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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4413

02/28/2024 Authored by Koegel, Coulter and Bahner The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to the Open Meeting Law; amending requirements for interactive
1.3 technology use for advisory public bodies; amending Minnesota Statutes 2022,
1.4 sections 13D.001, subdivision 1, by adding a subdivision; 13D.02, subdivision 4,
1.5 by adding a subdivision; Minnesota Statutes 2023 Supplement, section 13D.02,
1.6 subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2022, section 13D.001, subdivision 1, is amended to read:

1.9 Subdivision 1. **Applicability.** For the purposes of this chapter, the ~~term~~ terms defined
1.10 in this section ~~has~~ have the ~~meaning~~ meanings given.

1.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.12 Sec. 2. Minnesota Statutes 2022, section 13D.001, is amended by adding a subdivision to
1.13 read:

1.14 Subd. 1a. **Advisory public body.** "Advisory public body" means a public body comprised
1.15 entirely of appointed members and not including elected officials.

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 Sec. 3. Minnesota Statutes 2023 Supplement, section 13D.02, subdivision 1, is amended
1.18 to read:

1.19 Subdivision 1. **Conditions.** (a) Except as provided in subdivision 1b, a meeting governed
1.20 by this section and section 13D.01, subdivisions 1, 2, 4, and 5, ~~and this section~~ may be
1.21 conducted by interactive technology so long as:

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

2.4 (2) members of the public present at the regular meeting location of the body can hear
 2.5 and see all discussion and testimony and all votes of members of the body;

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

2.7 (4) all votes are conducted by roll call so each member's vote on each issue can be
 2.8 identified and recorded; and

2.9 (5) each location at which a member of the body is present is open and accessible to the
 2.10 public.

2.11 (b) A meeting satisfies the requirements of paragraph (a), although a member of the
 2.12 public body participates from a location that is not open or accessible to the public, if the
 2.13 member has not participated more than three times in a calendar year from a location that
 2.14 is not open or accessible to the public, and:

2.15 (1) the member is serving in the military and is at a required drill, deployed, or on active
 2.16 duty; or

2.17 (2) the member has been advised by a health care professional against being in a public
 2.18 place for personal or family medical reasons.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.20 Sec. 4. Minnesota Statutes 2022, section 13D.02, is amended by adding a subdivision to
 2.21 read:

2.22 **Subd. 1b. Advisory public body; conditions.** (a) A meeting of an advisory public body
 2.23 governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, may be conducted
 2.24 by interactive technology so long as:

2.25 (1) all members participating in the meeting, wherever their physical location, can hear
 2.26 and see one another and can hear and see all discussion and testimony presented at any
 2.27 location at which at least one member is present;

2.28 (2) members of the public, wherever their physical location, can hear and see all
 2.29 discussion and testimony and all votes of members of the body;

2.30 (3) members of the public, wherever their physical location, may provide testimony
 2.31 when opportunities for testimony are offered as a part of the meeting agenda;

3.1 (4) at least one member of the body is physically present at the regular meeting location;

3.2 (5) all votes are conducted by roll call so each member's vote on each issue can be
 3.3 identified and recorded;

3.4 (6) each location at which a member is present is publicly noticed in accordance with
 3.5 subdivision 4; and

3.6 (7) each member participating via interactive technology has participated remotely in
 3.7 no more than half of the meetings of the body during the shorter of the following time
 3.8 periods:

3.9 (i) the previous 12 months; or

3.10 (ii) the period during which the member has served on the advisory public body.

3.11 (b) A meeting of an advisory public body satisfies the requirements of paragraph (a),
 3.12 although a member of the body participates from a location that is not publicly noticed, if
 3.13 the member has not participated more than three times in a calendar year from a location
 3.14 that is not publicly noticed and:

3.15 (1) the member is serving in the military and is at a required drill, deployed, or on active
 3.16 duty; or

3.17 (2) the member has been advised by a health care professional against being in a public
 3.18 place for personal or family medical reasons.

3.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.20 Sec. 5. Minnesota Statutes 2022, section 13D.02, subdivision 4, is amended to read:

3.21 Subd. 4. **Notice of regular and all member locations.** If interactive technology is used
 3.22 to conduct a regular, special, or emergency meeting, the public body shall provide notice
 3.23 of the regular meeting location and notice of any location where a member of the public
 3.24 body will be participating in the meeting by interactive technology, except for the locations
 3.25 of members participating pursuant to subdivision 1, paragraph (b), or 1b, paragraph (b).
 3.26 The timing and method of providing notice must be as described in section 13D.04.

3.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.