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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1784

04/17/2013 Authored by Dorholt, Zerwas, Freiberg, Hortman, Runbeck and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to local government; providing publishing alternatives to legal
1.3 newspapers; amending Minnesota Statutes 2012, sections 10.60, subdivisions
1.4 1, 2, 4; 331A.03, subdivision 1, by adding subdivisions; 645.11; 645.12,
1.5 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter
1.6 331A; repealing Minnesota Statutes 2012, section 331A.03, subdivisions 2, 3.

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

1.8 Section 1. Minnesota Statutes 2012, section 10.60, subdivision 1, is amended to read:

1.9 Subdivision 1. **Definitions.** For purposes of this section:

1.10 (1) "political subdivision" means a county, statutory or home rule charter city, town,
1.11 school district, or other ~~municipal corporation~~ local political subdivision or local or area
1.12 district, commission, board, or authority, and the Metropolitan Council and a metropolitan
1.13 or regional agency;

1.14 (2) "publication" means a document printed with public money by an elected
1.15 or appointed official of a state agency or political subdivision that is intended to be
1.16 distributed publicly outside of the state agency or political subdivision;

1.17 (3) "state agency" means an entity in the executive, judicial, or legislative branch
1.18 of state government; and

1.19 (4) "Web site" means a site maintained on the World Wide Web that is available for
1.20 unrestricted public access and that is maintained with public money by an elected or
1.21 appointed official of a state agency or political subdivision.

1.22 Sec. 2. Minnesota Statutes 2012, section 10.60, subdivision 2, is amended to read:

1.23 Subd. 2. **Purpose of Web site and publications.** The purpose of a Web site and
1.24 a publication must be to provide information about the duties and jurisdiction of a state

2.1 agency or political subdivision or to facilitate access to public services and information
 2.2 related to the responsibilities or functions of the state agency or political subdivision,
 2.3 including the posting of notices by a political subdivision that would otherwise need to be
 2.4 published in a newspaper. A political subdivision may also agree to provide the same type
 2.5 of information on behalf of another political subdivision that does not have its own Web site.

2.6 Sec. 3. Minnesota Statutes 2012, section 10.60, subdivision 4, is amended to read:

2.7 Subd. 4. **Permitted material.** (a) Material specified in this subdivision may
 2.8 be included on a Web site or in a publication, but only if the material complies with
 2.9 subdivision 2. This subdivision is not a comprehensive list of material that may be
 2.10 contained on a Web site or in a publication, if the material complies with subdivision 2.

2.11 (b) A Web site or publication may include biographical information about an elected
 2.12 or appointed official, a single official photograph of the official, and photographs of the
 2.13 official performing functions related to the office. There is no limitation on photographs,
 2.14 Webcasts, archives of Webcasts, and audio or video files that facilitate access to
 2.15 information or services or inform the public about the duties and obligations of the office or
 2.16 that are intended to promote trade or tourism. A state Web site or publication may include
 2.17 photographs or information involving civic or charitable work done by the governor's
 2.18 spouse, provided that these activities relate to the functions of the governor's office.

2.19 (c) A Web site or publication may include press releases, proposals, policy positions,
 2.20 and other information directly related to the legal functions, duties, and jurisdiction of a
 2.21 public official or organization. A Web site may also be used for the posting of notices that
 2.22 would otherwise be required to be published in a newspaper.

2.23 (d) The election-related Web site maintained by the Office of the Secretary of State
 2.24 shall provide links to:

2.25 (1) the campaign Web site of any candidate for legislative, constitutional, judicial,
 2.26 or federal office who requests or whose campaign committee requests such a link and
 2.27 provides in writing a valid URL address to the Office of the Secretary of State; and

2.28 (2) the Web site of any individual or group advocating for or against or providing
 2.29 neutral information with respect to any ballot question, where the individual or group
 2.30 requests such a link and provides in writing a valid Web site address and valid e-mail
 2.31 address to the Office of the Secretary of State.

2.32 These links must be provided on the election-related Web site maintained by the
 2.33 Office of the Secretary of State from the opening of filing for the office in question until
 2.34 the business day following the day on which the State Canvassing Board has declared the
 2.35 results of the state general election, or November 30 of the year in which the election has

3.1 taken place, whichever date is earlier. The link must be activated on the election-related
3.2 Web site maintained by the Office of the Secretary of State within two business days of
3.3 receipt of the request from a qualified candidate or committee.

3.4 Sec. 4. Minnesota Statutes 2012, section 331A.03, subdivision 1, is amended to read:

3.5 Subdivision 1. **Generally.** Except as provided in ~~subdivision 2~~ this section and
3.6 section 331A.12, a public notice shall be published in a qualified newspaper, and except
3.7 as otherwise provided by law, in one that is likely to give notice in the affected area or
3.8 to whom it is directed. When a statute or other law requires publication in a newspaper
3.9 located in a designated political subdivision or area and no qualified newspaper is located
3.10 there, publication shall be made in a qualified newspaper likely to give notice unless the
3.11 particular statute or law expressly provides otherwise. If no qualified newspaper exists,
3.12 then publication is not required.

3.13 Sec. 5. Minnesota Statutes 2012, section 331A.03, is amended by adding a subdivision
3.14 to read:

3.15 Subd. 2a. **Alternative notice options.** Except as provided in section 645.11,
3.16 subdivision 3, the governing body of a political subdivision required to provide published
3.17 notice under this section may, by resolution, determine to provide such notice in one
3.18 of the following manners: (a) by posting the notice on its designated Web site; (b) by
3.19 publishing the notice in a newsletter or similar printed means prepared by the public
3.20 body and delivered by mail or other means to each household within the public body's
3.21 jurisdiction; or (c) by inclusion of the notice in a free publication of general circulation or
3.22 distribution within the public body's jurisdiction, provided the publication does not charge
3.23 for publishing the public notice and the governing body determines that the publication is
3.24 likely to give better notice to residents than publication in a newspaper qualified under this
3.25 chapter. A governing body that provides notice by one of the alternative means provided
3.26 in this subdivision must publish one notice in its official newspaper informing the public
3.27 of where future notices that would otherwise be published in the newspaper can be found.

