

1.1 moves to amend H.F. No. 2953, the second engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2016, section 13.02, is amended by adding a subdivision
1.4 to read:

1.5 Subd. 1a. **Chief administrative law judge.** "Chief administrative law judge" means the
1.6 chief administrative law judge of the state Office of Administrative Hearings.

1.7 Sec. 2. Minnesota Statutes 2016, section 13.02, is amended by adding a subdivision to
1.8 read:

1.9 Subd. 8a. **Information policy analysis unit.** "Information policy analysis unit" means
1.10 the work unit within the Office of Administrative Hearings established under section 13.071.

1.11 Sec. 3. [13.071] **INFORMATION POLICY ANALYSIS UNIT; DATA PRACTICES**
1.12 **COORDINATOR.**

1.13 Subdivision 1. **Information policy analysis unit established.** An information policy
1.14 analysis unit is established as a work unit within the Office of Administrative Hearings.

1.15 Subd. 2. **Data practices coordinator.** (a) The chief administrative law judge shall
1.16 appoint a data practices coordinator in the unclassified service who shall oversee the
1.17 operations of the information policy analysis unit.

1.18 (b) The coordinator must be knowledgeable about the Minnesota Government Data
1.19 Practices Act, the Minnesota Open Meeting Law, and federal laws and regulations regarding
1.20 data privacy. The coordinator must have experience in dealing with both private enterprise
1.21 and governmental entities, interpreting laws and regulations, record keeping, report writing,
1.22 public speaking, and management.

1.23 Subd. 3. **Duties.** The information policy analysis unit shall:

2.1 (1) informally advise and serve as a technical resource for government entities on
 2.2 questions related to public access to government data, rights of subjects of data, classification
 2.3 of data, or applicable duties under chapter 13D;

2.4 (2) informally advise persons regarding their rights under this chapter or chapter 13D;

2.5 (3) administer training on chapter 13D and the public information policy training program
 2.6 under section 13.073;

2.7 (4) issue advisory opinions pursuant to section 13.072;

2.8 (5) operate in a manner that effectively screens the work of the information policy
 2.9 analysis unit from any administrative law judges assigned to a contested case pursuant to
 2.10 section 13.085; and

2.11 (6) perform other duties as directed by the chief administrative law judge.

2.12 Subd. 4. **Effect of informal advice.** Informal advice or trainings offered by the
 2.13 information policy analysis unit is not binding on a government entity or members of a body
 2.14 subject to chapter 13D, does not constitute legal advice or an advisory opinion under section
 2.15 13.072, and has no effect on liability, fines, or fee awards arising from a violation of this
 2.16 chapter or chapter 13D. This section does not preclude a person from, in addition to or
 2.17 instead of requesting advice from the information policy analysis unit, seeking an advisory
 2.18 opinion under section 13.072, or bringing any other action under this chapter or other law.

2.19 Subd. 5. **Data submitted to information policy analysis unit.** A government entity
 2.20 may submit not public data to the information policy analysis unit for the purpose of
 2.21 requesting advice. Government data submitted to the information policy analysis unit by a
 2.22 government entity or copies of government data submitted by other persons have the same
 2.23 classification as the data have when held by the government entity.

2.24 Sec. 4. Minnesota Statutes 2016, section 13.072, is amended to read:

2.25 **13.072 ADVISORY OPINIONS BY THE COMMISSIONER INFORMATION**
 2.26 **POLICY ANALYSIS UNIT.**

2.27 Subdivision 1. **Advisory opinion; when required.** (a) Upon request of a government
 2.28 entity, the ~~commissioner may~~ information policy analysis unit shall give a written advisory
 2.29 opinion on any question relating to public access to government data, rights of subjects of
 2.30 data, or classification of data under this chapter or other Minnesota statutes governing
 2.31 government data practices. Upon request of any person who disagrees with a determination
 2.32 regarding data practices made by a government entity, the ~~commissioner may~~ information

3.1 policy analysis unit shall give a written advisory opinion regarding the person's rights as a
3.2 subject of government data or right to have access to government data.

