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## DATA PRACTICES HEARINGS FY23

This report provides information regarding receipts and expenditures for data practices hearings at the Office of Administrative Hearings.

Date: **August 21, 2023**

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## INTRODUCTION

### Legislative Request

This report is issued to comply with Minnesota Statute, section 13.085, subdivision 7 (2022):

By September 1 each year, the chief administrative law judge must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the office on receipt and expenditure of money under this section in the preceding fiscal year.

This report is prepared by the Office of Administrative Hearings (OAH):

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### Alternative format

To request an alternative format, please contact Jill S. Melzarek ([jill.s.melzarek@state.mn.us](mailto:jill.s.melzarek@state.mn.us)).

### Cost

As requested by Minnesota Statute 3.197, this report cost approximately \$100 to prepare.

# REPORT

## Purpose

The Government Data Practices Act provides that all government data are public unless a state or federal law says the data are not public.<sup>1</sup> The Act also provides that government agencies must keep all data in a way that makes it easy for members of the public to access public data.

If a government agency refuses access to public government data, the law allows individuals to file a complaint with the Office of Administrative Hearings (OAH).<sup>2</sup>

This report describes receipts received by OAH and expenditures made by OAH to hear these data practices complaints in Fiscal Year 2023.

## Receipts

Receipts consist of an appropriation from the general fund and filing fees.<sup>3</sup> The appropriation from the general fund is allocated between OAH's Data Practices Fund and Election Campaign Fund. Transfers are allowed between the funds when either is facing a deficit.

## Expenditures

Expenditures consist of hours billed for each portion of an hour worked by an Administrative Law Judge or Staff Attorney to hear data practices complaints filed with OAH. The hourly rate billed is consistent with the hourly rate annually approved by the Commissioner of Minnesota Management and Budget (MMB).<sup>4</sup>

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<sup>1</sup> Minn. Ch. 13 (2022).

<sup>2</sup> Minn. Stat. § 13.085 (2022).

<sup>3</sup> 2019 Minn. Laws 1st Spec. Sess., ch.10, § 9; Minn. Stat. § 13.085, subd. 2(c).

<sup>4</sup> See Minn. Stat. §§ 16A.126, subd. 1, and 14.53 (2022).

FY2023

Receipts		Expenditures	Deficit	Transfer from Election Campaign Fund to Data Practices Fund	Contingency/Deficiency funds received	Year-End Balance
Initial allocation of General Fund appropriation to Data Practices Fund	Filing fees					
\$22,000	\$5,000 <sup>5</sup>	(\$67,315)	(\$32,411)	\$28,000	\$63,180	\$45,864

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<sup>5</sup> Filing fees are directly deposited in OAH's general operating account and used to pay general operating expenses.