

**CHAPTER 302—S.F.No. 3034**

*An act relating to Hennepin county; authorizing certain contracting with a public or private cooperative purchasing organization subject to a condition; amending Minnesota Statutes 2000, section 383B.217, subdivision 7.*

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

Section 1. Minnesota Statutes 2000, section 383B.217, subdivision 7, is amended to read:

Subd. 7. **PURCHASES AND MARKETING.** (a) Contracting and purchasing made on behalf of the Hennepin county medical center of goods, materials, supplies, equipment and contracted services shall comply with sections 383B.141 to 383B.151.

(b) Notwithstanding chapter 13D, the county board on behalf of the medical center may meet in closed session to discuss and take action on specific products or services that are in direct competition with other providers of goods or services in the public or private sector, if disclosure of information pertaining to those matters would clearly harm the competitive position of the medical center.

(c) The medical center shall inform the county board when there are matters that are appropriate for discussion or action under paragraph (b). The county administrator or the administrator's designee shall give the board an opinion on the propriety of discussion or action under paragraph (b) for each of the matters. The county board may, by a majority vote in a public meeting, decide to hold a closed meeting under paragraph (b). The purpose, time, and place of the meeting must be announced at a public meeting. A written roll of members present at a closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the county board and be preserved for not less than five years after the meeting. The data on the tape are nonpublic data under section 13.02, subdivision 9, until two years after the meeting. A contract entered into by the county board at a meeting held on behalf of the medical center is subject to section 471.345. All bids and any related materials that are considered at the meeting must be retained for a period of not less than five years. After the expiration of the term of any contract entered into pursuant to this subdivision or a period of two years, whichever is less, the contract, the bids, and any related materials are public data. The contract, the bids, and any related materials are subject to review by the state auditor at any time.

(d) Data concerning specific products or services that are in direct competition with other providers of goods or services in the public or private sector are trade secret information for purposes of section 13.37, to the extent disclosure of information pertaining to the matters would clearly harm the competitive position of the medical center. The data are trade secret information for the term of the contract or a two-year period, whichever is less.

(e) Notwithstanding section 471.345 or other applicable law, the county board on behalf of the medical center, ambulatory health center, or other clinics authorized under section 383B.219, may contract with a private or public cooperative purchasing

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organization, if it can be established the purchasing organization's goods, materials, supplies, equipment, or services that are purchased, rented, or leased, have been awarded through a competitive or request for proposal process.

(f) This subdivision applies to the medical center, ambulatory health centers, or other clinics authorized under section 383B.219, as well as any other organization, association, partnership, or corporation authorized by Hennepin county under section 144.581.

Presented to the governor March 26, 2002

Signed by the governor March 27, 2002, 3:38 p.m.

#### CHAPTER 303—S.F.No. 2814

*An act relating to cooperatives; authorizing electronic voting; amending Minnesota Statutes 2000, sections 308A.311, subdivisions 4, 5; 308A.635, subdivisions 4, 6.*

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

Section 1. Minnesota Statutes 2000, section 308A.311, subdivision 4, is amended to read:

Subd. 4. **VOTE BY MAIL OR ELECTRONIC MEANS.** (a) A member may not vote by mail or electronic means for a director unless mail or electronic voting is authorized for election of directors by the articles or bylaws.

(b) The ballot shall be in a form prescribed by the board.

(c) If the vote is by mail, the member shall mark the ballot for the candidate chosen and mail the ballot to the cooperative in a sealed plain envelope inside another envelope bearing the member's name.

(d) The member may vote by electronic means if the cooperative is able to authenticate that it is the cooperative member who is casting the vote.

(e) If the ballot of the member is received by the cooperative on or before the date of the regular members' meeting, the ballot shall be accepted and counted as the vote of the absent member.

Sec. 2. Minnesota Statutes 2000, section 308A.311, subdivision 5, is amended to read:

Subd. 5. **VOTE BY MAIL OR ELECTRONIC MEANS FOR TELEPHONE COOPERATIVE.** If voting by mail or by electronic means is authorized by the articles or the bylaws of a telephone cooperative, a member may vote by mail or by electronic means for the director in the manner prescribed in the articles or bylaws. The mail voting shall be by secret ballot.

New language is indicated by underline, deletions by ~~strikeout~~.