3.3 (b) Upon request of a body subject to chapter 13D, the ~~commissioner may~~ information
3.4 policy analysis unit shall give a written advisory opinion on any question relating to the
3.5 body's duties under chapter 13D. Upon request of a person who disagrees with the manner
3.6 in which members of a governing body perform their duties under chapter 13D, the
3.7 ~~commissioner may~~ information policy analysis unit shall give a written advisory opinion
3.8 on compliance with chapter 13D. ~~A governing body or person requesting an opinion under~~
3.9 ~~this paragraph must pay the commissioner a fee of \$200. Money received by the~~
3.10 ~~commissioner under this paragraph is appropriated to the commissioner for the purposes of~~
3.11 ~~this section.~~

3.12 (c) ~~If the commissioner determines that no opinion will be issued, the commissioner~~
3.13 ~~shall give the government entity or body subject to chapter 13D or person requesting the~~
3.14 ~~opinion notice of the decision not to issue the opinion within five business days of receipt~~
3.15 ~~of the request. If this notice is not given, the commissioner~~ The information policy analysis
3.16 unit shall issue an advisory opinion within 20 days of receipt of the request.

3.17 (d) For good cause and upon written notice to the person requesting the advisory opinion,
3.18 the ~~commissioner~~ chief administrative law judge may extend this deadline for one additional
3.19 30-day period. The notice must state the reason for extending the deadline. The government
3.20 entity or the members of a body subject to chapter 13D must be provided a reasonable
3.21 opportunity to explain the reasons for its decision regarding the data or how they perform
3.22 their duties under chapter 13D. The ~~commissioner~~ information policy analysis unit or the
3.23 government entity or body subject to chapter 13D may choose to give notice to the subject
3.24 of the data concerning the dispute regarding the data or compliance with chapter 13D.

3.25 (e) This section does not apply to a determination made by the commissioner of health
3.26 under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

3.27 (f) A written, numbered, and published opinion issued by the attorney general shall take
3.28 precedence over an advisory opinion issued by the ~~commissioner~~ information policy analysis
3.29 unit under this section.

3.30 (g) A decision of the Office of Administrative Hearings issued under section 13.085
3.31 shall take precedence over an advisory opinion issued by the information policy analysis
3.32 unit under this section.

3.33 Subd. 2. **Effect.** (a) Advisory opinions issued by the ~~commissioner~~ information policy
3.34 analysis unit under this section are not binding on the government entity or members of a

4.1 body subject to chapter 13D whose data or performance of duties is the subject of the
4.2 advisory opinion, but an advisory opinion described in subdivision 1, paragraph (a), must
4.3 be given deference by a court or other tribunal in a proceeding involving the data. The
4.4 ~~commissioner~~ information policy analysis unit shall arrange for public dissemination of
4.5 advisory opinions issued under this section, and shall indicate when the principles stated in
4.6 an advisory opinion are not intended to provide guidance to all similarly situated persons
4.7 or government entities. This section does not preclude a person from bringing any other
4.8 action under this chapter or other law in addition to or instead of requesting a written advisory
4.9 opinion. A government entity, members of a body subject to chapter 13D, or person that
4.10 acts in conformity with a written advisory opinion of the ~~commissioner~~ information policy
4.11 analysis unit issued to the government entity, members, or person or to another party is not
4.12 liable for compensatory or exemplary damages or awards of attorneys fees in actions for
4.13 violations arising under section 13.08 or 13.085, or for a penalty under section 13.09 or for
4.14 fines, awards of attorney fees, or any other penalty under chapter 13D. A member of a body
4.15 subject to chapter 13D is not subject to forfeiture of office if the member was acting in
4.16 reliance on an advisory opinion.

4.17 (b) The information policy analysis unit shall publish and maintain all previously issued
4.18 written opinions of the commissioner of administration in the same manner as advisory
4.19 opinions issued by the information policy analysis unit. A previously issued written opinion
4.20 by the commissioner of administration has the same effect as an advisory opinion issued
4.21 by the information policy analysis unit.

