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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1303**

February 22, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 26, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to the open meeting law; authorizing meetings by telephone or
1.3 other electronic means under certain conditions; modifying closed meeting
1.4 requirements; amending Minnesota Statutes 2006, section 13D.05, subdivision 2;
1.5 proposing coding for new law in Minnesota Statutes, chapter 13D.

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

1.7 Section 1. **[13D.021] MEETINGS BY TELEPHONE OR OTHER ELECTRONIC**
1.8 **MEANS; CONDITIONS.**

1.9 Subdivision 1. **Conditions.** A meeting governed by this section and section 13D.01,
1.10 subdivisions 1, 2, 4, and 5, may be conducted by telephone or other electronic means so
1.11 long as the following conditions are met:

1.12 (1) the presiding officer, chief legal counsel, or chief administrative officer for the
1.13 affected governing body determines that an in person meeting or a meeting conducted
1.14 under section 13D.02 is not practical or prudent because of a health pandemic or an
1.15 emergency declared under chapter 12;

1.16 (2) all members of the body participating in the meeting, wherever their physical
1.17 location, can hear one another and can hear all discussion and testimony;

1.18 (3) members of the public present at the regular meeting location of the body
1.19 can hear all discussion and testimony and all votes of the members of the body, unless
1.20 attendance at the regular meeting location is unfeasible due to the health pandemic or
1.21 emergency declaration;

1.22 (4) at least one member of the body, chief legal counsel, or chief administrative
1.23 officer is physically present at the regular meeting location, unless unfeasible due to the
1.24 health pandemic or emergency declaration; and

2.1 (5) all votes are conducted by roll call, so each member's vote on each issue can be
2.2 identified and recorded.

2.3 Subd. 2. **Members are present for quorum, participation.** Each member of the
2.4 body participating in a meeting by telephone or other electronic means is considered
2.5 present at the meeting for purposes of determining a quorum and participating in all
2.6 proceedings.

2.7 Subd. 3. **Monitoring from remote site; costs.** If telephone or another electronic
2.8 means is used to conduct a meeting, to the extent practical, the body shall allow a person
2.9 to monitor the meeting electronically from a remote location. The body may require the
2.10 person making a connection to pay for the documented additional cost that the body incurs
2.11 as a result of the additional connection.

2.12 Subd. 4. **Notice of regular and all member sites.** If telephone or another electronic
2.13 means is used to conduct a regular, special, or emergency meeting, the public body
2.14 shall provide notice of the regular meeting location, of the fact that some members may
2.15 participate by telephone or other electronic means, and of the provisions of subdivision 3.
2.16 The timing and method of providing notice is governed by section 13D.04 of the Open
2.17 Meeting Law.

2.18 Sec. 2. Minnesota Statutes 2006, section 13D.05, subdivision 2, is amended to read:

2.19 Subd. 2. **When meeting must be closed.** (a) Any portion of a meeting must be
2.20 closed if expressly required by other law or if the following types of data are discussed:

2.21 (1) data that would identify alleged victims or reporters of criminal sexual conduct,
2.22 domestic abuse, or maltreatment of minors or vulnerable adults;

2.23 (2) active investigative data as defined in section 13.82, subdivision 7, or internal
2.24 affairs data relating to allegations of law enforcement personnel misconduct collected or
2.25 created by a state agency, statewide system, or political subdivision; ~~or~~

2.26 (3) educational data, health data, medical data, welfare data, or mental health data
2.27 that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46,
2.28 subdivision 2 or 7; or

2.29 (4) medical records governed by section 144.335.

2.30 (b) A public body shall close one or more meetings for preliminary consideration
2.31 of allegations or charges against an individual subject to its authority. If the members
2.32 conclude that discipline of any nature may be warranted as a result of those specific
2.33 charges or allegations, further meetings or hearings relating to those specific charges or
2.34 allegations held after that conclusion is reached must be open. A meeting must also be
2.35 open at the request of the individual who is the subject of the meeting.

3.1 **Sec. 3. EFFECTIVE DATE.**

3.2 Section 2 is effective the day following final enactment.