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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2320

03/11/2019 Authored by Pinto
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to human services; modifying use of certain investigative data; amending
1.3 Minnesota Statutes 2018, section 13.46, subdivision 3.

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

1.5 Section 1. Minnesota Statutes 2018, section 13.46, subdivision 3, is amended to read:

1.6 Subd. 3. Investigative data. (a) Data on persons, including data on vendors of services,
1.7 licensees, and applicants that is collected, maintained, used, or disseminated by the welfare
1.8 system in an investigation, authorized by statute, and relating to the enforcement of rules
1.9 or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or
1.10 protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and
1.11 shall not be disclosed except:

1.12 (1) pursuant to section 13.05;

1.13 (2) pursuant to statute or valid court order;

1.14 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
1.15 preparation of defense; or

1.16 (4) to an agent of the welfare system or an investigator acting on behalf of a county,
1.17 state, or federal government, including a law enforcement officer or attorney in the
1.18 investigation or prosecution of a criminal, civil, or administrative proceeding, unless the
1.19 commissioner of human services determines that disclosure may compromise a department
1.20 of human services ongoing investigation; or

1.21 (4) (5) to provide notices required or permitted by statute.

2.1 The data referred to in this subdivision shall be classified as public data upon submission
2.2 to an administrative law judge or court in an administrative or judicial proceeding. Inactive
2.3 welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

2.4 (b) Notwithstanding any other provision in law, the commissioner of human services
2.5 shall provide all active and inactive investigative data, including the name of the reporter
2.6 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental
2.7 health and developmental disabilities upon the request of the ombudsman.

2.8 (c) Notwithstanding paragraph (a) and section 13.39, the existence of an investigation
2.9 by the commissioner of human services of possible overpayments of public funds to a service
2.10 provider or recipient may be disclosed if the commissioner determines that it will not
2.11 compromise the investigation.