4.22 **Subd. 4. Data submitted to ~~commissioner~~ information policy analysis unit.** A
4.23 government entity may submit not public data to the ~~commissioner~~ information policy
4.24 analysis unit for the purpose of requesting or responding to a person's request for an advisory
4.25 opinion. Government data submitted to the ~~commissioner~~ information policy analysis unit
4.26 by a government entity or copies of government data submitted by other persons have the
4.27 same classification as the data have when held by the government entity. If the nature of
4.28 the advisory opinion is such that the release of the advisory opinion would reveal not public
4.29 data, the ~~commissioner~~ information policy analysis unit may issue an advisory opinion using
4.30 pseudonyms for individuals. Data maintained by the ~~commissioner~~ information policy
4.31 analysis unit, in the record of an advisory opinion issued using pseudonyms that would
4.32 reveal the identities of individuals protected by the use of the pseudonyms, are private data
4.33 on individuals.

5.1 Sec. 5. Minnesota Statutes 2016, section 13.08, subdivision 4, is amended to read:

5.2 Subd. 4. **Action to compel compliance.** (a) Actions to compel compliance may be
5.3 brought either under this subdivision or section 13.085. For actions under this subdivision,
5.4 in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved
5.5 person seeking to enforce the person's rights under this chapter or obtain access to data may
5.6 bring an action in district court to compel compliance with this chapter and may recover
5.7 costs and disbursements, including reasonable attorney's fees, as determined by the court.
5.8 If the court determines that an action brought under this subdivision is frivolous and without
5.9 merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible
5.10 authority. If the court issues an order to compel compliance under this subdivision, the court
5.11 may impose a civil penalty of up to \$1,000 against the government entity. This penalty is
5.12 payable to the state general fund and is in addition to damages under subdivision 1. The
5.13 matter shall be heard as soon as possible. In an action involving a request for government
5.14 data under section 13.03 or 13.04, the court may inspect in camera the government data in
5.15 dispute, but shall conduct its hearing in public and in a manner that protects the security of
5.16 data classified as not public. If the court issues an order to compel compliance under this
5.17 subdivision, the court shall forward a copy of the order to the ~~commissioner of administration~~
5.18 chief administrative law judge.

5.19 (b) In determining whether to assess a civil penalty under this subdivision, the court or
5.20 other tribunal shall consider whether the government entity has substantially complied with
5.21 general data practices under this chapter, including but not limited to, whether the government
5.22 entity has:

5.23 (1) designated a responsible authority under section 13.02, subdivision 16;

5.24 (2) designated a data practices compliance official under section 13.05, subdivision 13;

5.25 (3) prepared the data inventory that names the responsible authority and describes the
5.26 records and data on individuals that are maintained by the government entity under section
5.27 13.025, subdivision 1;

5.28 (4) developed public access procedures under section 13.03, subdivision 2; procedures
5.29 to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures
5.30 to ensure that data on individuals are accurate and complete and to safeguard the data's
5.31 security under section 13.05, subdivision 5;

5.32 (5) acted in conformity with an advisory opinion issued under section 13.072 that was
5.33 sought by a government entity or another person;

6.1 (6) acted in conformity with a decision of the Office of Administrative Hearings issued
6.2 under section 13.085; or

6.3 ~~(6)~~ (7) provided ongoing training to government entity personnel who respond to requests
6.4 under this chapter.

6.5 (c) The court shall award reasonable attorney fees to a prevailing plaintiff who has
6.6 brought an action under this subdivision if the government entity that is the defendant in
6.7 the action was also the subject of ~~a written~~ an advisory opinion issued under section 13.072
6.8 or a decision of the Office of Administrative Hearings issued under section 13.085 and the
6.9 court finds that the opinion or decision is directly related to the cause of action being litigated
6.10 and that the government entity did not act in conformity with the opinion or decision.

