

Sec. 56. LEGISLATIVE REVIEW.

Before the 2003 legislative session, legislative committees must conduct hearings on advisory groups within their jurisdictions. At the hearings, each advisory group must submit a report, the date of its last meeting, and a list of recommendations. The committees must make recommendations to the legislature on which groups should continue in existence after June 30, 2003.

Sec. 57. REVISOR'S INSTRUCTION.

The revisor shall delete "17.703" and insert "17.702" in Minnesota Statutes, sections 17.696, 17.697, 17.70, 17.701, and 17.9442.

Sec. 58. REPEALER.

Minnesota Statutes 2000, sections 15.059, subdivision 5a, as amended by Laws 2001, chapter 7, section 7; 17.49, subdivision 1; 17.703; 17.76; 40A.14, subdivision 3; 52.061; 60K.19, subdivision 4; 93.002; 97A.055, subdivision 4a; 124D.894; 124D.95, subdivision 6; 134.31, subdivision 5; 137.342, subdivision 2; 144A.31; 162.09, subdivision 2; 256B.071, subdivision 5; 256B.0911, subdivision 8; 256B.434, subdivision 13; 299A.295, subdivision 2; and 299K.03, subdivision 4, are repealed.

Sec. 59. EFFECTIVE DATE.

Sections 1 to 9, 11 to 13, 15 to 17, 19, 21 to 24, 26, 29 to 36, 44, 46 to 50, 53, and 58 are effective June 30, 2001. Sections 10, 14, 18, 20, 25, 42, 43, 51, 52, 54, and 55 are effective the day following final enactment.

Presented to the governor May 21, 2001

Signed by the governor May 24, 2001, 1:44 p.m.

CHAPTER 162—S.F.No. 1680

An act relating to state government; programs administered by the department of administration; modifying privacy provisions; extending the expiration date of certain advisory councils; extending the term of the shared-savings program for energy conservation in state-owned buildings; authorizing Indian tribal governments to be served by the state information infrastructure; adding political subdivisions to the state risk management program; repealing the parking surcharge for vehicles occupied by one person; canceling the conveyance of surplus land to Sauk Centre; amending Minnesota Statutes 2000, sections 13.64; 16B.055, by adding a subdivision; 16B.27, subdivision 3; 16B.32, subdivision 2; 16B.465, subdivision 1a; 16B.76, subdivision 1; 16B.85, subdivisions 2 and 3; and 16C.17, subdivision 2; repealing Minnesota Statutes 2000, section 16B.58, subdivision 7; Laws 2000, chapter 326.

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

Section 1. Minnesota Statutes 2000, section 13.64, is amended to read:

13.64 DEPARTMENT OF ADMINISTRATION DATA.

New language is indicated by underline, deletions by ~~strikeout~~.

(a) Notes and preliminary drafts of reports created, collected, or maintained by the management analysis division, department of administration, and prepared during management studies, audits, reviews, consultations, or investigations are classified as confidential or protected nonpublic data until the final report has been published or preparation of the report is no longer being actively pursued.

(b) Data that support the conclusions of the report and that the commissioner of administration reasonably believes will result in litigation are confidential or protected nonpublic until the litigation has been completed or until the litigation is no longer being actively pursued.

(c) Data on individuals that could reasonably be used to determine the identity of an individual supplying data for a report are private if ~~(a)~~:

(1) the data supplied by the individual were needed for a report; and

~~(b)~~ (2) the data would not have been provided to the management analysis division without an assurance to the individual that the individual's identity would remain private, or the management analysis division reasonably believes that the individual would not have provided the data.

Sec. 2. Minnesota Statutes 2000, section 16B.055, is amended by adding a subdivision to read:

Subd. 3. EXPIRATION. Notwithstanding section 15.059, the council expires June 30, 2003.

