

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 200

(SENATE AUTHORS: LATZ)		
DATE	D-PG	OFFICIAL STATUS
01/12/2023	166	Introduction and first reading Referred to Judiciary and Public Safety
04/25/2023	5909a	Comm report: To pass as amended Joint rule 2.03, referred to Rules and Administration
05/01/2023	6895	Comm report: Adopt previous comm report Jt rule 2.03 suspended
	6895	Second reading Referred to for comparison with HF447
05/02/2023	6905a	Rule 45-amend, subst. General Orders HF447, SF indefinitely postponed

1.1

A bill for an act

1.2

relating to judiciary; amending policy provisions governing data privacy and access,

1.3

civil remedies, human rights, civil forfeiture, criminal procedure, marriage, name

1.4

changes, real property, and multimember agency appointments; amending

1.5

Minnesota Statutes 2022, sections 13.72, subdivision 19, by adding a subdivision;

1.6

15.0597, subdivisions 1, 4, 5, 6; 168B.07, subdivision 3, by adding subdivisions;

1.7

169A.63, subdivision 8; 259.11; 259.13, subdivision 1; 325F.70, by adding a

1.8

subdivision; 336.9-601; 351.01, subdivision 2; 363A.02, subdivision 1; 363A.03,

1.9

subdivisions 23, 44, by adding a subdivision; 363A.04; 363A.06, subdivision 1;

1.10

363A.07, subdivision 2; 363A.08, subdivisions 1, 2, 3, 4, by adding a subdivision;

1.11

363A.09, subdivisions 1, 2, 3, 4; 363A.11, subdivision 1; 363A.12, subdivision

1.12

1; 363A.13, subdivisions 1, 2, 3, 4; 363A.16, subdivision 1; 363A.17; 363A.21,

1.13

subdivision 1; 364.021; 364.06, subdivision 1; 473.387, subdivision 4; 504B.301;

1.14

507.07; 508.52; 517.04; 517.08, subdivisions 1a, 1b; 518.191, subdivisions 1, 3;

1.15

541.023, subdivision 6; 550.365, subdivision 2; 559.209, subdivision 2; 573.01;

1.16

573.02, subdivisions 1, 2; 582.039, subdivision 2; 583.25; 583.26, subdivision 2;

1.17

590.01, subdivision 4; 600.23; 609.5151; 609.5314, subdivision 3; proposing

1.18

coding for new law in Minnesota Statutes, chapters 13; 259; 480; 484; 634;

1.19

repealing Minnesota Statutes 2022, sections 346.02; 363A.20, subdivision 3;

1.20

363A.27; 504B.305; 582.14.

1.21

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

1.22

ARTICLE 1

1.23

DATA PRIVACY

1.24

Section 1. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.

1.25

(a) The following data submitted to a political subdivision by a person seeking to obtain

1.26

a license are classified as private data on individuals or nonpublic data:

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(1) a tax return, as defined by section 270B.01, subdivision 2; and

1.28

(2) a bank account statement.

(b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

EFFECTIVE DATE. This section is effective the day following final enactment. Data which a political subdivision collected or created before the effective date of this section, and which would otherwise be subject to the destruction requirement in paragraph (b), must be destroyed no later than 90 days following final enactment.

Sec. 2. Minnesota Statutes 2022, section 13.72, subdivision 19, is amended to read:

Subd. 19. **Transit customer data.** (a) The following data on applicants, users, and customers of public transit are private data on individuals: (1) data collected by or through a government entity's personalized web services or the Metropolitan Council's regional fare collection system are private data on individuals; and (2) data collected by telephone or through a third-party software program for the purposes of booking and using public transit services. As used in this subdivision, the following terms have the meanings given ~~them~~:

(1) "regional fare collection system" means the fare collection system created and administered by the council that is used for collecting fares or providing fare cards or passes for transit services which includes:

(i) regular route bus service within the metropolitan area and paratransit service, whether provided by the council or by other providers of regional transit service;

(ii) light rail transit service within the metropolitan area;

(iii) rideshare programs administered by the council;

(iv) special transportation services provided under section 473.386; and

(v) commuter rail service;

(2) "personalized web services" means services for which transit service applicants, users, and customers must establish a user account; ~~and~~

(3) "metropolitan area" means the area defined in section 473.121, subdivision 2-; and

(4) "third-party software program" means a software program that is proprietary to a third party, including a third-party software program commonly known as a mobile app, that collects and uses a public transit customer's name and other personally identifiable information, pick-up and drop-off locations, and other trip data for the purposes of booking and using public transit services.

(b) A government entity may disseminate data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. "Data on user and customer transaction history and fare card use" means:

(1) the date a fare card was used;

(2) the time a fare card was used;

(3) the mode of travel;

(4) the type of fare product used; and

(5) information about the date, time, and type of fare product purchased.

Government entities, organizations, school districts, educational institutions, and employers may use customer transaction history and fare card use data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. If a user or customer requests in writing that the council limit the disclosure of transaction history and fare card use, the council may disclose only the card balance and the date a card was last used.

(c) A government entity may disseminate transit service applicant, user, and customer data to another government entity to prevent unlawful intrusion into government electronic systems, or as otherwise provided by law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2022, section 13.72, is amended by adding a subdivision to read:

Subd. 20. Transit assistance program data. (a) Data on applicants and users of Metropolitan Council programs established under section 473.387, subdivision 4, are classified as private data on individuals under section 13.02, subdivision 12.

(b) The council may disclose transit assistance program data to public or private agencies or organizations for the purposes of administering and coordinating human services programs and other support services for the applicants or users.

EFFECTIVE DATE. This section is effective the day following final enactment.

4.1 Sec. 4. **[13.991] JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.**

4.2 Personal information of all judicial officials collected, created, or maintained by a
4.3 government entity is private data on individuals. For purposes of this section, the terms
4.4 "personal information" and "judicial official" have the meanings given in section 480.40,
4.5 subdivision 1.

4.6 Sec. 5. Minnesota Statutes 2022, section 473.387, subdivision 4, is amended to read:

4.7 Subd. 4. **Transit disadvantaged.** The council shall establish a program and policies to
4.8 reduce transportation costs for persons who are, because of limited incomes, age, disability,
4.9 or other reasons, especially dependent on public transit for common mobility. Data on
4.10 applicants and users of council programs under this subdivision are classified as private
4.11 data on individuals under section 13.72, subdivision 20.

4.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.13 Sec. 6. **[480.40] PERSONAL INFORMATION; CONFIDENTIALITY.**

4.14 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
4.15 the meanings given.

4.16 (b) "Judicial official" includes:

4.17 (1) every Minnesota district court judge, senior judge, and every judge of the Minnesota
4.18 Court of Appeals and every active, senior, recalled, or retired federal judge who resides in
4.19 Minnesota;

4.20 (2) each justice of the Minnesota Supreme Court; and

4.21 (3) all employees of the Minnesota judicial branch.

