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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1710

02/13/2023

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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 state government; requiring procedures for when the legislative  
1.3 commission on cybersecurity holds closed meetings; amending Minnesota Statutes  
1.4 2022, section 3.888, subdivision 5, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision  
1.7 to read:

1.8 Subd. 1a. **Definition.** (a) For purposes of this section, the following term has the meaning  
1.9 given.

1.10 (b) "Closed meeting records" means the recordings, minutes, documents, and member  
1.11 voting records, if any, from a closed meeting by the commission.

1.12 Sec. 2. Minnesota Statutes 2022, section 3.888, subdivision 5, is amended to read:

1.13 Subd. 5. **Meetings.** The commission must meet at least three times per calendar year.  
1.14 The meetings of the commission are subject to section 3.055, except that the commission  
1.15 may close a meeting when necessary to safeguard the state's cybersecurity. ~~The minutes,~~  
1.16 ~~recordings, and documents from a closed meeting under this subdivision~~ Closed meeting  
1.17 records shall be maintained by the Legislative Coordinating Commission and shall not be  
1.18 made available to the public until at least eight years but no more than 20 years after the  
1.19 date of the closed meeting.

2.1 Sec. 3. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 5a. **Closed meetings procedures.** The commission must adopt procedures for  
2.4 conducting closed meetings before the commission's first closed meeting. At a minimum,  
2.5 the procedures must include:

2.6 (1) a requirement to provide notice to the public, when practicable, before each closed  
2.7 meeting of the commission's intent and authority to hold a closed meeting, or to hold a  
2.8 closed session during an otherwise open meeting;

2.9 (2) a requirement that the commission minimize the number of people present at a closed  
2.10 meeting to those necessary to conduct the meeting;

2.11 (3) steps the commission must take if a commission member is alleged to have violated  
2.12 the confidentiality of a closed meeting; and

2.13 (4) guidance for the Legislative Coordinating Commission for the public release of  
2.14 closed meeting records following the eight year record requirement in subdivision 5. The  
2.15 meetings of the Legislative Coordinating Commission under this subdivision are exempt  
2.16 from section 3.055 when necessary to safeguard the confidentiality of closed meeting records.

2.17 Sec. 4. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to  
2.18 read:

2.19 Subd. 5b. **Alleged member closed meeting confidentiality violations.** Notwithstanding  
2.20 any law to the contrary, if a complaint alleging a member violated the confidentiality of a  
2.21 closed meeting is brought to a legislative committee with jurisdiction over ethical conduct,  
2.22 the committee with jurisdiction over ethical conduct must preserve the confidentiality of  
2.23 the closed meeting at issue.