6.11 Sec. 6. Minnesota Statutes 2016, section 13.085, subdivision 2, is amended to read:

6.12 Subd. 2. **Complaints.** (a) A complaint alleging a violation of this chapter or chapter
6.13 13D for which an order to compel compliance is requested may be filed with the office. An
6.14 action to compel compliance does not include procedures pursuant to section 13.04,
6.15 subdivision 4 or 4a.

6.16 (b) The complaint must be filed with the office within two years after the occurrence of
6.17 the act or failure to act that is the subject of the complaint, except that if the act or failure
6.18 to act involves concealment or misrepresentation by the government entity that could not
6.19 be discovered during that period, the complaint may be filed with the office within one year
6.20 after the concealment or misrepresentation is discovered.

6.21 (c) The complaint must be made in writing, submitted under oath, and detail the factual
6.22 basis for the claim that a violation of law has occurred. The office may prescribe a standard
6.23 form for the complaint. The complaint must be accompanied by a filing fee of ~~\$1,000~~ \$250
6.24 or a bond to guarantee the payment of this fee.

6.25 (d) Upon receipt of a filed complaint, the office must immediately notify the respondent
6.26 and, if known, the applicable responsible authority for the government entity, if the
6.27 responsible authority is not otherwise named as the respondent. The office must provide
6.28 the respondent with a copy of the complaint by the most expeditious means available. Notice
6.29 to a responsible authority must be delivered by certified mail. The office must also notify,
6.30 to the extent practicable, any individual or entity that is the subject of all or part of the data
6.31 in dispute.

6.32 (e) ~~The office must notify the commissioner of administration of an action filed under~~
6.33 ~~this section.~~ Proceedings under this section must be dismissed without prejudice as untimely

7.1 and the complainant's filing fee must be refunded if a request for an advisory opinion from
7.2 ~~the commissioner~~ was accepted on the matter under section 13.072 before the complaint
7.3 was filed, and the ~~complainant's filing fee must be refunded~~ advisory opinion has not yet
7.4 been issued.

7.5 (f) The respondent must file a response to the complaint within 15 business days of
7.6 receipt of the notice. For good cause shown, the office may extend the time for filing a
7.7 response.

7.8 Sec. 7. Minnesota Statutes 2016, section 13.085, subdivision 3, is amended to read:

7.9 Subd. 3. **Probable cause review.** (a) In conformity with the Minnesota Code of Judicial
7.10 Conduct, the chief administrative law judge must assign an administrative law judge to
7.11 review each complaint. The chief administrative law judge must ensure that any assigned
7.12 administrative law judge is screened from any involvement with any informal advice provided
7.13 under section 13.071 or with an advisory opinion issued under section 13.072 that involves
7.14 the parties to the complaint. Within 20 business days after a response is filed, or the
7.15 respondent's time to file the response, including any extension, has expired, the administrative
7.16 law judge must make a preliminary determination for its disposition as follows:

7.17 (1) if the administrative law judge determines that the complaint and any timely response
7.18 of the respondent agency do not present sufficient facts to believe that a violation of this
7.19 chapter has occurred, the complaint must be dismissed; or

7.20 (2) if the administrative law judge determines that the complaint and any timely response
7.21 of the respondent agency do present sufficient facts to believe that a violation of this chapter
7.22 has occurred, the judge must schedule a hearing as provided in subdivision 4.

7.23 (b) The office must notify all parties of the determination made under paragraph (a).
7.24 The notice must provide as follows:

7.25 (1) if the complaint is scheduled for a hearing, the notice must identify the time and
7.26 place of the hearing and inform all parties that they may submit evidence, affidavits,
7.27 documentation, and argument for consideration by the administrative law judge; or

7.28 (2) if the complaint is dismissed for failure to present sufficient facts to believe that a
7.29 violation of this chapter has occurred, the notice must inform the parties of the right of the
7.30 complainant to seek reconsideration of the decision on the record by the chief administrative
7.31 law judge, as provided in paragraph (c).