4.22 (c) "Personal information" means:

4.23 (1) the home address of a judicial official;

4.24 (2) the home address of the spouse, domestic partner, or children of a judicial official;

4.25 (3) a nonjudicial branch issued telephone number or email address of a judicial official;

4.26 (4) the name of any child of a judicial official; and

4.27 (5) the name of any childcare facility or school that is attended by a child of a judicial
4.28 official.

Subd. 2. **Confidentiality.** The personal information of all judicial officials maintained by a person, business, or association shall be confidential and no person, business, or association shall publicly post, display, or otherwise make publicly available on the Internet the personal information of any judicial official. Personal information shall be kept in a secure manner to prevent unauthorized access. Personal information may be disseminated pursuant to a specific authorization in law or with the written consent of the judicial official.

Sec. 7. **[484.94] ATTORNEY ACCESS TO COURT RECORDS.**

An attorney who is admitted and licensed to practice law in the state may apply for a Minnesota Government Access account to access electronic court records and documents stored in the Minnesota Court Information System for cases in state district courts. An attorney shall be able to view and print case documents and information without cost to the attorney.

Sec. 8. Minnesota Statutes 2022, section 609.5151, is amended to read:

609.5151 DISSEMINATION OF PERSONAL INFORMATION ABOUT LAW ENFORCEMENT OR THE JUDICIARY PROHIBITED; PENALTY.

Subdivision 1. **Definitions.** As used in this section:

(1) "family or household member" has the meaning given in section 518B.01, subdivision 2;

(2) "judicial official" includes:

(i) every Minnesota district court judge, senior judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(ii) each justice of the Minnesota Supreme Court; and

(iii) all employees of the Minnesota judicial branch;

(3) "law enforcement official" means both peace officers as defined in section 626.84, subdivision 1, and persons employed by a law enforcement agency; and

~~(3)~~ (4) "personal information" means a home address, directions to a home, or photographs of a home.

Subd. 2. **Crime described.** (a) It is a misdemeanor for a person to knowingly and without consent make publicly available, including but not limited to through the Internet, personal

information about a law enforcement official or judicial official or an official's family or household member, if:

(1) the dissemination poses an imminent and serious threat to the official's safety or the safety of an official's family or household member; and

(2) the person making the information publicly available knows or reasonably should know of the imminent and serious threat.

(b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and a law enforcement official or judicial official or an official's family or household member suffers great bodily harm or death as a result of the violation.

(c) A person who is convicted of a second or subsequent violation of this section is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

ARTICLE 2

CIVIL REMEDIES

Section 1. Minnesota Statutes 2022, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents; right to reclaim.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator ~~shall~~ must establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner of a vehicle who provides proof of identity that includes photographic identification and documentation from a government or nonprofit agency or legal aid office

that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle. A refusal by the impound lot operator to allow the registered owner to retrieve the vehicle contents after the owner provides valid documentation is a violation of this paragraph.

(d) An impound lot operator may make copies of the documents presented by the registered owner under paragraph (c), and the impound lot operator must return all of the original documents to the registered owner immediately after copying them.

Sec. 2. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3a. **Retrieval of contents; identification, medicine, and medical equipment.** An impound lot operator must allow any registered vehicle owner to retrieve, or must retrieve for the vehicle owner, the following from the impounded vehicle: proof of identification; prescription medicine; and durable medical equipment, including but not limited to wheelchairs, prosthetics, canes, crutches, walkers, and external braces.

Sec. 3. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3b. **Retrieval of contents; notice of denial.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) An impound lot operator who denies a request of a registered vehicle owner to retrieve vehicle contents after the registered owner presents documentation pursuant to subdivision 3, paragraph (c), must, at the time of denial, provide the registered owner with a written statement that identifies the specific reasons for the denial.

Sec. 4. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3c. **Retrieval of contents; public notice.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

8.1 (b) An impound lot operator must post a conspicuous notice at its place of operation in
8.2 the following form:

8.3 "If you receive government benefits, are currently homeless, or are eligible for legal aid
8.4 services, you have the right to get the contents out of your car free of charge IF you provide:

8.5 (1) a photo ID (such as a driver's license, passport, or employer ID); AND

8.6 (2) documentation from a government or nonprofit agency or from a legal aid office that
8.7 shows you get benefits from a government program based on your income, you are homeless,
8.8 or you are eligible for legal aid services. Examples of this documentation include BUT ARE
8.9 NOT LIMITED TO:

8.10 - an EBT card;

8.11 - a Medical Assistance or MinnesotaCare card;

8.12 - a Supplemental Nutrition Assistance Program (SNAP) card; and

8.13 - a letter, email, or other document from a government agency, nonprofit organization,
8.14 or legal aid organization showing that you get benefits from a government program based
8.15 on your income, you are homeless, or you are eligible for legal aid services."

8.16 Sec. 5. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
8.17 read:

8.18 Subd. 3d. **Retrieval of contents; remedy.** (a) This subdivision applies to an impound
8.19 lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government
8.20 exclusively contracts to operate an impound lot solely for public use under section 168B.09.

8.21 (b) If an impound lot operator denies the registered owner the right to retrieve the vehicle
8.22 contents in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner
8.23 has a cause of action against the impound lot operator as provided in this subdivision.

8.24 (c) If the vehicle and its contents remain in the possession of the impound lot operator
8.25 and retrieval of the vehicle contents was denied in violation of subdivision 3, paragraph (c),
8.26 an aggrieved registered vehicle owner is entitled to injunctive relief to retrieve the vehicle
8.27 contents as well as reasonable attorney fees and costs.

8.28 (d) If an impound lot operator sells or disposes of the vehicle contents after the registered
8.29 owner has provided the documentation required under subdivision 3, paragraph (c), an
8.30 aggrieved registered vehicle owner is entitled to statutory damages in an amount of \$1,000
8.31 and reasonable attorney fees and costs. An action brought pursuant to this paragraph must
8.32 be brought within 12 months of when the vehicle was impounded.

9.1 Sec. 6. Minnesota Statutes 2022, section 325F.70, is amended by adding a subdivision to
9.2 read:

9.3 Subd. 3. **Private enforcement.** (a) In addition to the remedies otherwise provided by
9.4 law, a consumer injured by a violation of sections 325F.68 to 325F.70, in connection with
9.5 a sale of merchandise for personal, family, household, or agricultural purposes, may bring
9.6 a civil action and recover damages, together with costs and disbursements, including costs
9.7 of investigation and reasonable attorney fees, and receive other equitable relief as determined
9.8 by the court. An action brought under this section benefits the public.

9.9 (b) For the purposes of this subdivision:

9.10 (1) "consumer" means a natural person or family farmer;

9.11 (2) "family farmer" means a person or persons operating a family farm; and

9.12 (3) "family farm" has the meaning given in section 116B.02, subdivision 6.

9.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes
9.14 of action commenced on or after that date.

