

## HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE/PRIVACY SUBCOMMITTEE

The tenth meeting of the Privacy Subcommittee was called to order at 12:55 PM by Representative Tom Pugh, Chair, on Wednesday, September 13, 1989 at Winona State University, Winona Minnesota.

The following members were present:

Blatz, Kathleen  
Carruthers, Phil  
Kelly, Randy  
Pugh, Tom, Chair

Members excused:

Dempsey, Terry

Representative Pugh gave a brief background of the Annandale decision. Testifying on the Annandale decision were:

Mark Anfinson, Attorney for the Minnesota Newspaper Association, gave the Committee information as to how Annandale has affected the media.

Kevin McGrath, Winona Daily News, said it is much more difficult since Annandale to attend meetings. Many are now closed.

Steve Andrist, Rochester Post-Bulletin, said the attitude now is to take the safest route. If you have doubts, close the meeting.

Tom Deans, Minnesota School Boards Association, doesn't think Annandale is the reason for wariness of media persons. Most of the situations listed by the Newspaper Association would be private even before Annandale and some were started prior to Annandale opinion. He feels all public employees should be treated the same -- be they custodians or superintendents.

Joel Jamnik, League of Minnesota Cities, made three points.

1. 99% of city officials like Annandale decision.
2. Minnesota post-Annandale is like many other states.
3. The problems remaining can be addressed by amendment.

Don Gemberling responded to questions and said there are 5 issues.

1. Lack of understanding of the Data Practices Act
2. Enforcement mechanisms of the private attorney
3. Confusion created by Annandale
4. Fear of Krall case
5. Media now treated the same as everyone else.

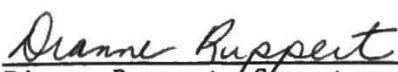
Linda Musanwich, Minnesota Common Cause, spoke to the lack of consequences for failure to comply. After third time, removed from office -- she feels this will never happen. She feels three things need to be addressed:

1. When is there a final disposition
2. No warning to others
3. Public has no right to be at meeting where decision is made.

Don Gadow, Annandale City Council, told the Committee he generally supports open meetings. The Annandale Council wanted to release the report but didn't on the advice of their attorney. They felt a lot of public money was spent on the report and they (the public) will never see the report. There were allegations made but no charges were ever filed against the Sheriff, and others would have been hurt by the release of the report. There were no statements in the report by the Sheriff.

Sister Kral of Winona spoke to the Committee.

The meeting was adjourned at 3:00.

  
Dianne Ruppert, Secretary

  
Representative Tom Pugh, Chair