

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3302

February 21, 2008

Authored by Atkins, Bigham, Holberg, Cornish and Olin

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to data practices; providing for the protection of written materials
1.3 prepared for a closed meeting; amending Minnesota Statutes 2006, section
1.4 13D.05, subdivision 3.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2006, section 13D.05, subdivision 3, is amended to read:

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

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

1.14 (c) A public body may close a meeting:

1.15 (1) to determine the asking price for real or personal property to be sold by the
1.16 government entity;

1.17 (2) to review confidential or nonpublic appraisal data under section 13.44,
1.18 subdivision 3; and

1.19 (3) to develop or consider offers or counteroffers for the purchase or sale of real or
1.20 personal property.

1.21 Before holding a closed meeting under this paragraph, the public body must identify
1.22 on the record the particular real or personal property that is the subject of the closed
1.23 meeting. The proceedings of a meeting closed under this paragraph must be tape recorded
1.24 at the expense of the public body. The recording must be preserved for eight years after

2.1 the date of the meeting and made available to the public after all real or personal property
2.2 discussed at the meeting has been purchased or sold or the governing body has abandoned
2.3 the purchase or sale. The real or personal property that is the subject of the closed meeting
2.4 must be specifically identified on the tape. Printed materials relating to the agenda of a
2.5 closed meeting under this paragraph, prepared or distributed by or at the direction of the
2.6 governing board or its employees, must be preserved for eight years after the date of the
2.7 meeting and made available to the public after all the real or personal property discussed at
2.8 the meeting has been purchased or sold or the governing body has abandoned the purchase
2.9 or sale. Until made available to the public under this paragraph, the written materials are
2.10 classified as protected nonpublic data, as defined under section 13.02, subdivision 13. A
2.11 list of members and all other persons present at the closed meeting must be made available
2.12 to the public after the closed meeting. If an action is brought claiming that public business
2.13 other than discussions allowed under this paragraph was transacted at a closed meeting
2.14 held under this paragraph during the time when the tape is not available to the public,
2.15 section 13D.03, subdivision 3, applies.

2.16 An agreement reached that is based on an offer considered at a closed meeting is
2.17 contingent on approval of the public body at an open meeting. The actual purchase or
2.18 sale must be approved at an open meeting after the notice period required by statute or the
2.19 governing body's internal procedures, and the purchase price or sale price is public data.

2.20 (d) Meetings may be closed to receive security briefings and reports, to discuss issues
2.21 related to security systems, to discuss emergency response procedures and to discuss
2.22 security deficiencies in or recommendations regarding public services, infrastructure and
2.23 facilities, if disclosure of the information discussed would pose a danger to public safety or
2.24 compromise security procedures or responses. Financial issues related to security matters
2.25 must be discussed and all related financial decisions must be made at an open meeting.
2.26 Before closing a meeting under this paragraph, the public body, in describing the subject to
2.27 be discussed, must refer to the facilities, systems, procedures, services, or infrastructures
2.28 to be considered during the closed meeting. A closed meeting must be tape recorded at the
2.29 expense of the governing body, and the recording must be preserved for at least four years.