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State of Minnesota

HOUSE OF REPRESENTATIVES

THIRD SPECIAL SESSION

H. F. No. 4

08/12/2020 Authored by Nelson, M.; Freiberg and Masin
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 state government; providing certain grant extensions; permitting video
1.3 conferencing to satisfy the requirement to personally appear before a notarial
1.4 officer for certain conveyances; extending an effective date; requiring a report;
1.5 amending Laws 2014, chapter 211, section 13, as amended.

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

1.7 Section 1. Laws 2014, chapter 211, section 13, as amended by Laws 2015, First Special
1.8 Session chapter 1, article 7, section 1, Laws 2016, chapter 189, article 7, section 42, and
1.9 Laws 2017, chapter 94, article 12, section 1, is amended to read:

1.10 Sec. 13. EFFECTIVE DATE.

1.11 Sections 1 to 3 and 6 to 11 are effective July January 1, 2020 2022. Sections 4, 5, and
1.12 12 are effective July 1, 2014.

1.13 EFFECTIVE DATE. This section is effective retroactive from July 1, 2020. Until
1.14 January 1, 2022, any employee, employer, employee or employer organization, exclusive
1.15 representative, or any other person or organization aggrieved by an unfair labor practice as
1.16 defined in Minnesota Statutes, section 179A.13, may bring an action for injunctive relief
1.17 and for damages caused by the unfair labor practice in the district court of the county in
1.18 which the practice is alleged to have occurred. The application of this effective date shall
1.19 be retroactive.

2.1 **Sec. 2. REAL ESTATE DOCUMENT NOTARIZATION; APPEARANCE BY VIDEO**
2.2 **AUTHORIZED DURING PEACETIME PUBLIC HEALTH EMERGENCY.**

2.3 (a) During and for 60 days after the expiration of a peacetime public health emergency,
2.4 with respect to documents recorded pursuant to Minnesota Statutes, sections 507.24 and
2.5 507.27, the requirement to appear personally under Minnesota Statutes, section 358.56, is
2.6 deemed met when the notarial officer and the individual making the statement or executing
2.7 the signature, whether acting on behalf of themselves or in a representative capacity, are
2.8 not in the same location but are physically located within the state of Minnesota and
2.9 communicate via video conference in real time. This act does not alter any other requirement
2.10 in Minnesota Statutes, chapter 358.

2.11 (b) The notarial officer shall create an audio and video record of the performance of the
2.12 notarial act. The recording must reflect the items required by Minnesota Statutes, section
2.13 358.645, subdivision 4, paragraph (a), clauses (1), (3), (4), (5), and (6), as well as a statement
2.14 by the notarial officer to the signer informing the signer of the temporary authority under
2.15 which this form of personal appearance is made, that the notarization is being recorded, that
2.16 the recording may be subject to inspection by the commissioner of commerce, and that the
2.17 recording will be maintained for a period of ten years.

2.18 (c) The notarial officer shall:

2.19 (1) take reasonable steps to ensure the integrity, security, and authenticity of the audio
2.20 and video record of the performance of the notarial act;

2.21 (2) maintain a backup of the audio and video record required in paragraph (b); and

2.22 (3) protect the record and the backup from unauthorized access or use.

2.23 (d) The notarial officer shall maintain the recording for at least ten years after the date
2.24 of the transaction or proceeding.

2.25 (e) The notification requirements of Minnesota Statutes, section 358.645, subdivision
2.26 6, paragraph (c), apply to notarizations performed under this section. The notarial officer
2.27 shall also make any recordings made under this act available for inspection by the
2.28 commissioner of commerce upon reasonable notice.

2.29 (f) For purposes of this section, "peacetime public health emergency" means any
2.30 peacetime emergency declared by the governor in an executive order that relates to the
2.31 infectious disease known as COVID-19.

2.32 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.33 expires January 6, 2021.

3.1 Sec. 3. **GRANT EXTENSIONS RELATED TO COVID-19; REPORT REQUIRED.**

3.2 **Subdivision 1. General encumbrances for grants.** Notwithstanding Minnesota Statutes,
3.3 sections 16A.28, subdivision 6, and 16B.98, subdivision 7, and in order to provide relief
3.4 from the effects of the peacetime emergency related to the infectious disease known as
3.5 COVID-19, upon approval by the commissioner of management and budget, encumbrances
3.6 for grants issued by June 30, 2020, may be certified for a period of two fiscal years beyond
3.7 the fiscal year in which the appropriations were scheduled to cancel.

3.8 **Subd. 2. Report.** The commissioner of management and budget must submit a report
3.9 on the implementation of this section to the chairs and ranking minority members of the
3.10 legislative committees with jurisdiction over finance, ways and means, and state government
3.11 finance by December 31, 2020. The report must provide a list of the encumbrances that
3.12 were requested for approval under subdivision 1, itemizing separately those that were
3.13 approved and those that were not approved.

3.14 **EFFECTIVE DATE; APPLICABILITY.** This section is effective the day following
3.15 final enactment and applies to grants encumbered on or before June 30, 2020.