Sec. 3. Minnesota Statutes 2000, section 16B.27, subdivision 3, is amended to read:

Subd. 3. **COUNCIL.** The governor's residence council consists of the following 19 members: the commissioner; the spouse, or a designee of the governor; the executive director of the Minnesota state arts board; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; 13 persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota Chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota Chapter, one member of the family that donated the governor's residence to the state, if available, and eight public members with four public members' terms being coterminous with the governor who appoints them. Members of the council serve without compensation. Membership terms, removal, and filling of vacancies for members appointed by the governor are governed by section 15.0575. The council shall elect a chair and a secretary from among its members. The council expires on June 30, ~~2004~~ 2003.

Sec. 4. Minnesota Statutes 2000, section 16B.32, subdivision 2, is amended to read:

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Subd. 2. ENERGY CONSERVATION GOALS; EFFICIENCY PROGRAM.

(a) The commissioner of administration in consultation with the department of public service, in cooperation with one or more public utilities or comprehensive energy services providers, may conduct a shared-savings program involving energy conservation expenditures on state-owned buildings. The public utility or energy services provider shall contract with appropriate state agencies to implement energy efficiency improvements in the selected buildings. A contract must require the public utility or energy services provider to include all energy efficiency improvements in selected buildings that are calculated to achieve a cost payback within ten years. The contract must require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments must be interest-free. The goal of the program in this paragraph is to demonstrate that through effective energy conservation the total energy consumption per square foot of state-owned and wholly state-leased buildings could be reduced by at least 25 percent from consumption in the base year of 1990. All agencies participating in the program must report to the commissioner of administration their monthly energy usage, building schedules, inventory of energy-consuming equipment, and other information as needed by the commissioner to manage and evaluate the program.

(b) The commissioner may exclude from the program of paragraph (a) a building in which energy conservation measures are carried out. "Energy conservation measures" means measures that are applied to a state building that improve energy efficiency and have a simple return of investment in ten years or within the remaining period of a lease, whichever time is shorter, and involves energy conservation, conservation facilities, renewable energy sources, improvements in operations and maintenance efficiencies, or retrofit activities.

(c) This subdivision expires January 1, ~~2004~~ 2006.

Sec. 5. Minnesota Statutes 2000, section 16B.465, subdivision 1a, is amended to read:

Subd. 1a. **CREATION.** Except as provided in subdivision 4, the commissioner, through the state information infrastructure, shall arrange for the provision of voice, data, video, and other telecommunications transmission services to state agencies. The state information infrastructure may also serve educational institutions, including public schools as defined in section 120A.05, subdivisions 9, 11, 13, and 17, nonpublic, church or religious organization schools that provide instruction in compliance with sections 120A.22, 120A.24, and 120A.41, and private colleges; public corporations; Indian tribal governments; and state political subdivisions. It is not a telephone company for purposes of chapter 237. The commissioner may purchase, own, or lease any telecommunications network facilities or equipment after first seeking bids or proposals and having determined that the private sector cannot, will not, or is unable to provide these services, facilities, or equipment as bid or proposed in a reasonable or timely fashion consistent with policy set forth in this section. The commissioner shall not resell or sublease any services or facilities to nonpublic entities except to serve private schools and colleges. The commissioner has the responsibility for planning, development, and operations of the state information infrastructure in order to provide

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cost-effective telecommunications transmission services to state information infrastructure users consistent with the policy set forth in this section.

Sec. 6. Minnesota Statutes 2000, section 16B.76, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP.** (a) The construction codes advisory council consists of the following members:

(1) the commissioner of administration or the commissioner's designee representing the department's building codes and standards division;

(2) the commissioner of health or the commissioner's designee representing an environmental health section of the department;

(3) the commissioner of public safety or the commissioner's designee representing the department's state fire marshal division;

(4) the commissioner of public service commerce or the commissioner's designee representing the department's energy regulation and resource management division; and

(5) one member representing each of the following occupations or entities, appointed by the commissioner of administration:

(i) a certified building official;

(ii) a fire service representative;

(iii) a licensed architect;

(iv) a licensed engineer;

(v) a building owners and managers representative;

(vi) a licensed residential building contractor;

(vii) a commercial building contractor;

(viii) a heating and ventilation contractor;

(ix) a plumbing contractor;

(x) a representative of a construction and building trades union; and

(xi) a local unit of government representative.