9.15 Sec. 7. Minnesota Statutes 2022, section 573.01, is amended to read:

9.16 **573.01 SURVIVAL OF CAUSES.**

9.17 A cause of action arising out of an injury to the person ~~dies with the person of the party~~
9.18 ~~in whose favor it exists, except as provided in~~ survives the death of any party in accordance
9.19 with section 573.02. All other causes of action by one against another, whether arising on
9.20 contract or not, survive to the personal representatives of the former and against those of
9.21 the latter.

9.22 **EFFECTIVE DATE.** This section is effective the day following final enactment and
9.23 applies to causes of action pending on or commenced on or after that date.

9.24 Sec. 8. Minnesota Statutes 2022, section 573.02, subdivision 1, is amended to read:

9.25 Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of
9.26 any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
9.27 an action therefor if the decedent might have maintained an action, had the decedent lived,
9.28 for an injury caused by the wrongful act or omission. An action to recover damages for a
9.29 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
9.30 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
9.31 be commenced within three years of the date of death, but in no event shall be commenced

beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just ~~in reference to~~ for all damages suffered by the decedent resulting from the injury prior to the decedent's death and the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of all damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

Sec. 9. Minnesota Statutes 2022, section 573.02, subdivision 2, is amended to read:

Subd. 2. **Injury action.** When injury is caused to a person by the wrongful act or omission of any person or corporation and the person thereafter dies from a cause unrelated to those injuries, the trustee appointed in subdivision 3 may maintain an action for ~~special damages~~ all damages arising out of such injury if the decedent might have maintained an action therefor had the decedent lived. An action under this subdivision may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

11.1 **ARTICLE 3**

11.2 **HUMAN RIGHTS**

11.3 Section 1. Minnesota Statutes 2022, section 363A.02, subdivision 1, is amended to read:

11.4 Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to
11.5 secure for persons in this state, freedom from discrimination:

11.6 (1) in employment because of race, color, creed, religion, national origin, sex, marital
11.7 status, disability, status with regard to public assistance, gender identity, sexual orientation,
11.8 familial status, and age;

11.9 (2) in housing and real property because of race, color, creed, religion, national origin,
11.10 sex, marital status, disability, status with regard to public assistance, gender identity, sexual
11.11 orientation, and familial status;

11.12 (3) in public accommodations because of race, color, creed, religion, national origin,
11.13 sex, gender identity, sexual orientation, and disability;

11.14 (4) in public services because of race, color, creed, religion, national origin, sex, marital
11.15 status, disability, gender identity, sexual orientation, and status with regard to public
11.16 assistance; and

11.17 (5) in education because of race, color, creed, religion, national origin, sex, marital status,
11.18 disability, status with regard to public assistance, gender identity, sexual orientation, and
11.19 age.

11.20 (b) Such discrimination threatens the rights and privileges of the inhabitants of this state
11.21 and menaces the institutions and foundations of democracy. It is also the public policy of
11.22 this state to protect all persons from wholly unfounded charges of discrimination. Nothing
11.23 in this chapter shall be interpreted as restricting the implementation of positive action
11.24 programs to combat discrimination.

11.25 Sec. 2. Minnesota Statutes 2022, section 363A.03, subdivision 23, is amended to read:

11.26 Subd. 23. **Local commission.** "Local commission" means an agency of a city, county,
11.27 or group of counties created pursuant to law, resolution of a county board, city charter, or
11.28 municipal ordinance for the purpose of dealing with discrimination on the basis of race,
11.29 color, creed, religion, national origin, sex, age, disability, marital status, status with regard
11.30 to public assistance, gender identity, sexual orientation, or familial status.

12.1 Sec. 3. Minnesota Statutes 2022, section 363A.03, subdivision 44, is amended to read:

12.2 Subd. 44. **Sexual orientation.** "Sexual orientation" means having or being perceived as
12.3 having an emotional, physical, or sexual attachment to another person without regard to the
12.4 sex of that person or having or being perceived as having an orientation for such attachment;
12.5 ~~or having or being perceived as having a self-image or identity not traditionally associated~~
12.6 ~~with one's biological maleness or femaleness. "Sexual orientation" does not include a physical~~
12.7 ~~or sexual attachment to children by an adult.~~

12.8 Sec. 4. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision to
12.9 read:

12.10 Subd. 50. **Gender identity.** "Gender identity" means a person's inherent sense of being
12.11 a man, woman, both, or neither. A person's gender identity may or may not correspond to
12.12 their assigned sex at birth or to their primary or secondary sex characteristics. A person's
12.13 gender identity is not necessarily visible to others.

12.14 Sec. 5. Minnesota Statutes 2022, section 363A.04, is amended to read:

12.15 **363A.04 CONSTRUCTION AND EXCLUSIVITY.**

12.16 The provisions of this chapter shall be construed liberally for the accomplishment of the
12.17 purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the
12.18 provisions of the civil rights law or of any other law of this state relating to discrimination
12.19 because of race, creed, color, religion, sex, age, disability, marital status, status with regard
12.20 to public assistance, national origin, gender identity, sexual orientation, or familial status;
12.21 but, as to acts declared unfair by sections 363A.08 to 363A.19, and 363A.28, subdivision
12.22 10, the procedure herein provided shall, while pending, be exclusive.

12.23 Sec. 6. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

12.24 Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies
12.25 to effectuate the purposes of this chapter and shall do the following:

12.26 (1) exercise leadership under the direction of the governor in the development of human
12.27 rights policies and programs, and make recommendations to the governor and the legislature
12.28 for their consideration and implementation;

12.29 (2) establish and maintain a principal office in St. Paul, and any other necessary branch
12.30 offices at any location within the state;

12.31 (3) meet and function at any place within the state;

- 13.1 (4) employ attorneys, clerks, and other employees and agents as the commissioner may
13.2 deem necessary and prescribe their duties;
- 13.3 (5) to the extent permitted by federal law and regulation, utilize the records of the
13.4 Department of Employment and Economic Development of the state when necessary to
13.5 effectuate the purposes of this chapter;
- 13.6 (6) obtain upon request and utilize the services of all state governmental departments
13.7 and agencies;
- 13.8 (7) adopt suitable rules for effectuating the purposes of this chapter;
- 13.9 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
13.10 practices, and determine whether or not probable cause exists for hearing;
- 13.11 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
13.12 examination of any books or papers relative to any matter under investigation or in question
13.13 as the commissioner deems appropriate to carry out the purposes of this chapter;
- 13.14 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
13.15 unfair discriminatory practices as being contrary to the public policy of the state;
- 13.16 (11) develop and conduct programs of formal and informal education designed to
13.17 eliminate discrimination and intergroup conflict by use of educational techniques and
13.18 programs the commissioner deems necessary;
- 13.19 (12) make a written report of the activities of the commissioner to the governor each
13.20 year;
- 13.21 (13) accept gifts, bequests, grants, or other payments public and private to help finance
13.22 the activities of the department;
- 13.23 (14) create such local and statewide advisory committees as will in the commissioner's
13.24 judgment aid in effectuating the purposes of the Department of Human Rights;
- 13.25 (15) develop such programs as will aid in determining the compliance throughout the
13.26 state with the provisions of this chapter, and in the furtherance of such duties, conduct
13.27 research and study discriminatory practices based upon race, color, creed, religion, national
13.28 origin, sex, age, disability, marital status, status with regard to public assistance, familial
13.29 status, gender identity, sexual orientation, or other factors and develop accurate data on the
13.30 nature and extent of discrimination and other matters as they may affect housing,
13.31 employment, public accommodations, schools, and other areas of public life;

