

Draft Meeting Rules (Forwarded for Legal Review)¹

Version: 1.00
Effective Date: 00/00/2020
Approval: Meeting Minutes of XXXXX XX, 2020

General Rules of Order

The rules in the most current edition of *Robert's Rules of Order Newly Revised* (RONR)² govern Minnesota Sentencing Guidelines Commission meetings in all cases to which they are applicable and in which they are not inconsistent with the law, Minnesota Administrative Rules, any bylaws the Commission may adopt, and the following special rules of order.

Special Rules of Order

Rule 1. Quorum. Six Commission members constitute a quorum.³

Rule 2. Agenda. The Chair sets the agenda of a regular Commission meeting. The Executive Director sends out the Chair's agenda, together with any materials a Commission member has asked to be circulated to the Commission, to Commission members by email at least seven days before the meeting. The Commission may amend the agenda before adopting it at the outset of the meeting. The agenda must designate as "action" items those items for which a motion may be made; other items may be designated as "discussion" or "information" items.

¹ Footnotes are to help the Commission draft meeting rules, and should be deleted from the final version. The Commission authorized these draft meeting rules to be forwarded for legal review on April 9, 2020.

² These are the most standard meeting rules in current use. They are designed to protect the will of the majority, the voice of the minority, and the orderliness and efficiency of meetings.

³ "A quorum means a majority of the members of the commission." [Minn. R. 3000.0600](#), Amendment Adoption. Does "members" mean only filled seats, or does it mean the 11 statutory members that comprise the Commission? ("There is hereby established the Minnesota Sentencing Guidelines Commission which shall be comprised of 11 members." [Minn. Stat. § 244.09, subd. 1.](#)) If a quorum were a majority of filled seats, then a quorum would be six even in the event of an empty seat. If there were two empty seats, then a quorum would be five, which would theoretically mean that three members could change statewide sentencing policy. A quorum of six requires the concurrence of at least four members for such action. A potential negative effect of a fixed quorum is to limit the Commission's ability to do work if appointing authorities do not fill vacancies. On the other hand, an appointing authority could not likely shut down the Commission by refusing to fill vacancies, because appointed members continue to serve until a successor qualifies. This rule also lessens unintentional Open Meeting Law violations, which can occur when a quorum of people gathers to talk about Commission business, and are therefore more likely with a small quorum.

Rule 3. First-Reading Rule. A motion to modify the Sentencing Guidelines is out of order, and therefore no action may be taken, unless the members were notified at least seven days before the meeting that such action might be taken at the meeting and the Commission has discussed the modifications, or a similar or prior version of the proposal, at a different Commission meeting within the previous two regular meetings.⁴

Rule 4. Exceptions to First-Reading Rule. Rule 3 does not apply to action mandated or authorized by the Legislature, nor to Guidelines modifications relating to a crime created or amended by the Legislature in the preceding session.⁵

Rule 5. Small-Board Rules. RONR’s small-board rules apply, except that a motion requires a second unless it is subject to unanimous-consent procedure.⁶

Rule 6. Friendly Amendments. A motion that has not yet been acted on by the Commission may be changed by friendly amendment—that is, an amendment acceptable both to the original maker of the motion and its second—without a vote of the Commission.⁷

Rule 7. Open Meeting Law. Procedures permitted or required by the Minnesota Open Meeting Law ([Minnesota Statutes chapter 13D](#)), such as procedures for telephonic meetings and special meetings, supersede RONR.⁸

⁴ This is intended to be the “first reading rule”: Nothing significant may pass at the first meeting where it is brought up. Also, there must be some notice to the Commission members—presumably via the agenda, but possibly through materials from another member—that it’s going to be brought up at a particular meeting. Exceptions are found in the next rule. The rule applies only to a “main motion”; it does not apply to a motion to amend the main motion.

⁵ A typical June meeting consists of response to fresh legislation that must be acted upon immediately to take effect by August 1.

⁶ RONR’s small-board rules permit greater informality (e.g., speakers may remain seated) and chair participation, consistent with past practice. On the other hand, under small-board rules, a motion does not require a second, which the Commission has historically required—except for motions where there is no objection, such as a motion to adjourn.

⁷ RONR does not permit friendly amendments, but requires the body to vote on it like any other amendment. The Commission has historically permitted friendly amendments.

⁸ RONR does not allow for telephonic meetings unless the organization’s rules specially govern them. This rule permits telephonic meetings when the procedures in the Open Meeting Law are followed. See [Minn. Stat. § 13D.015](#).

Rule 8. Amending or Suspending Rules. A motion to amend these meeting rules or to suspend a rule of order requires a two-thirds vote.⁹

Rule 9. Public Hearings. Public hearings are governed by [Minnesota Rules chapter 3000](#) rather than RONR. The Commission will take no official action at a public hearing other than such procedural action, governed by the presiding officer, as may be necessary to facilitate the purposes of the public hearing. No quorum is required for a public hearing.¹⁰

Construction

These rules concern, and shall be strictly construed as concerning, only the internal management of the Minnesota Sentencing Guidelines Commission. These rules do not directly affect the rights of or procedures available to the public. ([Minn. Stat. § 14.03, subd. 3\(1\).](#))¹¹

History

Version	Description	Date
1.00	Draft Meeting Rules approved by the Attorney General ¹²	00/00/2020
1.00	Meeting Rules adopted by the Commission	00/00/2020

Contact

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⁹ This means that rule suspension could be blocked by 4 members (if 9, 10, or 11 members were present) or 3 members (if 6, 7, or 8 members were present), as illustrated in the following table:

Quorum Present	Majority Vote (Adopt Motions)		Two-Thirds Vote (Suspend Rules)	
	Votes to Pass	Votes to Block	Votes to Pass	Votes to Block
11	6	6	8	4
10	6	5	7	4
9	5	5	6	4
8	5	4	6	3
7	4	4	5	3
6	4	3	4	3

¹⁰ This rule is intended to be consistent with past practice.

¹¹ This clarifies why these meeting rules are not “rules” within the meaning of the Administrative Procedures Act.

¹² It is assumed that the Commission will want the AG’s office to review these rules before final adoption.