(b) For members who are not state officials or employees, terms, compensation, removal, and the filling of vacancies are governed by section 15.059. The council shall select one of its members to serve as chair.

(c) The council expires June 30, 2003.

Sec. 7. Minnesota Statutes 2000, section 16B.85, subdivision 2, is amended to read:

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Subd. 2. **RISK MANAGEMENT FUND.** (a) All state agencies, political subdivisions, and the Minnesota state colleges and universities, may, in cooperation with the commissioner, participate in insurance programs and other funding alternative programs provided by the risk management fund.

(b) When an agency or agencies enter entity described in paragraph (a) enters into an insurance or self-insurance program, each agency entity shall contribute the appropriate share of its costs as determined by the commissioner.

(c) The money in the fund to pay claims arising from state activities and for administrative costs, including costs for the adjustment and defense of the claims, is appropriated to the commissioner.

(d) Interest earned from the investment of money in the fund shall be credited to the fund and be available to the commissioner for the expenditures authorized in this subdivision.

(e) The fund is exempt from the provisions of section 16A.152, subdivision 4. In the event that proceeds in the fund are insufficient to pay outstanding claims and associated administrative costs, the commissioner, in consultation with the commissioner of finance, may assess state agencies entities participating in the fund amounts sufficient to pay the costs. The commissioner shall determine the proportionate share of the assessment of each agency entity.

Sec. 8. Minnesota Statutes 2000, section 16B.85, subdivision 3, is amended to read:

Subd. 3. **RESPONSIBILITIES.** The commissioner shall:

(1) review the state's exposure to various types of potential risks in consultation with affected agencies entities and advise state agencies them as to the reduction of risk and fiscal management of those losses;

(2) be responsible for statewide risk management coordination, evaluation of funding and insuring alternatives, and the approval of all insurance purchases in consultation with affected agencies entities;

(3) identify ways to eliminate redundant efforts in the management of state risk management and insurance programs;

(4) maintain the state risk management information system; and

(5) administer and maintain the state risk management fund.

Sec. 9. Minnesota Statutes 2000, section 16C.17, subdivision 2, is amended to read:

Subd. 2. **ADVISORY COUNCIL.** The small business procurement advisory council consists of 13 members appointed by the commissioner of administration. A chair of the advisory council shall be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms, compensation, and removal of members are as provided in section 15.059.

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Notwithstanding section 15.059, the council expires June 30, 2003.

Sec. 10. REPEALER.

Minnesota Statutes 2000, section 16B.58, subdivision 7; and Laws 2000, chapter 326, are repealed.

Sec. 11. EFFECTIVE DATE.

Section 4 is effective retroactively to January 1, 2001. Sections 3, 6, and 9 are effective June 30, 2001.

Presented to the governor May 21, 2001

Signed by the governor May 24, 2001, 1:46 p.m.

CHAPTER 163—S.F.No. 321

An act relating to probate; providing for a background study before appointment of guardians or conservators; authorizing access to data on substantiated maltreatment of vulnerable adults; providing for background study systems and records in the department of human services; appropriating money; amending Minnesota Statutes 2000, section 525.539, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 245A; 525.

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

Section 1. [245A.041] SYSTEMS AND RECORDS.

Subdivision 1. ESTABLISHMENT; USE. (a) The commissioner may establish systems and records to fulfill the requirements of section 245A.04. The commissioner may also use these systems and records to obtain and provide criminal history data from the bureau of criminal apprehension and data about substantiated maltreatment under section 626.556 or 626.557, for other purposes, provided that:

- (1) the background study is specifically authorized in statute; or
- (2) the request is made with the informed consent of the subject of the study as provided in section 13.05, subdivision 4.

A person making a request under clause (2) must agree in writing not to disclose the data to any other person without the consent of the subject of the data.

(b) The commissioner may recover the cost of obtaining and providing background study data by charging the person requesting the study a fee of no more than \$12 per study. The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies.

Subd. 2. NATIONAL RECORDS SEARCH. (a) When specifically required by statute, the commissioner shall also obtain criminal history data from the national criminal records repository. To obtain criminal history data from the national criminal

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