



TO: Members of the Legislative Commission on Pensions and Retirement

FROM: Ed Burek, Deputy Director *EB*

RE: S.F. 1694 (Betzold); H.F. ____ (): Volunteer Fire Plans: Inclusion in Open Meeting Law Requirements

DATE: March 21, 2001

Summary

S.F. 1694 (Betzold); H.F. ____ (): Volunteer Fire Plans: Inclusion in Open Meeting Law Requirements, amends Minnesota Statutes, Sections 13D.01, Subdivision 1, a portion of the Open Meeting Law, to clarify that the Open Meeting Law applies to the governing boards of the local volunteer fire relief associations.

Discussion

S.F. 1694 (Betzold); H.F. ____ (): Volunteer Fire Plans, remedies an error made by the Legislative Commission on Pensions and Retirement (LCPR) staff in omitting a provision extending the Open Meeting Law to volunteer firefighter retirement associations from the volunteer firefighter retirement association article that was eventually incorporated into the 2000 Omnibus Pension Bill.

Pension and Other Policy Issues.

S.F. 1694 (Betzold); H.F. ____ (): Volunteer Fire Plans: Inclusion in Open Meeting Law Requirements, amends Minnesota Statutes, Sections 13D.01, Subdivision 1, a portion of the Open Meeting Law, to clarify that the Open Meeting Law applies to the governing boards of the local volunteer fire relief associations.

Policy issues raised by the bill are:

1. Appropriateness of Applying the Open Meeting Law to Quasi Governmental Entities. The policy issue is the appropriateness of including volunteer firefighter retirement associations, which are quasi governmental entities, in the governmental Open Meeting Law. The Open Meeting Law initially applied to local government, resulting in its initial coding in Minnesota Statutes, Chapter 471. It was expanded to include state government and related entities and has recently (2000) been recodified in Minnesota Statutes, Chapter 13D. Of the local public pension plans, only the Minneapolis Employees Retirement Fund (MERF), with the legal status of an instrumentality of the City of Minneapolis and Special School District No. 1 (Minneapolis), is clearly a governmental entity. The balance are all incorporated as nonprofit corporations. These nonprofit corporations have considerable governmental connections (i.e., perform the governmental function of providing public employee pension benefits, have governmental officials on their board, are governed by separate laws, receive considerable tax revenues, and are considered to be governmental under the federal income tax code), but are legal entities separate from their associated municipalities. There is a need to balance the private sector "hands-off" policy generally accorded to private organizations with the governmental procedural safeguards and practices generally imposed on governmental units. Since considerable tax revenue is deposited into these pension plans and since the plan performs the important governmental function of providing a pension benefit to volunteer firefighters, it appears appropriate to require these plans to conform to general government practices, including adherence to the Open Meeting Law.
2. Further Issues of Proper Scope. The issue is whether the bill should be amended to clearly include or specify Open Meeting Law applicability for paid police and fire plans (the Fairmont Police Relief Association, the Minneapolis Fire Department Relief Association, the Minneapolis Police Relief Association, and the Virginia Firefighters Relief Association), MERF, and all three first class city teacher plans, given the governmental function they perform in providing pension benefits to paid public safety employees and other public employees, and the large amounts of tax revenues that flow to these organizations.

3. Question of the Existence of the Problem to be Remedied by the Open Meeting Law. The policy issue is whether or not there are problems in local public pension plans that merit the remedy of the imposition of the Open Meeting Law. Presumably, in 1957, when the Open Meeting Law was initially enacted, it was a legislative attempt to remedy a problem based on one or several municipal actions. Because it was enacted 44 years ago, it is difficult to determine now what abuse led to the passage of the legislation. There are recent situations with public pension plans which suggest that application of the Open Meeting Law to all public pension plans is a reasonable action. An example is the recent problems in the investment activities of the Minneapolis Police Relief Association and the turmoil on its board of trustees, all which may have been avoidable with the greater outside scrutiny that the Open Meeting Law is intended to allow or engender.
4. Appropriateness of Open Meeting Law Remedies. The policy issue is the appropriateness of the remedies imposed upon violations of the open meeting law. Minnesota Statutes, Section 13D.06, provides for three remedies to Open Meeting Law violations, which are:
 1. Fine Up to \$300. A violator of the Open Meeting Law is personally liable for a fine of up to \$300 for a single violation;
 2. Office Forfeiture with Three Violations. A violator of the Open Meeting Law three or more times with the same governing body forfeits a right to serve on that body for the period of time equal to the term of office of the person when the violations occurred; and
 3. Costs, Disbursements, and Attorney Fees. A violator of the Open Meeting Law, with a finding of specific intent to violate the law, is liable to the plaintiff for reasonable costs, disbursements, and reasonable attorney fees related to the action.