14.1 (16) develop and disseminate technical assistance to persons subject to the provisions
14.2 of this chapter, and to agencies and officers of governmental and private agencies;

14.3 (17) provide staff services to such advisory committees as may be created in aid of the
14.4 functions of the Department of Human Rights;

14.5 (18) make grants in aid to the extent that appropriations are made available for that
14.6 purpose in aid of carrying out duties and responsibilities; and

14.7 (19) cooperate and consult with the commissioner of labor and industry regarding the
14.8 investigation of violations of, and resolution of complaints regarding section 363A.08,
14.9 subdivision 7.

14.10 In performing these duties, the commissioner shall give priority to those duties in clauses
14.11 (8), (9), and (10) and to the duties in section 363A.36.

14.12 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
14.13 paragraph (a), clause (13), must be deposited in the state treasury and credited to a special
14.14 account. Money in the account is appropriated to the commissioner of human rights to help
14.15 finance activities of the department.

14.16 Sec. 7. Minnesota Statutes 2022, section 363A.07, subdivision 2, is amended to read:

14.17 Subd. 2. **Referral from commissioner.** The commissioner, whether or not a charge has
14.18 been filed under this chapter, may refer a matter involving discrimination because of race,
14.19 color, religion, sex, creed, disability, marital status, status with regard to public assistance,
14.20 national origin, age, gender identity, sexual orientation, or familial status to a local
14.21 commission for study and report.

14.22 Upon referral by the commissioner, the local commission shall make a report and make
14.23 recommendations to the commissioner and take other appropriate action within the scope
14.24 of its powers.

14.25 Sec. 8. Minnesota Statutes 2022, section 363A.08, subdivision 1, is amended to read:

14.26 Subdivision 1. **Labor organization.** Except when based on a bona fide occupational
14.27 qualification, it is an unfair employment practice for a labor organization, because of race,
14.28 color, creed, religion, national origin, sex, marital status, status with regard to public
14.29 assistance, familial status, disability, gender identity, sexual orientation, or age:

14.30 (1) to deny full and equal membership rights to a person seeking membership or to a
14.31 member;

15.1 (2) to expel a member from membership;

15.2 (3) to discriminate against a person seeking membership or a member with respect to
15.3 hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or
15.4 privileges of employment; or

15.5 (4) to fail to classify properly, or refer for employment or otherwise to discriminate
15.6 against a person or member.

15.7 Sec. 9. Minnesota Statutes 2022, section 363A.08, subdivision 2, is amended to read:

15.8 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it is
15.9 an unfair employment practice for an employer, because of race, color, creed, religion,
15.10 national origin, sex, marital status, status with regard to public assistance, familial status,
15.11 membership or activity in a local commission, disability, gender identity, sexual orientation,
15.12 or age to:

15.13 (1) refuse to hire or to maintain a system of employment which unreasonably excludes
15.14 a person seeking employment; or

15.15 (2) discharge an employee; or

15.16 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,
15.17 upgrading, conditions, facilities, or privileges of employment.

15.18 Sec. 10. Minnesota Statutes 2022, section 363A.08, subdivision 3, is amended to read:

15.19 Subd. 3. **Employment agency.** Except when based on a bona fide occupational
15.20 qualification, it is an unfair employment practice for an employment agency, because of
15.21 race, color, creed, religion, national origin, sex, marital status, status with regard to public
15.22 assistance, familial status, disability, gender identity, sexual orientation, or age to:

15.23 (1) refuse or fail to accept, register, classify properly, or refer for employment or
15.24 otherwise to discriminate against a person; or

15.25 (2) comply with a request from an employer for referral of applicants for employment
15.26 if the request indicates directly or indirectly that the employer fails to comply with the
15.27 provisions of this chapter.

15.28 Sec. 11. Minnesota Statutes 2022, section 363A.08, subdivision 4, is amended to read:

15.29 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
15.30 based on a bona fide occupational qualification, it is an unfair employment practice for an

16.1 employer, employment agency, or labor organization, before a person is employed by an
16.2 employer or admitted to membership in a labor organization, to:

16.3 (1) require or request the person to furnish information that pertains to race, color, creed,
16.4 religion, national origin, sex, marital status, status with regard to public assistance, familial
16.5 status, disability, gender identity, sexual orientation, or age; or, subject to section 363A.20,
16.6 to require or request a person to undergo physical examination; unless for the sole and
16.7 exclusive purpose of national security, information pertaining to national origin is required
16.8 by the United States, this state or a political subdivision or agency of the United States or
16.9 this state, or for the sole and exclusive purpose of compliance with the Public Contracts
16.10 Act or any rule, regulation, or laws of the United States or of this state requiring the
16.11 information or examination. A law enforcement agency may, after notifying an applicant
16.12 for a peace officer or part-time peace officer position that the law enforcement agency is
16.13 commencing the background investigation on the applicant, request the applicant's date of
16.14 birth, gender, and race on a separate form for the sole and exclusive purpose of conducting
16.15 a criminal history check, a driver's license check, and fingerprint criminal history inquiry.
16.16 The form shall include a statement indicating why the data is being collected and what its
16.17 limited use will be. No document which has date of birth, gender, or race information will
16.18 be included in the information given to or available to any person who is involved in selecting
16.19 the person or persons employed other than the background investigator. No person may act
16.20 both as background investigator and be involved in the selection of an employee except that
16.21 the background investigator's report about background may be used in that selection as long
16.22 as no direct or indirect references are made to the applicant's race, age, or gender; or

16.23 (2) seek and obtain for purposes of making a job decision, information from any source
16.24 that pertains to the person's race, color, creed, religion, national origin, sex, marital status,
16.25 status with regard to public assistance, familial status, disability, gender identity, sexual
16.26 orientation, or age, unless for the sole and exclusive purpose of compliance with the Public
16.27 Contracts Act or any rule, regulation, or laws of the United States or of this state requiring
16.28 the information; or

16.29 (3) cause to be printed or published a notice or advertisement that relates to employment
16.30 or membership and discloses a preference, limitation, specification, or discrimination based
16.31 on race, color, creed, religion, national origin, sex, marital status, status with regard to public
16.32 assistance, familial status, disability, gender identity, sexual orientation, or age.