3.28 Sec. 6. Minnesota Statutes 2012, section 331A.03, is amended by adding a subdivision
3.29 to read:

3.30 Subd. 4. **Mailed copy.** A person may file a written request to receive a mailed copy
3.31 of any notice provided using an alternative method under subdivision 2a. The governing
3.32 body of a political subdivision using an alternative method under subdivision 2a may

4.1 impose a reasonable fee to cover the cost of printing, copying, and mailing any notice
 4.2 requested under this subdivision.

4.3 **Sec. 7. [331A.041] DESIGNATION OF OFFICIAL WEB SITE.**

4.4 The governing body of a political subdivision may designate a public Web site as its
 4.5 official Web site. The Web site must comply with the requirements of section 10.60. A
 4.6 public Web site maintained by another political subdivision may only be designated if the
 4.7 two entities enter into a written agreement regarding the terms of use of the Web site.

4.8 Sec. 8. Minnesota Statutes 2012, section 645.11, is amended to read:

4.9 **645.11 PUBLISHED NOTICE.**

4.10 Subdivision 1. **Qualified newspaper.** Unless otherwise specifically provided, the
 4.11 words "published notice," when used in reference to the giving of notice in any proceeding
 4.12 or the service of any summons, order, or process in judicial proceedings, mean the
 4.13 publication in full of the notice, or other paper referred to, in the regular issue of a qualified
 4.14 newspaper, once each week for the number of weeks specified. When the publication day
 4.15 of any newspaper falls upon Thanksgiving Day, or upon any legal holiday, the publication
 4.16 of notice in any proceeding or the publication of any summons, order, or process in
 4.17 judicial proceedings, may be made either the day before or the day after Thanksgiving
 4.18 Day, or such legal holiday. When the published notice contains a description of real estate
 4.19 which is located within the legal limits of any city, which city is situated in more than one
 4.20 county, such published notice may be published in any legal newspaper within such city.

4.21 Subd. 2. **Web site.** Except as provided in subdivision 3, whenever a political
 4.22 subdivision as defined in section 331A.01, subdivision 3, is required to provide published
 4.23 notice in an official newspaper or paper of general circulation within the public body, the
 4.24 publication requirement is satisfied if the public body posts the required notice on its
 4.25 designated official Web site for the time period required by the specific notice requirement.

4.26 Subd. 3. **Exception.** When published notice is required under the provisions of
 4.27 chapter 414, 429, or 462, or section 410.10, a political subdivision may not substitute the
 4.28 Web site posting authorized in subdivision 2 for the required publication in an official
 4.29 newspaper or one of general circulation within the political subdivision.

4.30 Sec. 9. Minnesota Statutes 2012, section 645.12, subdivision 1, is amended to read:

4.31 Subdivision 1. **Definition.** The term "posted notice," when used in reference to
 4.32 the giving of notice in any proceeding or the service of any summons, order, or process
 4.33 in judicial proceedings, means the posting, at the beginning of the prescribed period

5.1 of notice, of a copy of the notice or document referred to, in a manner likely to attract
5.2 attention, in each of three of the most public places in the ~~town, city, district, or county~~
5.3 political subdivision to which the subject matter of the notice relates, or in which the thing
5.4 of which notice is given is to occur or to be performed. When the governing body of a
5.5 political subdivision determines that posting places outside of its boundaries will better
5.6 serve the intent of notifying members of the public, use of such a posting place satisfies
5.7 the requirements of this section. The use of a designated official Web site may be used for
5.8 one of the required posting places.

5.9 Sec. 10. **REPEALER.**

5.10 Minnesota Statutes 2012, section 331A.03, subdivisions 2 and 3, are repealed.

331A.03 WHERE NOTICE PUBLISHED.

Subd. 2. **Exception; certain cities of the fourth class.** A public notice required to be published by a statutory or home rule charter city of the fourth class located in the metropolitan area defined in section 473.121, subdivision 2, is not required to be published in a qualified newspaper if there is no qualified nondaily newspaper of general circulation in the city, provided the notice is printed in a newsletter or similar printed means of giving notice that is prepared by the city and either mailed or delivered to each household in the city.

Subd. 3. **Alternative dissemination of bids and requests.** (a) In addition to or as an alternative to the statutory requirements for newspaper publication, a political subdivision may disseminate solicitations of bids, requests for information, and requests for proposals by a means authorized in paragraph (b), if the political subdivision simultaneously publishes, either as part of the minutes of a regular meeting of the governing body or in a separate notice published in the official newspaper, a description of all solicitations or requests so disseminated, along with the means by which the dissemination occurred.

(b) A political subdivision may use its Web site or recognized industry trade journals as an alternative means of dissemination. A dissemination by alternative means must be in substantially the same format and for the same period of time as a publication required by this chapter.

(c) For the first six months after a political subdivision designates an alternative means of dissemination, it must continue to publish solicitation of bids, requests for information, and requests for proposals in the official newspaper in addition to the alternative method. The publication in the official newspaper must indicate where to find the designated alternative method. After the expiration of the six-month period, an alternative means of dissemination satisfies the publication requirements of law for solicitation of bids, requests for information, and requests for proposals.