

enjoined by an action brought by the attorney general in the manner provided by law.

Sec. 5. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved May 11, 1981

CHAPTER 174 — H.F.No. 54

An act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

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

Section 1. Minnesota Statutes 1980, Section 471.705, is amended by adding a subdivision to read:

Subd. 1a. EXCEPTION. Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179.61 to 179.76. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded at the expense of the governing body and shall be preserved by it for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the court determines that no violation of this section is found, the action shall be dismissed and the recording shall be preserved in the records of the court until otherwise made available to the public pursuant to this section. If the court determines that a violation of this section is found, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The prevailing party in an action brought before or after the tape is made available to the public which establishes that a violation of this section has occurred shall recover costs and reasonable attorney's fees as determined by the court.

Sec. 2. EFFECTIVE DATE.

This act is effective the day after final enactment.

Approved May 11, 1981

CHAPTER 175 — H.F.No. 443

An act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

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

Section 1. Minnesota Statutes 1980, Section 123.34, Subdivision 9, is amended to read:

Subd. 9. All districts maintaining a classified secondary school shall employ a superintendent who shall be ex officio a member of the school board but not entitled to vote therein. The authority for selection and employment of a superintendent shall be vested in the school board. Notwithstanding the provisions of section 125.12, subdivision 6a or 6b, no individual shall have a right to employment as a superintendent based on seniority or order of employment in the district. The superintendent in such districts shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall make recommendations to the board concerning the employment and dismissal of teachers. He shall superintend the grading of the schools and examinations for promotions and perform such other duties as the board shall prescribe. He shall make directly to the commissioner such reports as shall be required.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following its final enactment.

Approved May 11, 1981

Changes or additions are indicated by underline, deletions by ~~strikeout~~.