

(2) promote the drug abuse resistance education program throughout the state;

(3) monitor the drug abuse resistance education officer training program in conjunction with the bureau of criminal apprehension;

(4) provide coordination and assistance to local communities who wish to implement drug abuse resistance education programs in their local school systems;

(5) encourage parental and community involvement in drug abuse resistance education programs;

(6) develop a private and public partnership to provide for continuation and funding for the drug abuse resistance education program; and

(7) receive money from public and private sources for use in the drug abuse resistance education program.

Sec. 32. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 26, 1990

Signed by the governor May 3, 1990, 10:51 a.m.

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**CHAPTER 566—S.F.No. 1854**

*An act relating to statutes and other government data; establishing procedures for computerized comparisons of data; requiring matching agreements; providing for contesting of data; requiring reports; correcting certain statutory references; amending Minnesota Statutes 1988, sections 90.301, subdivision 6; 256.98, subdivision 1; 256B.35, subdivision 5; 268.18, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 13B.*

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

Section 1. **[13B.01] DEFINITIONS.**

Subdivision 1. GENERAL. For purposes of this chapter, the following terms have the meanings given them.

Subd. 2. BENEFIT PROGRAM. "Benefit program" means a program administered by a public entity or agent of a public entity that provides cash or in-kind assistance in the form of payments, grants, subsidies, loans, loan guarantees, or any other form of financial assistance to individuals.

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**Subd. 3. FRONT END VERIFICATION.** “Front end verification” means a computerized procedure operated by a public entity that checks the accuracy and truthfulness of data provided by an individual as part of an application with the public entity.

**Subd. 4. GOVERNMENT DATA.** “Government data” has the meaning given the term in section 13.02, subdivision 7.

**Subd. 5. INDIVIDUAL.** “Individual” has the meaning given the term in section 13.02, subdivision 8.

**Subd. 6. LAW ENFORCEMENT AGENCY.** “Law enforcement agency” means an agency of the state, a political subdivision, or the University of Minnesota with the power to conduct criminal investigations or make arrests or an attorney authorized by law to prosecute or participate in the prosecution of criminal offenses.

**Subd. 7. MATCHING PROGRAM.** “Matching program” means a computerized comparison of government data to government or nongovernment data for use by a public entity for purposes of determining the eligibility of individuals for a license, privilege, benefit program, or employment. Matching program does not include a comparison performed:

- (1) by a public entity if all data used in the comparison are government data of one responsible authority within the public entity, other than personnel or payroll data;
- (2) by a law enforcement agency after initiation of a law enforcement investigation for gathering evidence for a law enforcement proceeding against an identified individual;
- (3) to produce aggregate statistical data without data that identify individuals in the final product; or
- (4) to support a research or statistical project, the specific data of which may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals.

**Subd. 8. PUBLIC ENTITY.** “Public entity” means a state agency or state-wide system as those terms are defined in section 13.02.

**Subd. 9. RESPONSIBLE AUTHORITY.** “Responsible authority” has the meaning given in section 13.02, subdivision 16.

## Sec. 2. [13B.02] MATCHING AGREEMENTS.

Before participating in a matching program, the responsible authority in each public entity that participates in the matching program shall enter into a written agreement with the other person specifying:

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- (1) the rationale, purpose, and legal authority for conducting the program;
- (2) a description of the data that will be matched, including each data element that will be used, the approximate number of records that will be matched, and the projected starting and completion dates of the matching program;
- (3) procedures for retention and destruction of data created by the matching program consistent with section 138.17;
- (4) procedures for ensuring the security of the data;
- (5) prohibitions on duplication and redisclosure of data by the person who receives the data, unless authorized by the public entity that releases the data;
- (6) procedures governing the use of the data provided by the public entity for the matching program, including procedures governing return to the public entity or destruction of the data consistent with section 138.17; and
- (7) information on assessments that have been made on the accuracy of the data that will be used in the matching program.

**Sec. 3. [13B.03] FRONT END VERIFICATION AND MATCHING PROGRAMS; RIGHTS OF SUBJECTS.**

A public entity may not suspend, terminate, reduce, or make a final denial of employment or a license or other privilege or of assistance under a benefit program, or take other adverse action against an individual as a result of data produced by a matching program or front end verification, until the entity has independently verified the data. If independent verification shows that the data are correct, the entity shall give the individual written notice of its findings and an opportunity to contest the findings. The requirements of this section may be satisfied by verification, notice, hearing, and appeal rights governing the particular benefit program or employment or licensing procedure from which data were obtained to be used in the matching program.

