

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 343

(SENATE AUTHORS: KORAN, Bahr and Drazkowski)

DATE
01/17/2023

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to data practices; reducing filing fee for data practices complaints; amending
1.3 Minnesota Statutes 2022, section 13.085, subdivision 2.

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

1.5 Section 1. Minnesota Statutes 2022, section 13.085, subdivision 2, is amended to read:

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

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

1.14 (c) The complaint must be made in writing, submitted under oath, and detail the factual
1.15 basis for the claim that a violation of law has occurred. The office may prescribe a standard
1.16 form for the complaint. The complaint must be accompanied by a filing fee of ~~\$1,000~~ \$200
1.17 or a bond to guarantee the payment of this fee.

1.18 (d) Upon receipt of a filed complaint, the office must immediately notify the respondent
1.19 and, if known, the applicable responsible authority for the government entity, if the
1.20 responsible authority is not otherwise named as the respondent. The office must provide
1.21 the respondent with a copy of the complaint by the most expeditious means available. Notice
1.22 to a responsible authority must be delivered by certified mail. The office must also notify,

2.1 to the extent practicable, any individual or entity that is the subject of all or part of the data
2.2 in dispute.

2.3 (e) The office must notify the commissioner of administration of an action filed under
2.4 this section. Proceedings under this section must be dismissed if a request for an opinion
2.5 from the commissioner was accepted on the matter under section 13.072 before the complaint
2.6 was filed, and the complainant's filing fee must be refunded.

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