



STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
P.O. BOX 64620
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ST. PAUL, MINNESOTA 55164-0620

TO: Senator Lawrence Pogemiller, Senate Majority Leader
Senator Don Betzold, Chair, State Government Budget Committee
Senator Ann Rest, Chair, State and Local Government Operations and Oversight Committee
Representative Joe Mullery, Chair, Civil Justice Committee
Representative Gene Pelowski, Jr., Chair, State and Local Government Operations Committee

FROM: Raymond R. Krause
Chief Judge
Office of Administrative Hearings

DATE: August 31, 2010

SUBJECT: OAH Report on Receipts and Expenditures Relating to the Data Practices Act

The Office of Administrative Hearings (OAH) was directed by the 2010 Session Laws of Minnesota, Chapter 297, Section 3, to make a report to the legislature regarding receipts and expenditures of money under the law governing administrative hearings related to the Data Practices Act.

Beginning July 1, 2010, persons in a dispute over data with a State agency or local unit of government can seek expedited handling of that matter with OAH. The Legislature enacted an amendment to the Minnesota Government Data Practices Act (MGDPA or Data Practices), codified at Minn. Stat. Chap. 13.085, establishing this new process. Any complaint filed under this process must be handled according to strict timelines for assessing probable cause, conducting a hearing, and issuing the ALJ decision. ALJ decisions are final agency decisions under the statute, appealable to the Minnesota Court of Appeals.

Since the enactment of this legislation, the OAH has developed procedures, forms and public notice templates for use in administrative hearings related to the Data Practices Act. The OAH web site was also been updated to reflect the procedures to follow when filing a complaint www.oah.state.mn.us/X-MGDPA/index.html. The costs associated with completing these activities were absorbed by the agency. As of August 31, 2010, the OAH has not received any filings or receipts related to the Data Practice Act.

Please do not hesitate to contact me at ray.krause@state.mn.us or (651)361-7900 if I can provide any further information.