SS/BM

## **SENATE** STATE OF MINNESOTA NINETY-FIRST SESSION

## S.F. No. 1011

(SENATE AUTHORS: NELSON, Rest and Limmer)			
DATE	D-PG	OFFICIAL STATUS	
02/07/2019	304	Introduction and first reading	
		Referred to State Government Finance and Policy and Elections	
03/13/2019	821	Comm report: To pass and re-referred to Local Government	
03/14/2019	977	Comm report: To pass and re-referred to Judiciary and Public Safety Finance and Policy	
03/18/2019		Comm report: To pass as amended and re-refer to Rules and Administration	

1.1	A bill for an act
1.2 1.3 1.4	relating to government accountability; providing for state and local government settlement accountability and transparency; requiring reports; amending Minnesota Statutes 2018, section 13.43, subdivision 8; proposing coding for new law in
1.5	Minnesota Statutes, chapters 3; 15; 465.
1.6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.7	Section 1. [3.161] LEGISLATIVE SETTLEMENT ACCOUNTABILITY.
1.8	Subdivision 1. Nondisclosure agreements prohibited. A nondisclosure agreement must
1.9	not be imposed on any party as a condition of an award or settlement by any employee or
1.10	legislative member of the house of representatives, senate, or Legislative Coordinating
1.11	Commission if the award or settlement results from an allegation of sexual harassment or
1.12	sexual assault.
1.13	Subd. 2. Reports on settlements. (a) By January 15, 2020, and annually thereafter, the
1.14	secretary of the senate, the chief clerk of the house of representatives, and the executive
1.15	director of the Legislative Coordinating Commission shall submit to the chair and ranking
1.16	minority member of the Legislative Coordinating Commission, and make available to the
1.17	public on the legislature's website, a report on all payments made with public funds for the
1.18	previous calendar year for awards and settlements in connection with an allegation of
1.19	employee or employer misconduct by any person employed in or serving as a member of
1.20	the senate, house of representatives, or joint offices of the legislature. The requirements of
1.21	this subdivision apply regardless of whether the parties have entered into a nondisclosure
1.22	agreement. The report must include:

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.1	(1) the ar	nount paid for eacl	h award or settlem	ent in connection with a	an allegation of
.2	employee or	employer miscone	luct, including atto	orney fees and related co	osts;
.3	(2) the so	ource of the public	funds used for the	award or settlement; an	nd
.4	(3) the le	gislative body or o	office that is a part	y to the settlement and t	he name of the
.5	individual w	ho allegedly comn	nitted the violation	<u>l.</u>	
.6	<u>(b)</u> The r	eport under paragr	aph (a) must not d	isclose the identity of an	ny individual who
.7	received an a	award or settlemen	t, or who made the	e allegation of miscondu	act against the
	legislature.				
	(c) For th	e purposes of this	section:		
	<u>(1)</u> "emp	loyee misconduct"	means conduct by	an employee that resul	ts in an award or
	settlement fo	or conduct that is p	rohibited by law o	r a policy of the employ	ver;
	<u>(2)</u> "emp	loyer misconduct"	means conduct by	an employer that result	ts in an award or
	settlement fo	r conduct by the er	nployer that is prob	hibited by law or a policy	y of the employer,
	or due to em	ployee misconduc	t for which the em	ployer may be responsil	ble or liable; and
	<u>(3)</u> "publ	ic funds" means al	l general, special,	permanent, trust, and ot	hers funds,
	regardless of	source or purpose	e, held or administ	ered by the legislative b	ranch.
	<b>EFFEC</b>	T <b>IVE DATE.</b> This	section is effectiv	e the day following fina	l enactment and
	applies to se	ttlements and awar	ds paid on or after	that date.	
	Sec. 2. Min	nnesota Statutes 20	018, section 13.43,	subdivision 8, is amend	led to read:
	Subd. 8.	Harassment data.	(a) When allegati	ons of sexual or other ty	pes of harassment
	are made aga	inst an employee, t	he employee does	not have access to data th	hat would identify
	the complain	ant or other witness	ses if the responsib	le authority determines th	hat the employee's
	access to tha	t data would:			
	(1) threat	en the personal sat	fety of the compla	inant or a witness; or	
	(2) subje	et the complainant	or witness to hara	ssment.	
	If a disci	plinary proceeding	is initiated agains	t the employee, data on	the complainant
	or witness sh	all be available to	the employee as r	nay be necessary for the	e employee to
	prepare for t	he proceeding.			
	<u>(b) In add</u>	lition to data that ar	e public under sub	division 2, the following	private personnel
	data regardir	ng allegations of ha	arassment may be	disclosed to the complai	inant:
	<u>(1)</u> wheth	her the allegations	were substantiated	l; and	

