

MNCOGI position on amendments to “Helmberger” Data Practices bill (SF 1770)

Dear Representatives,

Thank you for authoring the House version of the “Helmberger” bill that would clarify the reach of the Minnesota Data Practices Act. As you are aware, the Senate version of the bill (SF 1770) has been transmitted to the House for further action.

SF 1770 provides the public with a valuable tool to oversee the outsourcing of government work to private entities, and ensures that there is transparency in how tax dollars are spent, and how government functions are performed.

This is an important bill, and MNCOGI has previously testified that the oversight purpose of the bill should not be complicated by the addition of collateral issues, so that legislators can assess and vote on the bill’s valuable, underlying premise.

MNCOGI opposes Section 2 of SF 1770

While in the Senate, the SF 1770 had several sections added, including a section that grants a one-year exemption from the full reach of Minn. Stat. 13.05, Subd. 11 to health plans and providers who contract with the government.

While this section “sunset” after one year, MNCOGI believes that specific industries should not be granted preferential treatment in how the Data Practices Act applies to them - even for a short period of time.

Additionally, MNCOGI is concerned that once an exemption has been established in law, there may be a tendency to convert what was once a temporary statutory provision into a permanent feature of Chapter 13.

MNCOGI suggested changes

If the House adopts the text of SF 1770, MNCOGI respectfully suggests that the body consider these actions:

1. Remove Sections 2-3 and re-number, leaving the effective date to be “the day following enactment.”

This would provide the cleanest solution to the issue, in concert with our previous testimony on this matter.

However, another available option would be the following:

2. Remove Section 2, renumber, and change the effective date to July 1, 2015. This would avoid creating an industry-specific exemption, but would also create additional time for stakeholders to discuss (and for the legislature to debate) narrow and specific issues related to the application of 13.05, Subd. 11.

We feel that either of these two fixes would be preferable to the existing text of SF 1770.

Thank you for your consideration of this important matter.

Sincerely,

Gary Hill
Chair, Minnesota Coalition on Government Information