**Sec. 4. [13B.04] REPORT.**

A responsible authority that participates in a matching program shall prepare a report describing matching programs in which the responsible authority has participated during the previous calendar year. The report must be included in a state agency's description of its information systems prepared under section 3.3026, subdivision 3.

Sec. 5. Minnesota Statutes 1988, section 90.301, subdivision 6, is amended to read:

Subd. 6. **TICKET FOR THEFT VIOLATIONS.** The commissioner may design and issue a ticket in the form, and having the effect, of a summons and

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complaint, for use in cases of theft of state timber or other state property, where the value of the property is within the limits established by section 609.52, subdivision 3, clause ~~(7)~~ (5). The ticket shall provide for the name and address of the person charged with the violation, the offense charged, the time and place the person is to appear before a court, and any other necessary information.

Sec. 6. Minnesota Statutes 1988, section 256.98, subdivision 1, is amended to read:

Subdivision 1. **WRONGFULLY OBTAINING ASSISTANCE.** A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which the person is not entitled or assistance greater than that to which the person is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections 256.12, 256.72 to 256.871, and chapter 256B, or all of these sections is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses ~~(2), ~~(3)~~, ~~(6)~~, and ~~(7)~~~~ (3)(a) and (c), (4), and (5).

Sec. 7. Minnesota Statutes 1988, section 256B.35, subdivision 5, is amended to read:

Subd. 5. The nursing home may transfer the personal allowance to someone other than the recipient only when the recipient or the recipient's guardian or conservator designates that person in writing to receive or expend funds on behalf of the recipient and that person certifies in writing that the allowance is spent for the well-being of the recipient. Persons, other than the recipient, in possession of the personal allowance, may use the allowance only for the well-being of the recipient. Any person, other than the recipient, who, with intent to defraud, uses the personal needs allowance for purposes other than the well-being of the recipient shall be guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses ~~(2), ~~(3)~~, and ~~(7)~~~~ (3)(a) and (c), (4), and (5). To prosecute under this subdivision, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal action. A nursing home that transfers personal needs allowance funds to a person other than the recipient in good faith and in compliance with this section shall not be held liable under this subdivision.

Sec. 8. Minnesota Statutes 1988, section 268.18, subdivision 3, is amended to read:

Subd. 3. **FALSE REPRESENTATIONS; CONCEALMENT OF FACTS; PENALTY.** (a) Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, benefits to which the person is not entitled or benefits greater than

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that to which the person is entitled under this chapter, or under the employment security law of any state or of the federal government or of a foreign government, either personally or for any other person, shall be guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (2), ~~(3)~~, (6), and ~~(7)~~ (3)(a) and (c), (4), and (5). The amount of the benefits incorrectly paid shall be the difference between the amount of benefits actually received and the amount which the person would have been entitled under state and federal law had the department been informed of all material facts.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining a subject employer or to avoid or reduce any contribution or other payment required from an employing unit under this chapter or under the employment security law of any state or of the federal government, or who willfully fails or refuses to make any such contributions or other payment at the time required shall be guilty of a gross misdemeanor unless the benefit underpayment, contribution, or other payment involved exceeds \$250, in which event the person is guilty of a felony.

(c) Any person who willfully fails to produce or permit the inspection or copying of books, papers, records, or memoranda as required or when requested under section 268.12, subdivision 8, or to furnish any required reports other than contribution reports shall be guilty of a gross misdemeanor.

**Sec. 9. REPEALER.**

Section 2 is repealed effective July 31, 1992.

Presented to the governor April 26, 1990

Signed by the governor May 3, 1990, 5:32 p.m.

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**CHAPTER 567—S.F.No. 1847**

*An act relating to human rights; amending the definition of age; clarifying medical and certain other information obtainable from certain prospective employees; clarifying protection for pregnant employees; prohibiting threats against home owners and renters; prohibiting discriminatory business practices; clarifying the meaning of business necessity and continuing violations; extending the time to file certain charges; directing the alphabetizing of definitions; amending Minnesota Statutes 1988, sections 363.01, subdivision 28; 363.03, subdivisions 2, 8a, and by adding a subdivision; 363.06, subdivision 1, and by adding a subdivision; and 363.116; Minnesota Statutes 1989 Supplement, sections 363.02, subdivision 1; and 363.03, subdivision 1.*

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