Actions under the Open Meeting Law may be brought by any person. Venue for the action is in the court applicable to the location where the governing body's administrative office is. The penalties presumably are an outgrowth of municipal Open Meeting Law violations. The 1957 enactment of the Open Meeting Law contained no penalties. Penalties were first introduced in 1973, when state agencies and "public bodies" were added to coverage by the law. The Commission may wish to take testimony from affected and interested parties on the potential impact of these penalties.

5. Potential Increase in Pension Plan Administrative Expenses from Open Meeting Law Compliance. The policy issue is the appropriateness of the imposition of a potential increase in pension plan administrative expenses that could result from the inclusion of local pension plans in the Open Meeting Law. The Open Meeting Law requires the provision of copies of meeting materials for public inspection and the provision of meeting notices or the publication of meeting notices. For volunteer firefighter retirement associations and other local plans with nominal administrative capabilities, these requirements can be expected to cause some increase in the plan's administrative expense.

Amendment.

Amendment LCPR01-121 is a technical amendment to S.F. 1694; H.F. ____, which would revise a section within Minnesota Statutes, Chapter 356A, Public Pension Plan Fiduciary Responsibility, to indicate the inclusion of volunteer fire plans under the Open Meeting Law.

Amendment LCPR01-118 is a substantive amendment, that could be used in lieu of LCPR01-121, which would revise S.F. 1694 by extending the Open Meeting Law requirements (or clarifying applicability of that provision)) to the remaining paid police and fire plans, MERF, and the first class city teacher plans.

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Meetings of Public Bodies

CHAPTER 13D

OPEN MEETING LAW

13D.01	Meetings must be open to the public; exceptions.	13D.04	Notice of meetings.
13D.02	Meetings conducted by interactive TV; conditions.	13D.05	Meetings having data classified as not public.
13D.03	Closed meetings for labor negotiations strategy.	13D.06	Civil fines; forfeiture of office; other remedies.
		13D.07	Citation.

13D.01 MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.

Subdivision 1. **In executive branch, local government.** All meetings, including executive sessions, must be open to the public

- (a) of a state
 - (1) agency,
 - (2) board,
 - (3) commission, or
 - (4) department,

when required or permitted by law to transact public business in a meeting; and

- (b) of the governing body of a
 - (1) school district however organized,
 - (2) unorganized territory,
 - (3) county,
 - (4) statutory or home rule charter city,
 - (5) town, or
 - (6) other public body; and

- (c) of any
 - (1) committee,
 - (2) subcommittee,
 - (3) board,
 - (4) department, or
 - (5) commission,

of a public body.

Subd. 2. **Exceptions.** This chapter does not apply

- (1) to meetings of the commissioner of corrections;
- (2) to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings; or
- (3) as otherwise expressly provided by statute.

Subd. 3. **Subject of and grounds for closed meeting.** Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 4. **Votes to be kept in journal.** (a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal kept for that purpose.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Subd. 5. **Public access to journal.** The journal must be open to the public during all normal business hours where records of the public body are kept.

Subd. 6. **Public copy of members' materials.** (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and:

- (1) distributed at the meeting to all members of the governing body;
- (2) distributed before the meeting to all members; or
- (3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.

