

## Minn. Stat. § 13D.01

This document is current with legislation through the end of the 2022 Regular Session.

**LexisNexis® Minnesota Annotated Statutes > Meetings of Public Bodies (Ch. 13D) > Chapter 13D. Open Meeting Law (§§ 13D.001 — 13D.08)**

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

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**Subdivision 1. In executive branch, local government.** — All meetings, including executive sessions, must be open to the public

- (a) of a state
  - (1) agency,
  - (2) board,
  - (3) commission, or
  - (4) department, when required or permitted by law to transact public business in a meeting;
- (b) of the governing body of a
  - (1) school district however organized,
  - (2) unorganized territory,
  - (3) county,
  - (4) statutory or home rule charter city,
  - (5) town, or
  - (6) other public body;
- (c) of any
  - (1) committee,
  - (2) subcommittee,
  - (3) board,
  - (4) department, or
  - (5) commission, of a public body; and
- (d) of the governing body or a committee of:
  - (1) a statewide public pension plan defined in section 356A.01, subdivision 24; or
  - (2) a local public pension plan governed by sections 69.771 to 69.775, or chapter 354A, or sections 31 to 42.

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

- (1) to meetings of the commissioner of corrections;
- (2) to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings; or
- (3) as otherwise expressly provided by statute.

**Subd. 3. Subject of and grounds for closed meeting.** — Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

**Subd. 4. Votes to be kept in journal or minutes.**

(a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal or minutes.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

**Subd. 5. Public access to journal and minutes .** —The journal or any minutes used to record votes of a meeting subject to this chapter must be open to the public during all normal business hours where records of the public body are kept.

**Subd. 6. Public copy of members' materials.**

(a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and:

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

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

(3) available in the meeting room to all members; shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.

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

## History

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1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2001 c 10 art 4 s 1; 2010 c 359 art 12 s 3; 1Sp2011 c 8 art 8 s 2; 2013 c 111 art 5 s 4; 2021 c 14, s 2, 3, effective August 1, 2021.

## Annotations

## Notes

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### Editor's Notes

The amendment to subdivision 1 by Laws 2011, *First Special Session chapter 8, article 8, section 2*, is effective contingent on the approvals in Laws 2011, *First Special Session chapter 8, articles 6, section 19*, and 7, section 19. Laws 2011, *First Special Session chapter 8, article 8, section 14*. Laws 2011 article 8 section 14 of 1Sp8 provides, "(a) This article is effective with respect to the Minneapolis Firefighters Relief Association on the date on which the article relating to the Minneapolis Firefighters Relief Association is effective. (b) This article is effective with respect to the Minneapolis Police Relief Association on the date on which the article relating to the Minneapolis Police Relief Association is effective."

### Effective Dates



## Minn. Stat. § 13D.02

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**LexisNexis® Minnesota Annotated Statutes > Meetings of Public Bodies (Ch. 13D) > Chapter 13D. Open Meeting Law (§§ 13D.001 — 13D.08)**

### **13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.**

#### **Subdivision 1. Conditions.**

(a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location;
- (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and
- (5) each location at which a member of the body is present is open and accessible to the public.

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

- (1) the member is serving in the military and is at a required drill, deployed, or on active duty; or
- (2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

**Subd. 1a. Meeting exception.** — This section applies to meetings of entities described in section 13D.01, subdivision 1, except meetings of:

- (1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and
- (2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

**Subd. 2. Members are present for quorum, participation.** — Each member of a body participating in a meeting by interactive technology is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

**Subd. 3. Monitoring from remote site.** — If interactive technology is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location.

**Subd. 4. Notice of regular and all member locations.** — If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any location where a member of the public body will be participating in the meeting by

interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b). The timing and method of providing notice must be as described in section 13D.04.

**Subd. 6. Record.** — The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive technology and state the reason or reasons for the appearance by interactive technology.

## History

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1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2011 c 11 art 2 s 1; 2019 c 33, s 1-3, effective August 1, 2019; 2020 c 74, art 1 s 1, effective April 15, 2020; 2021 c 14, s 5, effective May 7, 2021.

### Annotations

## LexisNexis® Notes

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## Notes

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### Effective Dates

The 2011 amendment is effective retroactively from July 1, 2011.

### Amendment Notes

The 2011 amendment added 5.

The 2019 amendment by chapter 33, added the 1.(a) designation; and added 1.(b); substituted "interactive television" for "electronic means" in 2.; and added 6.

The 2020 amendment, in 1.(a), added (4) and redesignated former (4) as (5); in 1.(b), added "the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and" in the introductory paragraph, substituted "or on active duty; or" for "or on active duty; and" at the end of (1); and substituted "he member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency" for "the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public" in (2); and made a related change.

The 2021 amendment rewrote the section heading; substituted "technology so long as" for "television so long as" in the introductory language of 1.(a); added 1a.; substituted "technology" for "television" in 2.; deleted "costs" at the end of the subsection heading of 3.; in 3., substituted "technology" for "television" in the first sentence and deleted the former second sentence; substituted "locations" for "site" in the subsection heading of 4.; in the first sentence of 4., substituted "technology" for "television," "location where a member" for "site where a member" and "interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b)" for "interactive television"; deleted former 5.; and substituted "technology" for "television" twice in 6.

## Case Notes

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**Notes to Unpublished Decisions****Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation****Governments: Legislation: Statutes of Limitations: Time Limitations****Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation**

*Unpublished decision:* Township board member's claims alleging a violation of the Open Meeting Law, *Minn. Stat. §§ 13D.01-.08* were barred in part by a two-year statute of limitations, *Minn. Stat. § 541.07(2)*, and in part because a discussion reflected in two e-mail messages was not a "meeting" subject to the requirements of the Open Meeting Law. *O'Keefe v. Carter, 2012 Minn. App. Unpub. LEXIS 1248 (Minn. Ct. App. Dec. 31, 2012)*.

**Governments: Legislation: Statutes of Limitations: Time Limitations**

*Unpublished decision:* Township board member's claims alleging a violation of the Open Meeting Law, *Minn. Stat. §§ 13D.01-.08* were barred in part by a two-year statute of limitations, *Minn. Stat. § 541.07(2)*, and in part because a discussion reflected in two e-mail messages was not a "meeting" subject to the requirements of the Open Meeting Law. *O'Keefe v. Carter, 2012 Minn. App. Unpub. LEXIS 1248 (Minn. Ct. App. Dec. 31, 2012)*.

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## Remote Appearance at Charter Commission Meetings

We are only doing for council now. Technically, since you are independent if we allocated staff resources to make it happen we could legally do it. But, you and the Charter would owe us one.

☺

If I'm able to get resources pulled together, the location of the person must be posted 72 hours in advance and they have to be in a public location (like a hotel lobby or something not a private room is generally how we've interpreted).

I'm headed to a meeting but can send you to LMC where they have statute reference should you want to review.

I am willing to check with our IT staff first thing Monday if you have interest still. I won't commit to the IT but will take a serious look. I think with 72 hour notice it could be possible. It is a pretty heavy lift for our IT to do it well so I'd rather not make it a regular habit but again will check.