16.33 (b) Any individual who is required to provide information that is prohibited by this
16.34 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,
16.35 subdivisions 1 to 9.

17.1 Sec. 12. Minnesota Statutes 2022, section 363A.08, is amended by adding a subdivision
17.2 to read:

17.3 Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this
17.4 subdivision means any prior or current wage, salary, earnings, benefits, or any other
17.5 compensation of an applicant for employment.

17.6 (b) An employer, employment agency, or labor organization shall not inquire into,
17.7 consider, or require disclosure from any source the pay history of an applicant for
17.8 employment for the purpose of determining wages, salary, earnings, benefits, or other
17.9 compensation for that applicant. The general prohibition against inquiring into the pay
17.10 history of an applicant does not apply if the job applicant's pay history is a matter of public
17.11 record under federal or state law, unless the employer, employment agency, or labor
17.12 organization sought access to those public records with the intent of obtaining pay history
17.13 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
17.14 compensation for that applicant.

17.15 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
17.16 and without asking, encouraging, or prompting disclosing pay history for the purposes of
17.17 negotiating wages, salary, benefits, or other compensation. If an applicant for employment
17.18 voluntarily and without asking, encouraging, or prompting discloses pay history to a
17.19 prospective employer, employment agency, or labor organization, nothing in this subdivision
17.20 shall prohibit that employer, employment agency, or labor organization from considering
17.21 or acting on that voluntarily disclosed salary history information to support a wage or salary
17.22 higher than initially offered by the employer, employment agency, or labor organization.

17.23 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a
17.24 charge, grievance, or any other cause of action alleging wage discrimination because of
17.25 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
17.26 regard to public assistance, familial status, membership or activity in a local commission,
17.27 disability, sexual orientation, or age, as otherwise provided in this chapter.

17.28 (e) Nothing in this subdivision shall be construed to prevent an employer from:

17.29 (1) providing information about the wages, benefits, compensation, or salary offered in
17.30 relation to a position; or

17.31 (2) inquiring about or otherwise engaging in discussions with an applicant about the
17.32 applicant's expectations or requests with respect to wages, salary, benefits, or other
17.33 compensation.

18.1 **EFFECTIVE DATE.** This section is effective January 1, 2024. For employment covered
18.2 by collective bargaining agreements, this section is not effective until the date of
18.3 implementation of the applicable collective bargaining agreement that is after January 1,
18.4 2024.

18.5 Sec. 13. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

18.6 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an
18.7 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent
18.8 of, or other person having the right to sell, rent or lease any real property, or any agent of
18.9 any of these:

18.10 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or
18.11 group of persons any real property because of race, color, creed, religion, national origin,
18.12 sex, marital status, status with regard to public assistance, disability, gender identity, sexual
18.13 orientation, or familial status; or

18.14 (2) to discriminate against any person or group of persons because of race, color, creed,
18.15 religion, national origin, sex, marital status, status with regard to public assistance, disability,
18.16 gender identity, sexual orientation, or familial status in the terms, conditions or privileges
18.17 of the sale, rental or lease of any real property or in the furnishing of facilities or services
18.18 in connection therewith, except that nothing in this clause shall be construed to prohibit the
18.19 adoption of reasonable rules intended to protect the safety of minors in their use of the real
18.20 property or any facilities or services furnished in connection therewith; or

18.21 (3) in any transaction involving real property, to print, circulate or post or cause to be
18.22 printed, circulated, or posted any advertisement or sign, or use any form of application for
18.23 the purchase, rental or lease of real property, or make any record or inquiry in connection
18.24 with the prospective purchase, rental, or lease of real property which expresses, directly or
18.25 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
18.26 national origin, sex, marital status, status with regard to public assistance, disability, gender
18.27 identity, sexual orientation, or familial status, or any intent to make any such limitation,
18.28 specification, or discrimination except that nothing in this clause shall be construed to
18.29 prohibit the advertisement of a dwelling unit as available to adults-only if the person placing
18.30 the advertisement reasonably believes that the provisions of this section prohibiting
18.31 discrimination because of familial status do not apply to the dwelling unit.

19.1 Sec. 14. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

19.2 Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair
19.3 discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent
19.4 thereof:

19.5 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
19.6 to any person or group of persons or to negotiate for the sale, rental, or lease of any real
19.7 property to any person or group of persons because of race, color, creed, religion, national
19.8 origin, sex, marital status, status with regard to public assistance, disability, gender identity,
19.9 sexual orientation, or familial status or represent that real property is not available for
19.10 inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold
19.11 any real property or any facilities of real property to or from any person or group of persons
19.12 because of race, color, creed, religion, national origin, sex, marital status, status with regard
19.13 to public assistance, disability, gender identity, sexual orientation, or familial status; or

19.14 (2) to discriminate against any person because of race, color, creed, religion, national
19.15 origin, sex, marital status, status with regard to public assistance, disability, gender identity,
19.16 sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental
19.17 or lease of real property or in the furnishing of facilities or services in connection therewith;
19.18 or

19.19 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
19.20 advertisement or sign, or use any form of application for the purchase, rental, or lease of
19.21 any real property or make any record or inquiry in connection with the prospective purchase,
19.22 rental or lease of any real property, which expresses directly or indirectly, any limitation,
19.23 specification or discrimination as to race, color, creed, religion, national origin, sex, marital
19.24 status, status with regard to public assistance, disability, gender identity, sexual orientation,
19.25 or familial status or any intent to make any such limitation, specification, or discrimination
19.26 except that nothing in this clause shall be construed to prohibit the advertisement of a
19.27 dwelling unit as available to adults-only if the person placing the advertisement reasonably
19.28 believes that the provisions of this section prohibiting discrimination because of familial
19.29 status do not apply to the dwelling unit.

19.30 Sec. 15. Minnesota Statutes 2022, section 363A.09, subdivision 3, is amended to read:

19.31 Subd. 3. **Real property interest; action by financial institution.** It is an unfair
19.32 discriminatory practice for a person, bank, banking organization, mortgage company,
19.33 insurance company, or other financial institution or lender to whom application is made for

20.1 financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair
20.2 or maintenance of any real property or any agent or employee thereof:

20.3 (1) to discriminate against any person or group of persons because of race, color, creed,
20.4 religion, national origin, sex, marital status, status with regard to public assistance, disability,
20.5 gender identity, sexual orientation, or familial status of the person or group of persons or
20.6 of the prospective occupants or tenants of the real property in the granting, withholding,
20.7 extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the
20.8 financial assistance or in the extension of services in connection therewith; or

20.9 (2) to use any form of application for the financial assistance or make any record or
20.10 inquiry in connection with applications for the financial assistance which expresses, directly
20.11 or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
20.12 national origin, sex, marital status, status with regard to public assistance, disability, gender
20.13 identity, sexual orientation, or familial status or any intent to make any such limitation,
20.14 specification, or discrimination; or

20.15 (3) to discriminate against any person or group of persons who desire to purchase, lease,
20.16 acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural
20.17 area or any part thereof solely because of the social, economic, or environmental conditions
20.18 of the area in the granting, withholding, extending, modifying, or renewing, or in the rates,
20.19 terms, conditions, or privileges of the financial assistance or in the extension of services in
20.20 connection therewith.

