MINNESOTA
SENTENCING GUIDELINES COMMISSION

Meeting Rules

Version: 1.00
Effective Date: 05/07/2020
Approval: Meeting Minutes of May 7, 2020

General Rules of Order

The rules in the most current edition of *Robert's Rules of Order Newly Revised* (RONR) 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. 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.

Rule 2. 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.

Rule 3. Exceptions to First-Reading Rule. Rule 2 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.

Rule 4. Small-Board Rules. RONR's small-board rules apply, except that a motion requires a second unless it is subject to unanimous-consent procedure.

Rule 5. 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.

Rule 6. 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.

Rule 7. Amending or Suspending Rules. A motion to amend these meeting rules or to suspend a rule of order requires a two-thirds vote.

Rule 8. 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.

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).)

History

Version	Description	Date
1.00	Draft Meeting Rules approved by the Attorney General	04/29/2020
1.00	Meeting Rules adopted by the Commission	05/09/2020

Contact

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CHAPTER 3000
SENTENCING GUIDELINES COMMISSION
SENTENCING GUIDELINES

3000.0100 PURPOSE AND SCOPE.
3000.0200 NOTICE OF HEARING.
3000.0300 CONDUCT OF HEARINGS.
3000.0400 RECEIPT OF WRITTEN MATERIALS.
3000.0500 HEARING RECORD.
3000.0600 AMENDMENT ADOPTION.

3000.0100 PURPOSE AND SCOPE.

The procedures contained in parts 3000.0100 to 3000.0600 govern the promulgation of the sentencing guidelines, including any modifications of severity levels and criminal history scores.

Statutory Authority: *MS s 244.09*

History: *10 SR 1267*

Published Electronically: *May 9, 1997*

3000.0200 NOTICE OF HEARING.

The Sentencing Guidelines Commission shall maintain a list of all persons who have registered with the commission for the purpose of receiving notice on proposed amendments to the sentencing guidelines. The commission may inquire as to whether those persons on the list wish to maintain their names on the list and may remove names for which there is a negative reply or no reply within 60 days. The commission shall, at least 30 days before the date set for the hearing, give notice of its intention to amend the sentencing guidelines by United States mail to all persons on its list, and by publication in the State Register. The mailed notice and the notice in the State Register must include a copy of the proposed amendments or a brief description of the nature and effect of the proposed changes.

Statutory Authority: *MS s 244.09*

History: *10 SR 1267*

Published Electronically: *May 9, 1997*

3000.0300 CONDUCT OF HEARINGS.

Subpart 1. **Proposed amendment proceedings.** A hearing on proposed amendments to the sentencing guidelines, including any modifications of severity levels and criminal history scores, must proceed substantially in the manner specified in this part.

Subp. 2. **Registration of participants.** A person intending to testify regarding proposed amendments to the sentencing guidelines shall register with the commission before testifying by writing his or her name, address, telephone number, and the names of any individuals or associations that the person represents in connection with the hearing on a register to be provided by the commission. Persons may indicate to the commission in writing their desire to be informed of the date on which the proposed amendments will be considered for adoption at a public hearing under part 3000.0600.

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Subp. 3. **Notice of procedures at hearing.** The chair of the Sentencing Guidelines Commission shall convene the hearing at the proper time and shall explain to all persons present the purpose of the hearing and the procedure to be followed at the hearing. The chair of the commission shall notify all persons present that the record will remain open for five calendar days following the hearing for receipt of written comments concerning the proposed amendments. The commission shall give due consideration to all comments received within the five-day comment period.

Subp. 4. **Proposed amendments.** The commission shall make copies of the proposed amendments available at the hearing.

Subp. 5. **Opportunity for questions.** Interested persons must be given an opportunity to address questions to the commission, its staff, or witnesses. The commission or its staff may question interested persons making oral statements. The questioning may extend to an explanation of the purpose of intended operation of a proposed amendment to the sentencing guidelines, or may be conducted for other purposes if material to evaluation or formulation of the proposed amendments.

