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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1616

02/25/2021

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The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to the Open Meeting Law; allowing closed meetings to interview candidates
1.3 for the president of the University of Minnesota; amending Minnesota Statutes
1.4 2020, sections 13.43, subdivision 3; 13D.05, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2020, section 13.43, subdivision 3, is amended to read:

1.7 Subd. 3. **Applicant data.** Except for applicants described in subdivision 5, the following
1.8 personnel data on current and former applicants for employment by a government entity is
1.9 public: veteran status; relevant test scores; rank on eligible list; job history; education and
1.10 training; and work availability. Names of applicants shall be private data except when
1.11 certified as eligible for appointment to a vacancy or when applicants are considered by the
1.12 appointing authority to be finalists for a position in public employment. For purposes of
1.13 this subdivision, "finalist" means an individual who is selected to be interviewed by the
1.14 appointing authority prior to selection, except finalist does not include an individual who
1.15 is a candidate selected for an initial interview for the position of president of the University
1.16 of Minnesota by the Board of Regents.

1.17 Sec. 2. Minnesota Statutes 2020, section 13D.05, subdivision 3, is amended to read:

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

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

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

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

2.6 (2) to review confidential or protected nonpublic appraisal data under section 13.44,
2.7 subdivision 3; and

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

2.10 Before holding a closed meeting under this paragraph, the public body must identify on
2.11 the record the particular real or personal property that is the subject of the closed meeting.
2.12 The proceedings of a meeting closed under this paragraph must be tape recorded at the
2.13 expense of the public body. The recording must be preserved for eight years after the date
2.14 of the meeting and made available to the public after all real or personal property discussed
2.15 at the meeting has been purchased or sold or the governing body has abandoned the purchase
2.16 or sale. The real or personal property that is the subject of the closed meeting must be
2.17 specifically identified on the tape. A list of members and all other persons present at the
2.18 closed meeting must be made available to the public after the closed meeting. If an action
2.19 is brought claiming that public business other than discussions allowed under this paragraph
2.20 was transacted at a closed meeting held under this paragraph during the time when the tape
2.21 is not available to the public, section 13D.03, subdivision 3, applies.

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

2.26 (d) Meetings may be closed to receive security briefings and reports, to discuss issues
2.27 related to security systems, to discuss emergency response procedures and to discuss security
2.28 deficiencies in or recommendations regarding public services, infrastructure and facilities,
2.29 if disclosure of the information discussed would pose a danger to public safety or compromise
2.30 security procedures or responses. Financial issues related to security matters must be
2.31 discussed and all related financial decisions must be made at an open meeting. Before closing
2.32 a meeting under this paragraph, the public body, in describing the subject to be discussed,
2.33 must refer to the facilities, systems, procedures, services, or infrastructures to be considered

3.1 during the closed meeting. A closed meeting must be tape recorded at the expense of the
3.2 governing body, and the recording must be preserved for at least four years.

3.3 (e) The Board of Regents of the University of Minnesota may hold closed meetings to
3.4 discuss candidates, conduct initial candidate interviews, and name a finalist or finalists for
3.5 the position of president of the University of Minnesota. The board must disclose in its
3.6 minutes the number of candidates interviewed. The closed proceedings must be recorded
3.7 at the expense of the University of Minnesota and preserved for two years after the date of
3.8 the meeting. Initial interview recordings of the candidate selected to be president of the
3.9 University of Minnesota must be made available to the public after that candidate's
3.10 employment agreement has been approved by the board. All other recordings under this
3.11 subdivision, including recordings of interviews with candidates not selected to be president
3.12 of the University of Minnesota, must not be made public.