

Lessard-Sams Outdoor Heritage Council – Open Meeting Law

Minnesota Statutes, 97A.056, subd. 5 (2018)

Subd. 5. **Open meetings.** (a) Meetings of the council and other groups the council may establish are subject to chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations, including recording meetings, video conferencing, and publishing minutes. For the purposes of this subdivision, a meeting occurs when a quorum is present and the members receive information or take action on any matter relating to the duties of the council. The quorum requirement for the council shall be seven members.

(b) Travel to and from scheduled and publicly noticed site visits by council members for the purposes of receiving information is not a violation of paragraph (a). Any decision or agreement to make a decision during the travel is a violation of paragraph (a).

(c) For legislative members of the council, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the council, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

Minn. Stat. § 13D.06, subds. 1, 2 (2018):

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.

Minn. Stat. § 3.055, subd. 2 (2018)

Subd. 2. **Enforcement.** The house of representatives and the senate shall adopt rules to implement this section. Remedies provided by rules of the house of representatives and senate are exclusive. No court or administrative agency has jurisdiction to enforce, enjoin, penalize, award damages, or otherwise act upon a violation or alleged violation of this section, to invalidate any provision of law because of a violation of this section, or to otherwise interpret this section.

Temporary Rules of the House 2019-2020 - As adopted on January 8, 2019.

<https://www.house.leg.state.mn.us/cco/rules/permrule/623.htm>

6.23 OPEN MEETING ENFORCEMENT. A person may submit to the Speaker a complaint alleging a violation of the open meeting requirements of Rule 6.21. The complaint must be in writing. On receiving a complaint, the Speaker, or a person designated by the Speaker, must investigate the complaint promptly. If the Speaker concludes, following investigation, that a violation of the open meeting Rule may have occurred, the Speaker must refer the complaint to the Committee on Ethics for further proceedings.

Temporary Rules of The Senate - 2019-2020 – as adopted

<https://www.senate.mn/rules/2019/tempsenaterules2019.pdf>

12.2 Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. The complaint must be in writing. The Chair of the Committee on Rules and Administration shall immediately forward the complaint in writing to the Subcommittee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed without the consent of the complainant, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of Rule 55 apply.

August 5, 2019