental to the plan.

Sec. 3. Minnesota Statutes 1986, section 13.791, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Unless the data is summary data or is otherwise classified by statute or federal law, all data collected and maintained by the department of jobs and training that pertain to individuals applying for or receiving rehabilitation services is private data on individuals. The commissioner of jobs and training may release the name, business address, and business telephone number of an individual licensed under section 248.07, subdivision 8.

Sec. 4. [13.792] MINNESOTA ZOOLOGICAL GARDEN DATA.

The following data maintained by the Minnesota zoological garden are classified as private or nonpublic:

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

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

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

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

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

(6) data detailing dates of gifts and specific gift amounts made by donors to the Minnesota zoo.

Names of donors and gift ranges are public data.

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Sec. 5. Minnesota Statutes 1986, section 13.84, subdivision 5, is amended to read:

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

(a) Pursuant to section 13.05;

(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 subdivision 5a; or

(f) Pursuant to a valid court order.

Sec. 6. Minnesota Statutes 1986, section 13.84, is amended by adding a subdivision to read:

Subd. 5a. PUBLIC BENEFIT DATA. The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to criminal acts to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution.

Sec. 7. Minnesota Statutes 1986, section 13.85, is amended by adding a subdivision to read:

Subd. 5. PUBLIC BENEFIT DATA. The responsible authority or its designee of any agency that maintains corrections and detention data may release private or confidential corrections and detention data to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution.

Sec. 8. Minnesota Statutes 1986, section 144.335, subdivision 2, is amended to read:

Subd. 2. **PATIENT ACCESS.** (a) Upon request, a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

(b) Upon a patient's written request, a provider, at a reasonable cost to the patient, shall furnish to the patient (1) copies of the patient's health record,

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including but not limited to laboratory reports, X-rays, prescriptions, and other technical information used in assessing the patient's health condition, or (2) the pertinent portion of the record relating to a specific condition, or (3) specified by the patient. With the consent of the patient, the provider may instead furnish only a summary of the record. The provider may exclude from the health record written speculations about the patient's health condition, except that all information necessary for the patient's informed consent must be provided.

(c) If a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to inflict self harm, or to harm another, the provider may withhold the information from the patient and may supply the information to an appropriate third party or to another provider, as defined in subdivision 1, clause (b)(1). The other provider or third party may release the information to the patient.

(d) A provider as defined in subdivision 1, clause (b)(2), shall release information upon written request unless, prior to the request, a provider as defined in subdivision 1, clause (b)(1), has designated and described a specific basis for withholding the information as authorized by paragraph (c).

Sec. 9. Minnesota Statutes 1986, section 145.32, subdivision 2, is amended to read:

Subd. 2. **RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH INDIVIDUAL PERMANENT MEDICAL RECORD.** (a) The commissioner of health shall define by rule the term "individual permanent medical record" by enumerating the specific types of records or other information ~~which that~~, at a minimum, must be maintained on a permanent basis by the hospital.

(b) "Individual permanent medical record" includes outpatient diagnostic and laboratory test results.

Sec. 10. Minnesota Statutes 1986, section 171.12, is amended by adding a subdivision to read:

Subd. 3a. **RECORD DESTROYED WHEN REVOCATION OR SUSPENSION RESCINDED.** Notwithstanding subdivision 3 or section 138.163, when an order for revocation or suspension of a driver's license is rescinded and all rights of appeal have been exhausted or have expired, the commissioner shall remove the record of that revocation or suspension from the computer records that are disclosed to persons or agencies outside the driver and vehicle services division, department of public safety.

Sec. 11. [221.0315] **INVESTIGATIVE DATA PROVIDED.**

The commissioner may provide to the board investigative data about a petitioner or carrier that is subject to the jurisdiction of the board. When the data are transferred to the board, the commissioner shall notify the petitioner or carrier in writing that the data are being provided to the board.

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Sec. 12. Minnesota Statutes 1987 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, or ~~except~~ (2) as required by a written memorandum of understanding adopted under section 126.035, or (3) as authorized under chapter 13; except that traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. No photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

Sec. 13. Minnesota Statutes 1986, section 363.061, is amended by adding a subdivision to read:

Subd. 4. CHARGING PARTY ACCESS. Data comprised of materials and documentation provided by a charging party that is part of an open or closed case file is accessible to the charging party in accordance with section 13.04, subdivision 3. The charging party may consent to the release of the data to the charging party's attorney or other legal representative.

Sec. 14. REPEALER.

Minnesota Statutes 1986, section 13.72, subdivision 3, is repealed.

Sec. 15. EFFECTIVE DATE.

Sections 2, 3, 10, and 13 are effective the day following final enactment.

Approved April 26, 1988

CHAPTER 671—S.F.No. 2131

An act relating to the environment; prohibiting government units and vendors from purchasing and using chlorofluorocarbon-processed packaging materials; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

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