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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1282**

February 22, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to data practices; classifying certain transportation department data;
1.3 amending Minnesota Statutes 2006, section 13.72, by adding subdivisions.

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

1.5 Section 1. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
1.6 to read:

1.7 Subd. 14. **Market research data; classification.** (a) Names, home addresses
1.8 except for zip codes, home e-mail addresses, and home telephone numbers obtained
1.9 for or received in response to a survey conducted by or on behalf of the Department of
1.10 Transportation are classified as private data on individuals.

1.11 (b) Business names, business addresses except for zip codes, business e-mail
1.12 addresses, and business telephone numbers obtained for or received in response to a
1.13 survey conducted by or on behalf of the Department of Transportation are classified
1.14 as nonpublic data.

1.15 Sec. 2. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to
1.16 read:

1.17 Subd. 15. **Overhead rate data.** Financial statements and lists of stockholders
1.18 provided to the commissioner of transportation by a consultant in order to establish its
1.19 overhead rate, and the schedule of audit adjustments and the overhead rate schedule
1.20 prepared by the Department of Transportation in order to establish the overhead rate for a
1.21 consultant are classified as nonpublic data or private data on individuals. The overhead
1.22 rate percentage is public data.

2.1 Sec. 3. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 16. **Bid escrow data.** Bid documentation held in escrow by the Department
2.4 of Transportation is classified as nonpublic data. Any data on individuals in the bid
2.5 documentation are classified as private data on individuals. "Bid documentation" means
2.6 all writings, working papers, computer printout charts, and other data calculations used
2.7 by a contractor to determine its bid in bidding for a contract. The bid documentation
2.8 includes, but is not limited to, the contractor's costs for operating each piece of equipment
2.9 owned by the contractor, the contractor's overhead costs and its calculated overhead rate,
2.10 the contractor's pay rates for its employees, efficiency or productivity factors, arithmetic
2.11 extensions, and the rates and quotations from subcontractors and material suppliers to
2.12 the extent that the rates and quotations were used by the contractor in formulating and
2.13 determining the amount of the bid.