7.32 (c) A petition for reconsideration may be filed no later than five business days after a
7.33 complaint is dismissed for failure to present sufficient facts to believe that a violation of

8.1 this chapter has occurred. The chief administrative law judge must review the petition and
8.2 make a final ruling within ten business days after its receipt. If the chief administrative law
8.3 judge determines that the assigned administrative law judge made a clear material error,
8.4 the chief administrative law judge must schedule the matter for a hearing as provided in
8.5 subdivision 4.

8.6 Sec. 8. Minnesota Statutes 2016, section 13.085, subdivision 4, is amended to read:

8.7 Subd. 4. **Hearing; procedure.** (a) A hearing on a complaint must be held within 30
8.8 business days after the parties are notified that a hearing will be held. An oral hearing to
8.9 resolve questions of law may be waived upon consent of all parties and the ~~presiding~~ assigned
8.10 administrative law judge. For good cause shown, the judge may delay the date of a hearing
8.11 by no more than ten business days. The judge may continue a hearing to enable the parties
8.12 to submit additional evidence or testimony.

8.13 (b) The administrative law judge must consider any evidence and argument submitted
8.14 until the hearing record is closed, including affidavits and documentation.

8.15 (c) All hearings, and any records relating to the hearing, must be open to the public,
8.16 except that the judge may inspect in camera any government data in dispute. If the hearing
8.17 record contains information that is not public data, the judge may conduct a closed hearing
8.18 to consider the information, issue necessary protective orders, and seal all or part of the
8.19 hearing record, as provided in section 14.60, subdivision 2. If a party contends, and the
8.20 judge concludes, that not public data could be improperly disclosed while that party is
8.21 presenting its arguments, the judge shall close any portion of the hearing as necessary to
8.22 prevent the disclosure. A hearing may be conducted by conference telephone call or
8.23 interactive audio/video system, at the discretion of the ~~presiding~~ assigned judge, and upon
8.24 consent of all parties.

8.25 Sec. 9. Minnesota Statutes 2016, section 13.085, subdivision 5, is amended to read:

8.26 Subd. 5. **Disposition.** (a) Following a hearing, the judge must determine whether the
8.27 violation alleged in the complaint occurred and must make at least one of the following
8.28 dispositions. The judge may:

8.29 (1) dismiss the complaint;

8.30 (2) find that an act or failure to act constituted a violation of this chapter;

8.31 (3) impose a civil penalty against the respondent of up to \$300;

9.1 (4) issue an order compelling the respondent to comply with a provision of law that has
 9.2 been violated, and may establish a deadline for production of data, if necessary; and

9.3 (5) refer the complaint to the appropriate prosecuting authority for consideration of
 9.4 criminal charges.

9.5 (b) In determining whether to assess a civil penalty, the office shall consider the factors
 9.6 described in section 13.08, subdivision 4.

9.7 (c) The judge must render a decision on a complaint within ten business days after the
 9.8 hearing record closes. ~~The chief administrative law judge shall provide for public~~
 9.9 ~~dissemination of orders issued under this section. If the judge determines that a government~~
 9.10 ~~entity has violated a provision of law and issues an order to compel compliance, the office~~
 9.11 ~~shall forward a copy of the order to the commissioner of administration. Any order issued~~
 9.12 pursuant to this section is enforceable through the district court for the district in which the
 9.13 respondent is located.

9.14 (d) A party aggrieved by a final decision on a complaint filed under this section is entitled
 9.15 to judicial review as provided in sections 14.63 to 14.69. Proceedings on a complaint are
 9.16 not a contested case within the meaning of chapter 14 and are not otherwise governed by
 9.17 chapter 14.

9.18 ~~(e) A decision of the office under this section is not controlling in any subsequent action~~
 9.19 ~~brought in district court alleging the same violation and seeking damages.~~

9.20 ~~(f)~~ (e) A government entity or person that releases not public data pursuant to an order
 9.21 under this section is immune from civil and criminal liability for that release. A government
 9.22 entity or person that acts in conformity with an order issued under this section to the
 9.23 government entity or to any other person is not liable for compensatory or exemplary damage
 9.24 or awards of attorney fees for acting in conformity with that order in actions under this
 9.25 section or section 13.08, or for a penalty under section 13.09.