(b) This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in section 13D.03 or other law permitting the closing of meetings.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. **Conditions.** A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; and

(4) each location at which a member of the body is present is open and accessible to the public.

Subd. 2. **Members are present for quorum, participation.** Each member of a body participating in a meeting by electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. **Monitoring from remote site; costs.** If interactive television is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making such a connection to pay for documented marginal costs that the public body incurs as a result of the additional connection.

Subd. 4. **Notice of regular and all member sites.** If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in section 13D.04.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.03 CLOSED MEETINGS FOR

Subdivision 1. **Procedure.** (a) Sections 13D.01 and 13D.02 do not apply to a meeting

(b) The governing body of a public body may decide to hold a closed meeting for the purpose of discussing or including negotiation strategies or negotiation proposals, conducted pursuant to section 13D.03.

(c) The time of commencement of a closed meeting shall be announced at the public meeting.

(d) A written roll of members attending a closed meeting shall be made available to the public at the meeting.

Subd. 2. **Meeting must be recorded.** If a public body discusses negotiation strategies shall be recorded.

(b) The recording shall be preserved and shall be made available to the public at the meeting of the governing body for the current budget.

Subd. 3. **If violation claimed.** (a) If a public body discusses business other than discussions of labor negotiation and review of labor negotiations during a closed meeting held pursuant to this section during a public meeting, the court shall review the record of the meeting.

(b) If the court finds that this section has been violated and the recording shall be sealed until otherwise made available to the public.

(c) If the court finds that this section has been violated, the court shall introduce at trial in its entirety subject matter and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.04 NOTICE OF MEETINGS.

Subdivision 1. **Regular meetings.** A public body shall be kept on file at its primary meeting location at a time or place different from the regular meeting schedule of regular meetings, it shall give notice of the meeting as provided in this section for a special meeting.

Subd. 2. **Special meetings.** (a) For a special meeting for which a notice is required by statute, the public body shall post written notice of the meeting on the principal bulletin board of the public body if the public body has no principal bulletin board.

(b) The notice shall also be mailed or filed a written request for notice of special meeting shall be posted and mailed or delivered to the public body.

(c) As an alternative to mailing or other means of providing notice, a public body may file a written request for notice of special meeting once, at least three days before the meeting, with the public body or, if there is none, in a qualified area of the public body's authority.

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INTERACTIVE TV; CONDITIONS.

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13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

Subdivision 1. **Procedure.** (a) Section 13D.01, subdivisions 1, 2, 4, 5, and section 13D.02 do not apply to a meeting held pursuant to the procedure in this section.

(b) The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

(c) The time of commencement and place of the closed meeting shall be announced at the public meeting.

(d) A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting.

Subd. 2. **Meeting must be recorded.** (a) The proceedings of a closed meeting to discuss negotiation strategies shall be tape-recorded at the expense of the governing body.

(b) The recording shall be preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

Subd. 3. **If violation claimed.** (a) If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this section during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera.

(b) If the court finds that this section was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section.

(c) If the court finds that this section was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.04 NOTICE OF MEETINGS.

Subdivision 1. **Regular meetings.** A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this section for a special meeting.

Subd. 2. **Special meetings.** (a) For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room.

(b) The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

(c) As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority.

(d) A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects.

(e) A public body may establish an expiration date for requests for notices of special meetings pursuant to this subdivision and require refiling of the request once each year.

(f) Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

Subd. 3. Emergency meetings. (a) For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.

(b) Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body.

(c) Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members.

(d) Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting is not required.

(e) An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body.

(f) If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters.

(g) The notice requirement of this subdivision supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.

Subd. 4. Recessed or continued meetings. (a) If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

(b) For purposes of this subdivision, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

Subd. 5. Closed meetings. The notice requirements of this section apply to closed meetings.

Subd. 6. State agencies. (a) For a meeting of an agency, board, commission, or department of the state, the notice requirements of this section apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice.

(b) All provisions of this section relating to publication are satisfied by publication in the State Register.