20.21 Sec. 16. Minnesota Statutes 2022, section 363A.09, subdivision 4, is amended to read:

20.22 Subd. 4. **Real property transaction.** It is an unfair discriminatory practice for any real
20.23 estate broker or real estate salesperson, for the purpose of inducing a real property transaction
20.24 from which the person, the person's firm, or any of its members may benefit financially, to
20.25 represent that a change has occurred or will or may occur in the composition with respect
20.26 to race, creed, color, national origin, sex, marital status, status with regard to public
20.27 assistance, gender identity, sexual orientation, or disability of the owners or occupants in
20.28 the block, neighborhood, or area in which the real property is located, and to represent,
20.29 directly or indirectly, that this change will or may result in undesirable consequences in the
20.30 block, neighborhood, or area in which the real property is located, including but not limited
20.31 to the lowering of property values, an increase in criminal or antisocial behavior, or a decline
20.32 in the quality of schools or other public facilities.

21.1 Sec. 17. Minnesota Statutes 2022, section 363A.11, subdivision 1, is amended to read:

21.2 Subdivision 1. **Full and equal enjoyment of public accommodations.** (a) It is an unfair
21.3 discriminatory practice:

21.4 (1) to deny any person the full and equal enjoyment of the goods, services, facilities,
21.5 privileges, advantages, and accommodations of a place of public accommodation because
21.6 of race, color, creed, religion, disability, national origin, marital status, gender identity,
21.7 sexual orientation, or sex, or for a taxicab company to discriminate in the access to, full
21.8 utilization of, or benefit from service because of a person's disability; or

21.9 (2) for a place of public accommodation not to make reasonable accommodation to the
21.10 known physical, sensory, or mental disability of a disabled person. In determining whether
21.11 an accommodation is reasonable, the factors to be considered may include:

21.12 (i) the frequency and predictability with which members of the public will be served by
21.13 the accommodation at that location;

21.14 (ii) the size of the business or organization at that location with respect to physical size,
21.15 annual gross revenues, and the number of employees;

21.16 (iii) the extent to which disabled persons will be further served from the accommodation;

21.17 (iv) the type of operation;

21.18 (v) the nature and amount of both direct costs and legitimate indirect costs of making
21.19 the accommodation and the reasonableness for that location to finance the accommodation;
21.20 and

21.21 (vi) the extent to which any persons may be adversely affected by the accommodation.

21.22 (b) State or local building codes control where applicable. Violations of state or local
21.23 building codes are not violations of this chapter and must be enforced under normal building
21.24 code procedures.

21.25 Sec. 18. Minnesota Statutes 2022, section 363A.12, subdivision 1, is amended to read:

21.26 Subdivision 1. **Access to public service.** It is an unfair discriminatory practice to
21.27 discriminate against any person in the access to, admission to, full utilization of or benefit
21.28 from any public service because of race, color, creed, religion, national origin, disability,
21.29 sex, gender identity, sexual orientation, or status with regard to public assistance or to fail
21.30 to ensure physical and program access for disabled persons unless the public service can
21.31 demonstrate that providing the access would impose an undue hardship on its operation. In

22.1 determining whether providing physical and program access would impose an undue
22.2 hardship, factors to be considered include:

22.3 (1) the type and purpose of the public service's operation;

22.4 (2) the nature and cost of the needed accommodation;

22.5 (3) documented good faith efforts to explore less restrictive or less expensive alternatives;

22.6 and

22.7 (4) the extent of consultation with knowledgeable disabled persons and organizations.

22.8 Physical and program access must be accomplished within six months of June 7, 1983,
22.9 except for needed architectural modifications, which must be made within two years of June
22.10 7, 1983.

22.11 Sec. 19. Minnesota Statutes 2022, section 363A.13, subdivision 1, is amended to read:

22.12 Subdivision 1. **Utilization; benefit or services.** It is an unfair discriminatory practice
22.13 to discriminate in any manner in the full utilization of or benefit from any educational
22.14 institution, or the services rendered thereby to any person because of race, color, creed,
22.15 religion, national origin, sex, age, marital status, status with regard to public assistance,
22.16 gender identity, sexual orientation, or disability, or to fail to ensure physical and program
22.17 access for disabled persons. For purposes of this subdivision, program access includes but
22.18 is not limited to providing taped texts, interpreters or other methods of making orally
22.19 delivered materials available, readers in libraries, adapted classroom equipment, and similar
22.20 auxiliary aids or services. Program access does not include providing attendants, individually
22.21 prescribed devices, readers for personal use or study, or other devices or services of a
22.22 personal nature.

22.23 Sec. 20. Minnesota Statutes 2022, section 363A.13, subdivision 2, is amended to read:

22.24 Subd. 2. **Exclude, expel, or selection.** It is an unfair discriminatory practice to exclude,
22.25 expel, or otherwise discriminate against a person seeking admission as a student, or a person
22.26 enrolled as a student because of race, color, creed, religion, national origin, sex, age, marital
22.27 status, status with regard to public assistance, gender identity, sexual orientation, or disability.

22.28 Sec. 21. Minnesota Statutes 2022, section 363A.13, subdivision 3, is amended to read:

22.29 Subd. 3. **Admission form or inquiry.** It is an unfair discriminatory practice to make or
22.30 use a written or oral inquiry, or form of application for admission that elicits or attempts to
22.31 elicit information, or to make or keep a record, concerning the creed, religion, gender identity,

23.1 sexual orientation, or disability of a person seeking admission, except as permitted by rules
23.2 of the department.

23.3 Sec. 22. Minnesota Statutes 2022, section 363A.13, subdivision 4, is amended to read:

23.4 Subd. 4. **Purpose for information and record.** It is an unfair discriminatory practice
23.5 to make or use a written or oral inquiry or form of application that elicits or attempts to
23.6 elicit information, or to keep a record concerning the race, color, national origin, sex, gender
23.7 identity, sexual orientation, age, or marital status of a person seeking admission, unless the
23.8 information is collected for purposes of evaluating the effectiveness of recruitment,
23.9 admissions, and other educational policies, and is maintained separately from the application.

23.10 Sec. 23. Minnesota Statutes 2022, section 363A.16, subdivision 1, is amended to read:

23.11 Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice
23.12 to discriminate in the extension of personal or commercial credit to a person, or in the
23.13 requirements for obtaining credit, because of race, color, creed, religion, disability, national
23.14 origin, sex, gender identity, sexual orientation, or marital status, or due to the receipt of
23.15 federal, state, or local public assistance including medical assistance.

