

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Open Meeting Law Enforcement

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### Overview

Establishes an administrative remedy for enforcement of the Open Meeting Law.

#### Section

- 1**      **Open meeting law actions.** Provides that as an alternative to bringing a court action to enforce the penalty for violating the Open Meeting Law, a person may petition the Office of Administrative Hearings (OAH).
- 2**      **Forfeiture of office.** Under current law if a person has been found to have intentionally violated the Open Meeting Law in three or more actions involving the same governing body, the person forfeits the right to serve on that governing body. This section provides that the forfeiture provision can be based on administrative action as well as on civil actions.
- 3**      **Administrative remedy.**

**Subd. 1. Petition.** Authorizes a person to petition OAH to enforce the Open Meeting Law, instead of bringing a court action. Requires the public body to respond within ten days after a petition is served on it. Provides that an administrative law judge may order a contested case if necessary. Also provides that if no violation is found, the administrative law judge must dismiss the petition.

**Subd. 2. Order.** Provides that an administrative law judge order finding an Open Meeting Law violation must impose the civil penalty or forfeiture of office prescribed in current law. Specifies that the order is enforceable in district court, and that the decision may be appealed under specified procedures.

**Subd. 3. Costs.** Provides that the public body is liable for all OAH costs associated with review of the petition. If the administrative law judge rules in favor of the public

body, the body may recover all or a portion of the costs from the petitioner, unless the petitioner is entitled to proceed *in forma pauperis* or the administrative law judge determines that the petition was brought in good faith and that an assessment of the costs would constitute an undue hardship for the petitioner.