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State of Minnesota
HOUSE OF REPRESENTATIVES

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SESSION

HOUSE FILE No. 2958

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

1.1 A bill for an act
1.2 relating to state government; making changes to the Open Meeting Law;
1.3 amending Minnesota Statutes 2008, sections 13D.01; 13D.02, subdivisions 1, 4;
1.4 13D.021, subdivisions 1, 4; 13D.04.

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

1.6 Section 1. Minnesota Statutes 2008, section 13D.01, is amended to read:

1.7 **13D.01 MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.**

1.8 Subdivision 1. ~~In executive branch, local government~~ **Open meetings;**
1.9 **definitions.** (a) All meetings, including executive sessions, of a public body must be
1.10 open to the public.

1.11 (b) For purposes of this section, "meeting" means a quorum of members of a public
1.12 body assembling in person or by other electronic means to discuss, deliberate, or decide
1.13 matters of public business. A meeting does not include the participation of any members
1.14 of a public body in an online forum accessible to all members of the public, such as
1.15 a public blog or other interactive public internet forum.

1.16 (c) "Public body" means a quorum of any multimember state or local governing
1.17 body when required or permitted by law to conduct public business in a meeting. The
1.18 term also includes a quorum of a committee or subcommittee or other similar body of a
1.19 state agency or local governing body and a statewide public pension plan as defined in
1.20 section 356A.01, subdivision 24, or a local public pension plan governed by section 69.77,
1.21 sections 69.771 to 69.775, or chapter 354A, 422A, or 423B.

1.22 (a) ~~of a state~~

1.23 (1) ~~agency,~~

1.24 (2) ~~board,~~

2.1 ~~(3) commission, or~~

2.2 ~~(4) department;~~

2.3 ~~when required or permitted by law to transact public business in a meeting;~~

2.4 ~~(b) of the governing body of a~~

2.5 ~~(1) school district however organized;~~

2.6 ~~(2) unorganized territory;~~

2.7 ~~(3) county;~~

2.8 ~~(4) statutory or home rule charter city;~~

2.9 ~~(5) town, or~~

2.10 ~~(6) other public body;~~

2.11 ~~(c) of any~~

2.12 ~~(1) committee;~~

2.13 ~~(2) subcommittee;~~

2.14 ~~(3) board;~~

2.15 ~~(4) department, or~~

2.16 ~~(5) commission;~~

2.17 ~~of a public body; and~~

2.18 ~~(d) of the governing body or a committee of:~~

2.19 ~~(1) a statewide public pension plan defined in section 356A.01, subdivision 24; or~~

2.20 ~~(2) a local public pension plan governed by section 69.77, sections 69.771 to 69.775;~~

2.21 ~~or chapter 354A, 422A, or 423B.~~

2.22 Subd. 2. **Exceptions.** This chapter does not apply

2.23 (1) to meetings of the commissioner of corrections;

2.24 (2) to a state agency, board, or commission when it is exercising quasi-judicial

2.25 functions involving disciplinary proceedings; or

2.26 (3) as otherwise expressly provided by statute.

2.27 Subd. 3. **Subject of and grounds for closed meeting.** Before closing a meeting, a

2.28 public body shall state on the record the specific grounds, including the applicable statutory

2.29 section, permitting the meeting to be closed and describe the subject to be discussed.

2.30 Subd. 4. **Votes to be kept in journal.** (a) The votes of the members of the

2.31 ~~state agency, board, commission, or department; or of the governing body, committee,~~

2.32 ~~subcommittee, board, department, or commission~~ public body on an action taken in a

2.33 meeting required by this section to be open to the public must be recorded in a journal

2.34 kept for that purpose.

2.35 (b) The vote of each member must be recorded on each appropriation of money,

2.36 except for payments of judgments, claims, and amounts fixed by statute.

3.1 Subd. 5. **Public access to journal.** The journal must be open to the public during all
3.2 normal business hours where records of the public body are kept.

3.3 Subd. 6. **Public copy of members' materials.** (a) In any meeting which under
3.4 subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one
3.5 paper copy of any printed or electronic materials relating to the agenda items of the
3.6 meeting prepared or distributed by or at the direction of the governing public body or
3.7 its employees and:

3.8 (1) distributed at the meeting to all members of the governing public body;

3.9 (2) distributed before the meeting to all members; or

3.10 (3) available in the meeting room to all members;

3.11 shall be available in the meeting room for inspection by the public while the governing
3.12 public body considers their subject matter. If the public body has a Web site, the meeting
3.13 materials provided to the members must be posted on the public body's Web site prior
3.14 to the meeting.

