

## MINNESOTA COALITION ON GOVERNMENT INFORMATION (MNCOGI)

### House State Government and Finance Policy Committee Written testimony of Matt Ehling, MNCOGI board member March 12, 2024

Dear Chair Klevorn, Representative Greenman, and members of the State and Local Government Committee,

Thank you for the opportunity to provide written testimony regarding HF 4444. MNCOGI is a non-partisan, nonprofit organization whose all-volunteer board works to ensure public access to government information — with an emphasis on ensuring access to information about governmental operations. We regularly testify on data practices and open meeting matters before the Minnesota Legislature, including matters that pertain to the creation of new governmental entities.

Over the years, our comments have recommended the addition of clarifying language (as necessary) indicating that newly created government entities are subject to the state's Open Meeting Law (codified in Chapter 13D), as well as the Minnesota Government Data Practices Act (codified in Chapter 13). As the Intergovernmental Misclassification Enforcement and Education Partnership IMEEP is being established as a multi-agency partnership, some clarifying language could help to ensure that its enabling legislation clearly reflects the ways in which it interacts with these laws.

To accomplish this goal, MNCOGI recommends the following modifications to the text of HF 4444:

1. Modify the paragraph starting at line 6.1 of the 1st Engrossment to read as follows:

Subd. 2. **Meetings.** The commissioner of labor and industry, in consultation with other members of the partnership, shall convene and lead meetings of the partnership to discuss issues related to the investigation of employee misclassification and public outreach. Members of the partnership may select a designee to attend any such meeting. Meetings must occur at least quarterly. Meeting materials and meeting minutes shall be maintained by the commissioner of labor and industry.

Subd. 2a. **Additional meetings.** (a) In addition to regular quarterly meetings under subdivision 2, the commissioner of labor and industry, in consultation with members of the partnership, may convene and lead additional meetings for the purpose of discussing and making recommendations under subdivision 4a. Meeting materials and meeting minutes shall be maintained by the commissioner of labor and industry.

Subd 2b. **Open Meeting Law.** Meetings of the partnership are subject to Minnesota Statutes Chapter 13D.

The change above will ensure that meetings of the IMEEP are governed by the Minnesota Open Meeting Law, and will also specify where the meeting materials of this multi-agency partnership are to be maintained.

2. Modify the paragraph starting at line 17.18 to read as follows:

Subd. 5. **Data.** The Department of Labor and Industry shall be the lead partnership entity for maintaining data that documents the common administrative and policy operations of the partnership.

This language replaces the subdivision 5 language of the bill, which states that the IMEEP is not a “state agency.” “State agency” is a defined term in Chapter 13, and this subdivision could be interpreted as exempting IMEEP from Chapter 13 coverage unless further clarified.

As a multi-agency initiative, IMEEP data will be created and maintained by all of the participating entities. The suggested language above will clarify that data related to the *common* operations of IMEEP will be housed within a lead partner entity — The Department of Labor and Industry (DOLI), which is a “state agency” for Chapter 13 purposes. The “meeting” section of the bill (starting at Section 10, subd. 2) indicates that DOLI will have a lead role in coordinating IMPEEP’s meetings, and thus DOLI appears to be the appropriate entity to house common IMEEP data. Such data will include not only meeting minutes, but various administrative, organizing, and policy documents. Other partnership entity data related to IMEEP will likely be created and maintained by the relevant participating agencies, by virtue of their participation. All such participating entities are “state agencies” for the purposes of the Minnesota Data Practices Act, Chapter 13, or are otherwise covered by Chapter 13.

Sincerely,

Matt Ehling  
MNCOGI board member