23.16 Sec. 24. Minnesota Statutes 2022, section 363A.17, is amended to read:

23.17 **363A.17 BUSINESS DISCRIMINATION.**

23.18 It is an unfair discriminatory practice for a person engaged in a trade or business or in
23.19 the provision of a service:

23.20 (1) to refuse to do business with or provide a service to a woman based on her use of
23.21 her current or former surname; or

23.22 (2) to impose, as a condition of doing business with or providing a service to a woman,
23.23 that a woman use her current surname rather than a former surname; or

23.24 (3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate
23.25 in the basic terms, conditions, or performance of the contract because of a person's race,
23.26 national origin, color, sex, gender identity, sexual orientation, or disability, unless the alleged
23.27 refusal or discrimination is because of a legitimate business purpose.

23.28 Nothing in this section shall prohibit positive action plans.

23.29 Sec. 25. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

23.30 Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance, gender identity, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract; ~~or.~~

~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.~~

Sec. 26. **REPEALER.**

Minnesota Statutes 2022, sections 363A.20, subdivision 3; and 363A.27, are repealed.

ARTICLE 4

CIVIL AND CRIMINAL PROCEDURE

Section 1. Minnesota Statutes 2022, section 169A.63, subdivision 8, is amended to read:

Subd. 8. Administrative forfeiture procedure. (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting

authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: If you were the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must file in district court. You do not have to pay a filing fee for your lawsuit.

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(d) If notice is not sent in accordance with paragraph (b), and no time extension is granted or the extension period has expired, the appropriate agency shall return the vehicle to the owner. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.

(e) Within 60 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture.

26.1 The claimant may serve the complaint by certified mail or any means permitted by court
26.2 rules. If the value of the seized property is \$15,000 or less, the claimant may file an action
26.3 in conciliation court for recovery of the seized vehicle. A copy of the conciliation court
26.4 statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of
26.5 Conciliation Court Procedure on the prosecuting authority having jurisdiction over the
26.6 forfeiture within 60 days following service of the notice of seizure and forfeiture under this
26.7 subdivision. The claimant does not have to pay the court filing fee.

26.8 No responsive pleading is required of the prosecuting authority and no court fees may
26.9 be charged for the prosecuting authority's appearance in the matter. The prosecuting authority
26.10 may appear for the appropriate agency. Pleadings, filings, and methods of service are
26.11 governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation
26.12 Court Procedure.

26.13 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
26.14 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
26.15 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
26.16 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
26.17 an action for the return of a vehicle seized under this section may not be maintained by or
26.18 on behalf of any person who has been served with a notice of seizure and forfeiture unless
26.19 the person has complied with this subdivision.

26.20 (g) If the claimant makes a timely demand for a judicial determination under this
26.21 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
26.22 9.

26.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.24 Sec. 2. Minnesota Statutes 2022, section 504B.301, is amended to read:

26.25 **504B.301 EVICTION ACTION FOR UNLAWFUL DETENTION.**

26.26 A person may be evicted if the person has unlawfully or forcibly occupied or taken
26.27 possession of real property or unlawfully detains or retains possession of real property.

26.28 ~~A seizure under section 609.5317, subdivision 1, for which there is not a defense under~~
26.29 ~~section 609.5317, subdivision 3, constitutes unlawful detention by the tenant.~~

26.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.1 Sec. 3. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:

27.2 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
27.3 two years after the later of:

27.4 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

27.5 (2) an appellate court's disposition of petitioner's direct appeal.

27.6 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
27.7 if:

27.8 (1) the petitioner establishes that a physical disability or mental disease precluded a
27.9 timely assertion of the claim;

27.10 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
27.11 evidence, that provides the factual predicate for one or more claims for relief, if such evidence
27.12 could not have been ascertained by the exercise of due diligence by the petitioner or
27.13 petitioner's attorney within the two-year time period for filing a postconviction petition, ~~and~~
27.14 ~~the evidence~~ is not cumulative to evidence presented at trial, and is not for impeachment
27.15 purposes, ~~and establishes by a clear and convincing standard that the petitioner is innocent~~
27.16 ~~of the offense or offenses for which the petitioner was convicted;~~

27.17 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
27.18 law by either the United States Supreme Court or a Minnesota appellate court and the
27.19 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
27.20 case;

27.21 (4) the petition is brought pursuant to subdivision 3; or

27.22 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
27.23 and is in the interests of justice.

27.24 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
27.25 two years of the date the claim arises.

27.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

27.27 Sec. 4. Minnesota Statutes 2022, section 609.5314, subdivision 3, is amended to read:

27.28 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
27.29 seizure and forfeiture under this section, a claimant may file a demand for a judicial
27.30 determination of the forfeiture. The demand must be in the form of a civil complaint and
27.31 must be filed with the court administrator in the county in which the seizure occurred,

together with proof of service of a copy of the complaint on the prosecuting authority for that county. The claimant may serve the complaint on the prosecuting authority by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. A copy of the conciliation court statement of claim may be served personally or as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. [634.025] CONFESSION; INADMISSIBLE WHEN DECEPTION IS USED.

Any admission, confession, or statement, whether written or oral, made by any person during a custodial interrogation by a law enforcement agency official, juvenile court official,

29.1 or their agent, is involuntarily made and inadmissible in any proceeding if, during the
29.2 interrogation, a law enforcement agency official or juvenile court official or their agent
29.3 knowingly:

29.4 (1) communicated false facts about evidence;

29.5 (2) misrepresented the accuracy of facts; or

29.6 (3) communicated unauthorized statements regarding leniency.

29.7 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to admission,
29.8 confession, or statement, whether written or oral, made on or after that date.

29.9 Sec. 6. **REPEALER.**

29.10 Minnesota Statutes 2022, section 504B.305, is repealed.

29.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

29.12 **ARTICLE 5**

29.13 **MARRIAGE AND NAME CHANGE**

29.14 Section 1. Minnesota Statutes 2022, section 259.11, is amended to read:

29.15 **259.11 ORDER; FILING COPIES.**

29.16 (a) Upon meeting the requirements of section 259.10, the court shall grant the application
29.17 unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits
29.18 granting the name change; or (3) in the case of the change of a minor child's name, the court
29.19 finds that such name change is not in the best interests of the child. The court shall set forth
29.20 in the order the name and age of the applicant's spouse and each child of the applicant, if
29.21 any, and shall state a description of the lands, if any, in which the applicant and the spouse
29.22 and children, if any, claim to have an interest. The court administrator shall file such order,
29.23 and record the same in the judgment book. If lands be described therein, a certified copy of
29.24 the order shall be filed for record, by the applicant, with the county recorder of each county
29.25 wherein any of the same are situated. Before doing so the court administrator shall present
29.26 the same to the county auditor who shall enter the change of name in the auditor's official
29.27 records and note upon the instrument, over an official signature, the words "change of name
29.28 recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until
29.29 the applicant shall have paid to the county recorder and court administrator the fee required
29.30 by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has a criminal history in this or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is determined that the person has a criminal history in this or any other state, the court shall, within ten days after the name change application is granted, report the name change to the Bureau of Criminal Apprehension. The person whose name is changed shall also report the change to the Bureau of Criminal Apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the Bureau of Criminal Apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

(c) Paragraph (b) does not apply to either:

(1) a request for a name change as part of an application for a marriage license under section 517.08; or

(2) a request for a name change in conjunction with a marriage dissolution under section 518.27; or

(3) a request for a name change filed under section 259.14.