3.15 (b) This subdivision does not apply to materials classified by law as other than
3.16 public as defined in chapter 13, or to materials relating to the agenda items of a closed
3.17 meeting held in accordance with the procedures in section 13D.03 or other law permitting
3.18 the closing of meetings.

3.19 Subd. 7. **Public recording of meetings.** A public body must establish policies to
3.20 ensure that members of the public can record and photograph public meetings in a manner
3.21 that is not disruptive.

3.22 Sec. 2. Minnesota Statutes 2008, section 13D.02, subdivision 1, is amended to read:

3.23 Subdivision 1. **Conditions.** A meeting governed by section 13D.01, subdivisions 1,
3.24 2, 4, and 5, and this section may be conducted by interactive television so long as:

3.25 (1) all members of the body participating in the meeting, wherever their physical
3.26 location, can hear and see one another and can hear and see all discussion and testimony
3.27 presented at any location at which at least one member is present;

3.28 (2) members of the public present ~~at the regular meeting location of the body~~ can
3.29 hear and see all discussion and testimony and all votes of members of the body, by
3.30 attending a location where at least one member is present or by monitoring the meeting
3.31 electronically from a remote location;

3.32 (3) at least one member of the body is physically present at the regular meeting
3.33 location; and

3.34 (4) each location at which a member of the body is present is open and accessible
3.35 to the public.

4.1 Sec. 3. Minnesota Statutes 2008, section 13D.02, subdivision 4, is amended to read:

4.2 Subd. 4. **Notice of regular and all member sites.** If interactive television is used to
4.3 conduct a regular, special, or emergency meeting, the public body shall provide notice of
4.4 the regular meeting location and notice of any site where a member of the public body
4.5 will be participating in the meeting by interactive television. The timing and method of
4.6 providing notice must be as described in section 13D.04. If the public body has a Web
4.7 site, a Web site notice must be posted prior to the meeting.

4.8 Sec. 4. Minnesota Statutes 2008, section 13D.021, subdivision 1, is amended to read:

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

4.12 (1) the presiding officer, chief legal counsel, or chief administrative officer for
4.13 the affected ~~governing~~ public body determines that an in-person meeting or a meeting
4.14 conducted under section 13D.02 is not practical or prudent because of a health pandemic
4.15 or an emergency declared under chapter 12;

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

4.18 (3) members of the public present at the regular meeting location of the body
4.19 can hear all discussion and testimony and all votes of the members of the body, unless
4.20 attendance at the regular meeting location is not feasible due to the health pandemic or
4.21 emergency declaration;

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

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

4.27 Sec. 5. Minnesota Statutes 2008, section 13D.021, subdivision 4, is amended to read:

4.28 Subd. 4. **Notice of regular and all member sites.** If telephone or another electronic
4.29 means is used to conduct a regular, special, or emergency meeting, the public body
4.30 shall provide notice of the regular meeting location, of the fact that some members may
4.31 participate by telephone or other electronic means, and of the provisions of subdivision 3.
4.32 The timing and method of providing notice is governed by section 13D.04 of the Open
4.33 Meeting Law. If the public body has a Web site, a Web site notice must be posted prior
4.34 to the meeting.

5.1 Sec. 6. Minnesota Statutes 2008, section 13D.04, is amended to read:

5.2 **13D.04 NOTICE OF MEETINGS.**

5.3 Subdivision 1. **Regular meetings.** A schedule of the regular meetings of a public
5.4 body shall be kept on file at its primary offices. A schedule of the regular meetings must
5.5 be posted on the public body's Web site, or if there is no Web site, published annually in a
5.6 newspaper of general circulation within the area of the public body's authority. If a public
5.7 body decides to hold a regular meeting at a time or place different from the time or place
5.8 stated in its schedule of regular meetings, it shall give the same notice of the meeting that
5.9 is provided in this section for a special meeting.