Subp. 6. **Opportunity for presenting statements.** Interested persons must be given an opportunity to present oral and written statements regarding the proposed amendments to the sentencing guidelines.

Subp. 7. **Record of hearing.** The commission shall make an audio recording of the hearing.

Statutory Authority: *MS s 244.09*

History: *10 SR 1267; 17 SR 1279*

Published Electronically: *May 9, 1997*

3000.0400 RECEIPT OF WRITTEN MATERIALS.

The Sentencing Guidelines Commission shall allow written materials to be submitted and recorded in the hearing record for a period of five calendar days after the public hearing under part 3000.0500 ends, or for a longer period if the commission so orders.

Statutory Authority: *MS s 244.09*

History: *10 SR 1267*

Published Electronically: *May 9, 1997*

3000.0500 HEARING RECORD.

The record must be closed upon the last date for receipt of written materials under part 3000.0400. The record includes:

A. the notice of hearing as mailed;

B. a copy of the State Register containing the notice of hearing;

C. the names of persons who testify with respect to the proposed amendments to the sentencing guidelines;

D. copies of all publications in the State Register pertaining to the proposed amendments to the sentencing guidelines;

E. all written statements, comments, and materials received by the commission relating to the proposed amendments to the sentencing guidelines;

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F. the audio recording of the hearing under part 3000.0300; and

G. a copy of the proposed amendments to the sentencing guidelines as heard at the hearing under part 3000.0300.

Statutory Authority: *MS s 244.09*

History: *10 SR 1267*

Published Electronically: *May 9, 1997*

3000.0600 AMENDMENT ADOPTION.

Subpart 1. **Adoption.** After holding the hearing required under part 3000.0300 and expiration of the written comment period under part 3000.0400, the Sentencing Guidelines Commission may, by a majority vote of a quorum of the commission present, adopt proposed amendments to the sentencing guidelines. A quorum means a majority of the members of the commission.

Subp. 2. **Notice.** The commission shall provide all persons listed with the commission under part 3000.0200 and all persons requesting notification under part 3000.0300, subpart 2, with notice of the adoption hearing by United States mail.

Subp. 3. **Effective date.** All proposed amendments to the sentencing guidelines that do not have to be submitted to the legislature are effective on the date ordered by the commission.

Statutory Authority: *MS s 244.09*

History: *10 SR 1267*

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

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 424A.091 to 424A.096, or chapter 354A, or Laws 2013, chapter 111, article 5, 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: *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 2,14; 2013 c 111 art 5 s 4,80; 2021 c 14 s 2,3*

13D.015 STATE ENTITY MEETINGS BY TELEPHONE OR INTERACTIVE TECHNOLOGY.

Subdivision 1. **Application.** This section applies to:

(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. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or interactive technology so long as the following conditions are met:

(1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;

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

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

Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting by telephone or interactive technology is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4. **Monitoring from remote site.** If telephone or interactive technology is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location.

Subd. 5. **Notice.** If telephone or interactive technology is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by interactive technology, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section 13D.04. In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section 13D.04, subdivision 1.

History: *2009 c 80 s 1; 2012 c 290 s 63; 2021 c 14 s 4*

13D.04 NOTICE OF MEETINGS.

Subdivision 1. **Regular meetings.** A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this section for a special meeting.

Subd. 2. **Special meetings.** (a) For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room.

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

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

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

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

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

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

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

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

(d) Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting is not required.

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

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

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

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

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

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

Subd. 6. **State agencies.** For a meeting of an agency, board, commission, or department of the state required or permitted by law to transact public business in a meeting:

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

(2) all provisions of this section relating to publication are satisfied by publication in the State Register or posting on the website of the agency, board, commission, or department; and

(3) a schedule of the regular meetings shall be kept on file at the primary offices or posted on the website of the agency, board, commission, or department.

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

History: *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; 2014 c 274 s 1*