9.26 Sec. 10. Minnesota Statutes 2016, section 13.085, subdivision 6, is amended to read:

9.27 Subd. 6. **Costs; attorney fees.** (a) A rebuttable presumption shall exist that a complainant
 9.28 who substantially prevails on the merits in an action brought under this section is entitled
 9.29 to an award of reasonable attorney fees, not to exceed \$5,000. An award of attorney fees
 9.30 may be denied if the judge determines that the violation is merely technical or that there is
 9.31 a genuine uncertainty about the meaning of the governing law.

9.32 (b) Reasonable attorney fees, not to exceed \$5,000, must be awarded to a substantially
 9.33 prevailing complainant if the government entity that is the respondent in the action was also

10.1 the subject of ~~a written~~ an advisory opinion issued under section 13.072 or a prior decision
10.2 of the Office of Administrative Hearings issued under this section and the administrative
10.3 law judge finds that the opinion or decision is directly related to the matter in dispute and
10.4 that the government entity did not act in conformity with the opinion or decision.

10.5 (c) The office shall refund the filing fee of a substantially prevailing complainant in full,
10.6 less \$50, and the office's costs in conducting the matter shall be billed to the respondent,
10.7 not to exceed \$1,000.

10.8 (d) A complainant that does not substantially prevail on the merits shall be entitled to a
10.9 refund of the filing fee, less any costs incurred by the office in conducting the matter.

10.10 (e) If the administrative law judge determines that a complaint is frivolous, or brought
10.11 for purposes of harassment, the judge must order that the complainant pay the respondent's
10.12 reasonable attorney fees, not to exceed \$5,000. The complainant shall not be entitled to a
10.13 refund of the filing fee.

10.14 (f) The court shall award the complainant costs and attorney fees incurred in bringing
10.15 an action in district court to enforce an order of the Office of Administrative Hearings under
10.16 this section.

10.17 Sec. 11. Minnesota Statutes 2016, section 13.085, is amended by adding a subdivision to
10.18 read:

10.19 **Subd. 8. Publication and authority of decisions.** (a) The chief administrative law judge
10.20 shall provide for public dissemination of the office's decisions issued under this section.
10.21 Public dissemination must include the publication and maintenance of all decisions in a
10.22 user-friendly, searchable database conspicuously located on the office's Web site. Not public
10.23 data contained in a decision must be redacted prior to public dissemination.

10.24 (b) Unless the decision states otherwise, a decision of the office issued under this section
10.25 has precedential effect on future complaints under this section and shall, where appropriate,
10.26 be used to provide guidance to similarly situated persons or government entities.

10.27 (c) A government entity, member of a body subject to chapter 13D, or person that acts
10.28 in conformity with a decision of the office made under this section is not liable for
10.29 compensatory or exemplary damages or awards of attorney fees in actions for violations
10.30 arising under this section or section 13.08, or for a penalty under section 13.09 or for fines,
10.31 awards of attorney fees, or any other penalty under chapter 13D. A member of a body subject
10.32 to chapter 13D is not subject to forfeiture of office if the member was acting in reliance on
10.33 a decision of the office made under this section.

11.1 Sec. 12. Minnesota Statutes 2016, section 13.685, is amended to read:

11.2 **13.685 MUNICIPAL UTILITY CUSTOMER DATA.**

11.3 Data on customers of municipal electric utilities are private data on individuals or
11.4 nonpublic data, but may be released to:

11.5 (1) a law enforcement agency that requests access to the data in connection with an
11.6 investigation;

11.7 (2) a school for purposes of compiling pupil census data;

11.8 (3) the Metropolitan Council for use in studies or analyses required by law;

11.9 (4) a public child support authority for purposes of establishing or enforcing child support;

11.10 or

11.11 (5) a person where use of the data directly advances the general welfare, health, or safety
11.12 of the public; the ~~commissioner of administration~~ information policy analysis unit may issue
11.13 advisory opinions construing this clause pursuant to section 13.072.