5.10 Subd. 2. **Special meetings.** (a) For a special meeting, except an emergency meeting
5.11 or a special meeting for which a notice requirement is otherwise expressly established by
5.12 statute, the public body shall post written notice of the date, time, place, and purpose of
5.13 the meeting on the principal bulletin board of the public body, or if the public body has
5.14 no principal bulletin board, on the door of its usual meeting room. When the principal
5.15 bulletin board or door of the public body's usual meeting room is not generally accessible
5.16 to the public, the public body must post the notice in an area available for public viewing.
5.17 If the public body has a Web site, the public body must post notice of the date, time, place,
5.18 and purpose of the special meeting on the Web site. The notice must be posted on the
5.19 principal bulletin board or usual meeting room door and the Web site, if applicable, at
5.20 least three business days before the date of the meeting.

5.21 (b) The notice shall also be mailed or otherwise delivered to each person who has
5.22 filed a written request for notice of special meetings with the public body. This notice
5.23 shall be ~~posted and~~ mailed or delivered at least three business days before the date of the
5.24 meeting.

5.25 (c) As an alternative to mailing or otherwise delivering notice to persons who have
5.26 filed a written request for notice of special meetings, the public body may publish the
5.27 notice once, at least three business days before the meeting, in the official newspaper of
5.28 the public body or, if there is none, in a qualified newspaper of general circulation within
5.29 the area of the public body's authority.

5.30 (d) A person filing a request for notice of special meetings may limit the request to
5.31 notification of meetings concerning particular subjects, in which case the public body is
5.32 required to send notice to that person only concerning special meetings involving those
5.33 subjects.

5.34 (e) A public body may establish an expiration date for requests for notices of special
5.35 meetings pursuant to this subdivision and require refiling of the request once each year.

6.1 (f) Not more than 60 days before the expiration date of a request for notice, the
 6.2 public body shall send notice of the refiling requirement to each person who filed during
 6.3 the preceding year.

6.4 Subd. 3. **Emergency meetings.** (a) For an emergency meeting, the public body shall
 6.5 make good faith efforts to provide notice of the meeting to each news medium that has filed
 6.6 a written request for notice if the request includes the news medium's telephone number.

6.7 (b) Notice of the emergency meeting shall be given by telephone or by any other
 6.8 method used to notify the members of the public body.

6.9 (c) Notice shall be provided to each news medium which has filed a written request
 6.10 for notice as soon as reasonably practicable after notice has been given to the members.

6.11 (d) Notice shall include the subject of the meeting. Posted or published notice of
 6.12 an emergency meeting is not required unless the public body has a Web site and has the
 6.13 ability to post the notice on its Web site prior to the meeting.

6.14 (e) An "emergency" meeting is a special meeting called because of circumstances
 6.15 that, in the judgment of the public body, require immediate consideration by the public
 6.16 body.

6.17 (f) If matters not directly related to the emergency are discussed or acted upon at
 6.18 an emergency meeting, the minutes of the meeting shall include a specific description
 6.19 of the matters.

6.20 (g) The notice requirement of this subdivision supersedes any other statutory notice
 6.21 requirement for a special meeting that is an emergency meeting.

6.22 Subd. 4. **Recessed or continued meetings.** (a) If a meeting is a recessed or
 6.23 continued session of a previous meeting, and the time and place of the meeting was
 6.24 established during the previous meeting and recorded in the minutes of that meeting, then
 6.25 no further published or mailed notice is necessary.

6.26 (b) For purposes of this subdivision, the term "meeting" includes a public hearing
 6.27 conducted pursuant to chapter 429 or any other law or charter provision requiring a public
 6.28 hearing by a public body.

6.29 Subd. 5. **Closed meetings.** The notice requirements of this section apply to closed
 6.30 meetings.

6.31 Subd. 6. **State agencies.** For a meeting of ~~an agency, board, commission, or~~
 6.32 ~~department of the state~~ a public body:

6.33 (1) the notice requirements of this section apply only if a statute governing meetings
 6.34 of the ~~agency, board, or commission~~ public body does not contain specific reference to the
 6.35 method of providing notice; and

7.1 (2) all provisions of this section relating to publication are satisfied by publication in
7.2 the State Register and on the agency's Web site.

7.3 Subd. 7. **Actual notice.** If a person receives actual notice of a meeting of a public
7.4 body at least 24 hours before the meeting, all notice requirements of this section are
7.5 satisfied with respect to that person, regardless of the method of receipt of notice.