Subd. 7. Actual notice. If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this section are satisfied with respect to that person, regardless of the method of receipt of notice.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.05 MEETINGS HAVING DATA

Subdivision 1. General principle. Data that are not public data may not be closed to discuss data that are not public data.

(b) Data that are not public data may not be closed to discuss data that are not public data, chapter without liability or penalty, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects.

(c) Data discussed at an open meeting, however, a record of the meeting, regardless of the method of receipt of notice.

Subd. 2. When meeting must be closed. A meeting must be closed if expressly required by other law.

(1) data that would identify alleged domestic abuse, or maltreatment of a minor.

(2) active investigative data as defined in chapter 429, or data relating to allegations of domestic violence or created by a state agency, statewide.

(3) educational data, health data, or data that are not public data under section 19.41, subdivision 2 or 7.

(b) A public body shall close one or more meetings if the public body concludes that discipline of any nature against an individual, further meeting charges or allegations, further meeting charges or allegations held after that conclusion is reached, or a meeting must be open at the request of the individual who filed the request.

Subd. 3. What meetings may be closed. A public body shall evaluate the performance of an individual. A public body shall identify the individual to be evaluated. A meeting must be open at the request of the individual who filed the request.

(b) Meetings may be closed if they are permitted by the attorney-client privilege.

History: 1957 c 773 s 1; 1967 c 462 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1999 c 227 s 22

13D.06 CIVIL FINES; FORFEITURE OF OFFICE

Subdivision 1. Personal liability. A public body that violates this chapter shall be subject to a civil fine of an amount not to exceed \$300 for a single violation by a public body.

Subd. 2. Who may bring action. A civil fine under subdivision 1 may be brought by any person who is aggrieved where the administrative office of the governing body is located.

Subd. 3. Forfeit office if three violations. A public body that intentionally violated this chapter in three or more instances involving the same governing body, such as a public body or in any other instance involving a public body, on such governing body or in any other instance involving a public body, the term of office of such person shall be equal to the term of office of such person.

(b) The court determining the merits of a civil fine or third violation shall receive competent, relevant evidence.

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13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.

Subdivision 1. **General principles.** (a) Except as provided in this chapter, meetings may not be closed to discuss data that are not public data.

(b) Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body.

(c) Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

Subd. 2. **When meeting must be closed.** (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 5, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7.

(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

Subd. 3. **What meetings may be closed.** (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1999 c 227 s 22

13D.06 CIVIL FINES; FORFEITURE OF OFFICE; OTHER REMEDIES.

Subdivision 1. **Personal liability for \$300 fine.** Any person who intentionally violates this chapter shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$300 for a single occurrence, which may not be paid by the public body.

Subd. 2. **Who may bring action; where.** An action to enforce the penalty in subdivision 1 may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

Subd. 3. **Forfeit office if three violations.** (a) If a person has been found to have intentionally violated this chapter in three or more actions brought under this chapter involving the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving.

(b) The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and,

upon finding as to the occurrence of a separate third violation, unrelated to the previous violations, issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body.

(c) As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

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

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

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

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

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.07 CITATION.

This chapter may be cited as the "Minnesota Open Meeting Law."

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

ADMIN.

GENERAL PROVISIONS

- 14.001 Statement of purpose.
- 14.002 State regulatory policy.
- 14.01 Citation.
- 14.02 Definitions.
- 14.03 Nonapplicability.
- 14.04 Agency organization; guidebook.
- 14.045 Agencies; limits on penalties.

PROVISIONS APPLICABLE TO ALL

- 14.05 General authority.
- 14.06 Required rules.
- 14.07 Form of rule.
- 14.08 Approval of rule and rule form; c
- 14.09 Petition for adoption of rule.
- 14.091 Petition; unit of local government
- 14.101 Advice on possible rules.
- 14.111 Farming operations.
- 14.116 Notice to legislature.
- 14.125 Time limit on authority to adopt, repeal rules.