11.14 Sec. 13. Minnesota Statutes 2016, section 13D.06, subdivision 4, is amended to read:

11.15 Subd. 4. **Costs; attorney fees; requirements; limits.** (a) In addition to other remedies,
11.16 the court may award reasonable costs, disbursements, and reasonable attorney fees of up to
11.17 \$13,000 to any party in an action under this chapter.

11.18 (b) The court may award costs and attorney fees to a defendant only if the court finds
11.19 that the action under this chapter was frivolous and without merit.

11.20 (c) A public body may pay any costs, disbursements, or attorney fees incurred by or
11.21 awarded against any of its members in an action under this chapter.

11.22 (d) No monetary penalties or attorney fees may be awarded against a member of a public
11.23 body unless the court finds that there was an intent to violate this chapter.

11.24 (e) The court shall award reasonable attorney fees to a prevailing plaintiff who has
11.25 brought an action under this section if the public body that is the defendant in the action
11.26 was also the subject of a prior ~~written~~ advisory opinion issued under section 13.072 or a
11.27 prior decision of the Office of Administrative Hearings issued under section 13.085, and
11.28 the court finds that the opinion or decision is directly related to the cause of action being
11.29 litigated and that the public body did not act in conformity with the opinion or decision.
11.30 The court shall give deference to the opinion or decision in a proceeding brought under this
11.31 section.

12.1 Sec. 14. Laws 2017, First Special Session chapter 4, article 1, section 9, subdivision 1, is
12.2 amended to read:

12.3				8,186,000
12.4	Subdivision 1. Total Appropriation	\$	8,184,000	\$ <u>8,689,000</u>

12.5 Appropriations by Fund

12.6		2018	2019	
12.7			399,000	
12.8	General	397,000	<u>902,000</u>	
12.9	Workers'			
12.10	Compensation	7,787,000	7,787,000	

12.11 The amounts that may be spent for each
12.12 purpose are specified in the following
12.13 subdivisions.

12.14 Sec. 15. Laws 2017, First Special Session chapter 4, article 1, section 9, subdivision 3, is
12.15 amended to read:

12.16	Subd. 3. Data Practices <u>Information Policy</u>			22,000
12.17	<u>Analysis</u>		20,000	<u>547,000</u>

12.18 These amounts are for the Information Policy
12.19 Analysis Unit and for the cost of considering
12.20 data practices complaints filed under
12.21 Minnesota Statutes, section 13.085. These
12.22 amounts may be used in either year of the
12.23 biennium.

12.24 Sec. 16. Laws 2017, First Special Session chapter 4, article 1, section 11, subdivision 1,
12.25 is amended to read:

12.26				23,817,000
12.27	Subdivision 1. Total Appropriation	\$	24,395,000	\$ <u>23,292,000</u>

12.28 The amounts that may be spent for each
12.29 purpose are specified in the following
12.30 subdivisions.

12.31 Sec. 17. Laws 2017, First Special Session chapter 4, article 1, section 11, subdivision 2,
12.32 is amended to read:

12.33				9,400,000
12.34	Subd. 2. Government and Citizen Services		9,628,000	<u>8,875,000</u>

- 13.1 This appropriation includes funds for
13.2 information technology project services and
13.3 support subject to the provisions of Minnesota
13.4 Statutes, section 16E.0466. Any ongoing
13.5 information technology costs must be
13.6 incorporated into the service level agreement
13.7 and must be paid to the Office of MN.IT
13.8 Services by the commissioner of
13.9 administration under the rates and mechanism
13.10 specified in that agreement.
- 13.11 **Council on Developmental Disabilities.**
13.12 \$74,000 the first year and \$74,000 the second
13.13 year are for the Council on Developmental
13.14 Disabilities.
- 13.15 **Olmstead Plan.** \$148,000 each year is for the
13.16 Olmstead plan.
- 13.17 **Continuous Improvement Program.**
13.18 \$417,000 the first year and \$418,000 the
13.19 second year are for the continuous
13.20 improvement program.
- 13.21 **Materials Management.** \$2,408,000 the first
13.22 year and \$2,409,000 the second year are for
13.23 materials management.
- 13.24 **Plant Management.** \$438,000 each year is
13.25 for plant management.
- 13.26 **Real Estate and Construction Services.**
13.27 \$2,763,000 the first year and \$2,811,000 the
13.28 second year are for real estate and construction
13.29 services.
- 13.30 **Enterprise Real Property.** \$711,000 the first
13.31 year and \$717,000 the second year are for
13.32 enterprise real property.

