

HOUSE RESEARCH

Bill Summary

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Overview

The bill creates administrative remedies as an alternative to court action to enforce the data practices act.

Section

1 Administrative remedies.

Subd. 1. Complaints. Lets anyone file with the commissioner of administration a data practices compliance complaint about a government entity. Requires the commissioner to specify the form of complaint. Requires the commissioner to investigate whether the complaint is valid or whether an alternative dispute resolution process exists for the complaint. Requires the commissioner to dismiss the complaint if it is not valid or an alternative process would be more appropriate. If the commissioner finds the complaint valid, the actions in subdivision 2 may be used. Requires the commissioner to either dismiss the complaint or refer it under subdivision 2 within 20 days after receiving the request. Lets the commissioner extend this deadline another 30 days for good cause and upon written notice to the person with the complaint.

Subd. 2. Informal resolution of complaint. Allows the commissioner to informally resolve a complaint or, with both parties' consent, refer it to the office of dispute resolution or the office of administrative hearings to arbitrate or mediate.

Subd. 3. Formal resolution. Lets the commissioner refer a complaint to the office of administrative hearings for formal resolution. Requires this to be heard as a contested case but binding on all parties. Requires the hearing to be held in the county where the

Section

alleged violation occurred or where the complainant resides or has a principal place of business. If the administrative law judge finds the government entity in violation, the judge must order the government entity to take action to carry out the law. If no violation is found, the complaint is dismissed. The order is enforceable in district court.

Subd. 4. Costs. Makes the government entity responsible for all costs of administrative hearings under the bill. If the government wins, it can recover costs unless (1) the complainant was proceeding *in forma pauperis*, or (2) the administrative judge finds the complaint was in good faith and paying costs would be a hardship for the complainant.