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3.1	(2) whether the allegations resulted in disciplinary or nondisciplinary corrective action.
3.2	A complainant who receives private personnel data under this paragraph may not further
3.3	release the data except to a court; a law enforcement agency; a prosecuting authority; a
3.4	federal, state, or local civil rights enforcement authority; or an attorney representing the
3.5	complainant when the data are relevant to obtaining a restraining order or to enable the
3.6	complainant to pursue other legal remedies.
3.7	Sec. 3. [15.476] REPORT ON SETTLEMENTS.
3.8	(a) By January 15, 2020, and annually thereafter, the commissioner of management and
3.9	budget, on behalf of and with cooperation from each state agency and department, shall
3.10	submit to the chair and ranking minority member of the Legislative Coordinating
3.11	Commission, and make available to the public on the Department of Management and
3.12	Budget website, a report on all payments made with public funds for the previous calendar
3.13	year for awards and settlements in connection with an allegation of employee or employer
3.14	misconduct by any person employed in the executive branch as defined under section 43A.02,
3.15	subdivision 22. The report must include:
3.16	(1) the amount paid for each award or settlement in connection with an allegation of
3.17	employee or employer misconduct, including attorney fees and related costs;
3.18	(2) the source of the public funds used for the award or settlement;
3.19	(3) the employing agency or department; and
3.20	(4) if there has been final disposition of disciplinary action for purposes of section 13.43,
3.21	the name of the individual who committed the violation.
3.22	(b) The report under paragraph (a) must not disclose the identity of any individual who
3.23	received an award or settlement, or who made the allegation of misconduct against an
3.24	employee or an employing agency.
3.25	(c) For the purposes of this section:
3.26	(1) "employee misconduct" means conduct by an employee that results in an award or
3.27	settlement for conduct that is prohibited by law or a policy of the employer;
3.28	(2) "employer misconduct" means conduct by an employer that results in an award or
3.29	settlement for conduct by the employer that is prohibited by law or a policy of the employer,
3.30	or due to employee misconduct for which the employer may be responsible or liable; and
3.31	(3) "public funds" means all general, special, permanent, trust, and others funds,
3.32	regardless of source or purpose, held or administered by the executive branch.

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4.1	<b>EFFECT</b>	IVE DATE. This :	section is effectiv	ve the day following final	enactment.
4.2	Sec. 4. <b>[465</b>	5.791] REPORT C	ON SETTLEME	NTS.	
4.3	<u>(a) By Jar</u>	uary 15, 2020, and	l annually therea	fter, each political subdiv	ision of the state
4.4	shall submit t	o the chair and ran	king minority m	ember of the Legislative (	Coordinating
4.5	Commission,	and make availabl	e to the public of	n the political subdivision	's website, if the
4.6	political subd	ivision maintains a	a website, a repor	t on all payments made w	vith public funds
4.7	for the previo	us calendar year fo	or awards and set	tlements in connection w	ith an allegation
4.8	of employee	or employer misco	nduct by any per	son employed by the politi	tical subdivision
4.9	as defined un	der paragraph (c).	The report must	include:	
4.10	(1) the am	ount paid for each	award or settlen	nent in connection with ar	allegation of
4.11	employee or	employer miscond	uct, including att	orney fees and related cos	sts;
4.12	(2) the source (2)	arce of the public f	funds used for the	e award or settlement; and	l
4.13	(3) if there	e has been a final c	lisposition of dis	ciplinary action for purpo	ses of section
4.14	13.43, the name	me of the individua	al who committee	d the violation.	
4.15	(b) The re	port under paragra	ph (a) must not c	lisclose the identity of any	v individual who
4.16	received an a	ward or settlement	, or who made th	e allegation of misconduc	et against an
4.17	employee or	an employing polit	ical subdivision.		
4.18	(c) For the	e purposes of this s	section:		
4.19	<u>(1)</u> "emplo	oyee misconduct"	means conduct b	y an employee that results	s in an award or
4.20	settlement for	conduct that is pr	ohibited by law o	or a policy of the employe	er;
4.21	<u>(2)</u> "emple	oyer misconduct" 1	neans conduct by	y an employer that results	in an award or
4.22	settlement for	conduct by the em	ployer that is pro	hibited by law or a policy	of the employer,
4.23	or due to emp	oloyee misconduct	for which the en	ployer may be responsible	e or liable;
4.24	<u>(3) "politi</u>	cal subdivision" m	eans a county, he	ome rule charter or statute	ory city, town,
4.25	school distric	t, metropolitan or re	egional agency, p	ublic corporation, or specia	al taxing district;
4.26	and				
4.27	<u>(4)</u> "public	: funds" means all נ	general, special, p	ermanent, trust, and other	funds, regardless
4.28	of source or p	ourpose, held or ad	ministered by the	e political subdivision.	
4.29	<b>EFFECT</b>	IVE DATE. This	section is effectiv	ve the day following final	enactment.

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5.1	Sec. 5. UNIVERSITY OF MINNESOTA REPORT ON SETTLEMENTS.
5.2	The University of Minnesota is requested to issue an annual report on payments made
5.3	with public funds in connection with University of Minnesota employees or the university
5.4	as the employer in the same manner as required of the commissioner of management and
5.5	budget under Minnesota Statutes, section 15.476. For the purposes of this section, "public
5.6	funds" means all general, special, permanent, trust, and other funds, regardless of source
5.7	or purpose, held or administered by the University of Minnesota.