- 14.1 **Small Agency Resource Team (SmART).**
- 14.2 \$466,000 the first year and \$467,000 the
- 14.3 second year are for the small agency resource
- 14.4 team.
- 14.5 **State Agency Accommodation**
- 14.6 **Reimbursement.** \$200,000 the first year and
- 14.7 \$200,000 the second year are credited to the
- 14.8 accommodation account established in
- 14.9 Minnesota Statutes, section 16B.4805.
- 14.10 **Community Services.** \$2,003,000 the first
- 14.11 year and \$1,718,000 the second year are for
- 14.12 community services.
- 14.13 (a) \$215,000 the first year and \$215,000 the
- 14.14 second year are for the state archaeologist.
- 14.15 (b) \$525,000 the first year and ~~\$525,000~~ \$0
- 14.16 the second year are for information policy
- 14.17 analysis.
- 14.18 (c) \$737,000 the first year and \$737,000 the
- 14.19 second year are for the state demographer. Of
- 14.20 this amount, \$190,000 each year is for the
- 14.21 2020 census.
- 14.22 (d) \$130,000 the first year and \$130,000 the
- 14.23 second year are for the Office of Grants
- 14.24 Management.
- 14.25 (e) \$300,000 the first year is for the State
- 14.26 Historic Preservation Office. The base is
- 14.27 \$200,000 in fiscal year 2020 and each year
- 14.28 thereafter.
- 14.29 (f) \$96,000 the first year and \$111,000 the
- 14.30 second year are for operating adjustments and
- 14.31 may be transferred to activities under
- 14.32 paragraphs (a) to (d).

15.1 Sec. 18. **TRANSFER OF DUTIES; DATA PRACTICES AND OPEN MEETINGS**15.2 **LAW.**

15.3 (a) Responsibilities of the commissioner of administration under Minnesota Statutes,
15.4 sections 13.06, 13.07, 13.072, and 13.073, and any other law providing general oversight
15.5 responsibilities related to operation of the Minnesota Government Data Practices Act and
15.6 the Minnesota Open Meeting Law, are transferred from the commissioner to the chief
15.7 administrative law judge in the Office of Administrative Hearings. Minnesota Statutes,
15.8 section 15.039, applies to the transfer of these responsibilities, except that subdivision 7
15.9 does not apply. The commissioner may, with the approval of the governor, issue
15.10 reorganization orders under Minnesota Statutes, section 16B.37, as necessary to complete
15.11 the transfer of duties consistent with the requirements of this section.

15.12 (b) Nothing in this section relieves the commissioner of administration from the duty to
15.13 comply with Minnesota Statutes, chapter 13, or any other applicable law related to data
15.14 collected, created, or maintained by the commissioner, or to comply with Minnesota Statutes,
15.15 chapter 13D, related to meetings conducted by the commissioner.

15.16 Sec. 19. **REVISOR'S INSTRUCTION.**

15.17 In Minnesota Statutes, chapter 13, the revisor of statutes shall replace the term
15.18 "commissioner of administration" with "chief administrative law judge" and the term
15.19 "commissioner" with "chief administrative law judge" where it is clear the text is referring
15.20 to the commissioner of administration.

15.21 Sec. 20. **REPEALER.**

15.22 Minnesota Statutes 2016, section 13.02, subdivision 2, is repealed."

15.23 Amend the title accordingly