Minnesota State Legislature
Minnesota Senate

KEY: ~~stricken~~ = removed, old language. <u>underscored</u> = added, new language.

Current Version - as introduced

1.1   A bill for an act
1.2   relating to transportation; data practices; classifying certain Minnesota road use
1.3   test participation data; classifying certain construction manager and general
1.4   contractor contract data;amending Minnesota Statutes 2012, section 13.72, by
1.5   adding subdivisions.
1.6   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7   Section 1. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision
1.8   to read:
1.9   Subd. 18. **Mileage-based user fees.** (a) The following data pertaining to
1.10 participation in the Minnesota road use test, as required by Laws 2007, chapter 143,
1.11 article 1, section 3, subdivision 3, paragraph (a), clause (1), are classified as nonpublic
1.12 or private data:
1.13   (1) names of participants, participants' contact information, and data contained in
1.14 applications for participation in the Minnesota road use test;
1.15   (2) applications for the purchase, lease, or rental of the GPS navigation device;
1.16   (3) participants' vehicle identification data;
1.17   (4) financial and credit data; and
1.18   (5) participants' road usage data.
1.19   (b) Nothing in this section prohibits the production of summary data, as defined in
1.20 section 13.02, subdivision 19, as it pertains to types of vehicles used and road usage
1.21 data, as long as the participants' identities or any other characteristic that could uniquely
1.22 identify participants are not ascertainable.
1.23   (c) Notwithstanding section 13.03, subdivision 6, the Department of Transportation
1.24 shall only produce the data made not public under this subdivision to federal, state, and
1.25 local law enforcement authorities acting pursuant to a valid probable cause search warrant.

2.1   Sec. 2. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to
2.2   read:
2.3   Subd. 19. **Construction manager/general contractor data.** (a) When the
2.4   Department of Transportation undertakes a construction manager/general contractor
2.5   contract, as defined and authorized in sections 161.3207 to 161.3209, the provisions
2.6   of this subdivision apply.
2.7   (b) When the commissioner of transportation solicits a request for
qualifications:
2.8   (1) the following data are classified as protected nonpublic:
2.9   (i) the statement of qualifications scoring evaluation manual; and
2.10   (ii) the statement of qualifications evaluations;
2.11   (2) the statement of qualifications submitted by a potential construction
2.12 manager/general contractor is classified as nonpublic data; and
2.13   (3) identifying information concerning the members of the Technical Review
2.14 Committee is classified as private data.
2.15   (c) When the commissioner of transportation announces the short list of qualified
2.16 construction managers/general contractors, the following data become public:
2.17   (1) the statement of qualifications scoring evaluation manual; and
2.18   (2) the statement of qualifications evaluations.
2.19   (d) When the commissioner of transportation solicits a request for proposals:
2.20   (1) the proposal scoring manual is classified as protected nonpublic data; and
2.21   (2) the following data are classified as nonpublic data:

2.22   (i) the proposals submitted by a potential construction manager/general contractor;

2.23 and

2.24 (ii) the proposal evaluations.

2.25 (e) When the commissioner of transportation has completed the ranking of proposals

2.26 and announces the selected construction manager/general contractor, the proposal

2.27 evaluation score or rank and proposal evaluations become public data.

2.28 (f) When the commissioner of transportation conducts contract negotiations

2.29 with a construction manager/general contractor, government data created, collected,

2.30 stored, and maintained during those negotiations are nonpublic data until a construction

2.31 manager/general contractor contract is fully executed.

2.32 (g) When the construction manager/general contractor contract is fully executed or

2.33 when the commissioner of transportation decides to use another contract procurement

2.34 process, other than the construction manager/general contractor authority, authorized

2.35 under section 161.3209, subdivision 3, paragraph (b), all remaining data not already made

2.36 public under this subdivision becomes public.

3.1 (h) If the commissioner of transportation rejects all responses to a request for

3.2 proposals before a construction manager/general contractor contract is fully executed, all

3.3 data, other than that data made public under this subdivision, retains its classification

3.4 until a resolicitation of the request for proposals results in a fully executed construction

3.5 manager/general contractor contract or a determination is made to abandon the project. If

3.6 a resolicitation of proposals does not occur within one year of the announcement of the

3.7 request for proposals, the remaining data becomes public.