RULES ADOPTED AFTER PUBLIC HEARING

- 14.131 Statement of need and reasonable
- 14.14 Hearing on rule.
- 14.15 Administrative law judge's report.
- 14.16 Adoption of rule; chief administrative judge; filing of rule.
- 14.18 Publication of adopted rule; effect
- 14.19 Deadline to complete rulemaking.
- 14.20 Approval of form.

RULES ADOPTED WITHOUT PUBLIC HEARING

- 14.22 Notice of proposed adoption of rule
- 14.225 Dual notice rules.
- 14.23 Statement of need and reasonable
- 14.24 Modifications of proposed rule.
- 14.25 Public hearing.
- 14.26 Adoption of proposed rule; submit administrative law judge.
- 14.27 Publication of adopted rule; effect
- 14.28 Approval of form.

RECORDKEEPING REQUIREMENTS

- 14.365 Official rulemaking record.
- 14.366 Public rulemaking docket.

14.001 STATEMENT OF PURPOSE

- The purposes of the Administration are:
- (1) to provide oversight of
 - (2) to increase public accountability
 - (3) to ensure a uniform mirror
 - (4) to increase public access
 - (5) to increase public participation
 - (6) to increase the fairness of proceedings; and
 - (7) to simplify the process and increase ease and availability.

1 M moves to amend S.F. No. 1694; H.F. No.
2 _____, as follows:

3 Page 2, after line 10, insert:

4 "Sec. 2. Minnesota Statutes 2000, section 356A.08,
5 subdivision 1, is amended to read:

6 Subdivision 1. [PUBLIC MEETINGS.] A meeting of the
7 governing board or committee of the governing board of a covered
8 statewide pension plan or ~~of-a-committee-of-the-governing-board~~
9 ~~of-the-statewide-plan~~ of a pension plan to which section 69.771
10 applies, is governed by chapter 13D."

11 Page 2, line 12, delete "Section 1 is" and insert "Sections
12 1 and 2 are"

13 Renumber the sections

1 M moves to amend S.F. No. 1694; H.F. No.
2 _____, as follows:

3 Page 2, delete lines 8 to 12 and insert:

4 "(d) of the governing body or a committee of
5 (1) a statewide public pension plan defined in section
6 356A.01, subdivision 24; or
7 (2) a local public pension plan governed by section 69.77,
8 sections 69.771 to 69.775, or chapters 354A, 422A or 423B.

9 Sec. 2. Minnesota Statutes 2000, section 356A.08,
10 subdivision 1, is amended to read:

11 Subdivision 1. [PUBLIC MEETINGS.] A meeting of the
12 governing board of a covered statewide pension plan or of a
13 committee of the governing board of the statewide covered
14 pension plan is governed by chapter 13D.

15 Sec. 3. [EFFECTIVE DATE.]

16 Sections 1 and 2 are effective on the day following final
17 enactment."

18 Amend the title accordingly

Senator Betzold introduced--

S.F. No. 1694: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to retirement; volunteer firefighter relief
3 associations; clarifying the application of the open
4 meeting law; amending Minnesota Statutes 2000, section
5 13D.01, subdivision 1.

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

7 Section 1. Minnesota Statutes 2000, section 13D.01,
8 subdivision 1, is amended to read:

9 Subdivision 1. [IN EXECUTIVE BRANCH, LOCAL GOVERNMENT.]

10 All meetings, including executive sessions, must be open to the
11 public

12 (a) of a state

13 (1) agency,

14 (2) board,

15 (3) commission, or

16 (4) department,

17 when required or permitted by law to transact public business in
18 a meeting; and

19 (b) of the governing body of a

20 (1) school district however organized,

21 (2) unorganized territory,

22 (3) county,

23 (4) statutory or home rule charter city,

24 (5) town, or

25 (6) other public body; and

1 (c) of any
2 (1) committee,
3 (2) subcommittee,
4 (3) board,
5 (4) department, or
6 (5) commission,
7 of a public body; and
8 (d) of the governing body or a committee of a volunteer
9 firefighter relief association governed by sections 69.771 to
10 69.775.

11 Sec. 2. [EFFECTIVE DATE.]

12 Section 1 is effective on the day following final enactment.