Sec. 2. Minnesota Statutes 2022, section 259.13, subdivision 1, is amended to read:

Subdivision 1. **Procedure for seeking name change.** (a) A person with a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve a notice of application for a name change on the prosecuting authority that obtained the conviction against the person when seeking a name change through one of the following procedures:

(1) an application for a name change under section 259.10;

~~(2) a request for a name change as part of an application for a marriage license under section 517.08; or~~

~~(3) (2) a request for a name change in conjunction with a marriage dissolution under section 518.27; or~~

(3) a request for a name change under section 259.14.

If the conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.

(b) A person who seeks a name change under section 259.10 or 518.27 shall file proof of service with the court as part of the name change request. ~~A person who seeks a name change under section 517.08 shall file proof of service with the county as part of the application for a marriage license.~~

(c) The name change request may not be granted during the 30-day period provided for in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a marriage license under section 517.08, which may be granted without the name change.

Sec. 3. **[259.14] POSTDISSOLUTION NAME CHANGE.**

(a) Unless section 259.13 applies, a person who has resided in this state for at least six months and obtained the person's most recent final marriage dissolution from a district court may apply to the district court in the county where the person resides to change the person's name to the legal name on the person's birth certificate. A person applying for a name change must submit a certified copy of the certificate of dissolution issued pursuant to section 518.148 and a certified copy of the person's birth certificate. A person applying for a name change who obtained a divorce in a state other than Minnesota must submit a certified copy of the certificate of dissolution or a certified copy of an equivalent court order ending the marriage and a certified copy of the person's birth certificate.

(b) A court shall not require a person applying for a name change to pay filing fees for an application submitted pursuant to this section. Notwithstanding section 259.10, a court shall not require the person applying for a name change pursuant to this section to provide proof of the person's identity by two witnesses unless the proof of identity is necessary to determine whether the person has an intent to defraud or mislead the court.

(c) Upon meeting the requirements of this section, the court shall grant the application for a name change unless the court finds that (1) the person has an intent to defraud or mislead the court; or (2) the name change is subject to section 259.13. The court shall notify the person applying for a name change that using a different surname without complying with section 259.13, if applicable, is a gross misdemeanor.

Sec. 4. Minnesota Statutes 2022, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record,

32.1 a court administrator, a retired court administrator with the approval of the chief judge of
32.2 the judicial district, a former court commissioner who is employed by the court system or
32.3 is acting pursuant to an order of the chief judge of the commissioner's judicial district, the
32.4 residential school superintendent of the Minnesota State Academy for the Deaf and the
32.5 Minnesota State Academy for the Blind, a licensed or ordained minister of any religious
32.6 denomination, an individual who registers as a civil marriage officiant with a local registrar
32.7 in a county of this state, or by any mode recognized in section 517.18. For purposes of this
32.8 section, a court of record includes the Office of Administrative Hearings under section
32.9 14.48.

32.10 Sec. 5. Minnesota Statutes 2022, section 517.08, subdivision 1a, is amended to read:

32.11 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
32.12 parties upon a form provided for the purpose and shall contain the following information:

32.13 (1) the full names of the parties and the sex of each party;

32.14 (2) their post office addresses and county and state of residence;

32.15 (3) their full ages;

32.16 (4) if either party has previously been married, the party's married name, and the date,
32.17 place and court in which the civil marriage was dissolved or annulled or the date and place
32.18 of death of the former spouse;

32.19 (5) whether the parties are related to each other, and, if so, their relationship;

32.20 (6) the address of the parties after the civil marriage is entered into to which the local
32.21 registrar shall send a certified copy of the civil marriage certificate;

32.22 (7) the full names the parties will have after the civil marriage is entered into and the
32.23 parties' Social Security numbers. The Social Security numbers must be collected for the
32.24 application but must not appear on the civil marriage license. If a party listed on a civil
32.25 marriage application does not have a Social Security number, the party must certify on the
32.26 application, or a supplement to the application, that the party does not have a Social Security
32.27 number;

32.28 (8) if one ~~or both of the parties~~ party to the civil marriage license has a felony conviction
32.29 under Minnesota law or the law of another state or federal jurisdiction, the ~~parties shall~~
32.30 ~~provide to the county proof of service upon the prosecuting authority and, if applicable, the~~
32.31 ~~attorney general, as required by~~ party may not change the party's name through the marriage

33.1 application process and must follow the process in section 259.13 to change the party's
33.2 name; and

33.3 (9) notice that a party who has a felony conviction under Minnesota law or the law of
33.4 another state or federal jurisdiction may not use a different name after a civil marriage
33.5 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

33.6 Sec. 6. Minnesota Statutes 2022, section 517.08, subdivision 1b, is amended to read:

33.7 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
33.8 examine upon oath the parties applying for a license relative to the legality of the
33.9 contemplated civil marriage. Both parties must present proof of age to the local registrar.
33.10 If one party is unable to appear in person, the party appearing may complete the absent
33.11 applicant's information. The local registrar shall provide a copy of the civil marriage
33.12 application to the party who is unable to appear, who must verify the accuracy of the
33.13 appearing party's information in a notarized statement. The verification statement must be
33.14 accompanied by a copy of proof of age of the party. The civil marriage license must not be
33.15 released until the verification statement and proof of age has been received by the local
33.16 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
33.17 the restriction contained in section 259.13, the local registrar shall issue the license,
33.18 containing the full names of the parties before and after the civil marriage, and county and
33.19 state of residence, with the county seal attached, and make a record of the date of issuance.
33.20 The license shall be valid for a period of six months. Except as provided in paragraph (b),
33.21 the local registrar shall collect from the applicant a fee of \$115 for administering the oath,
33.22 issuing, recording, and filing all papers required, and preparing and transmitting to the state
33.23 registrar of vital records the reports of civil marriage required by this section. If the license
33.24 should not be used within the period of six months due to illness or other extenuating
33.25 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
33.26 a new license shall issue upon request of the parties of the original license without fee. A
33.27 local registrar who knowingly issues or signs a civil marriage license in any manner other
33.28 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
33.29 \$1,000.

33.30 (b) The civil marriage license fee for parties who have completed at least 12 hours of
33.31 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
33.32 submit at the time of applying for the civil marriage license a statement that is signed, dated,
33.33 and notarized or marked with a church seal from the person who provided the premarital
33.34 education on their letterhead confirming that it was received. The premarital education must

34.1 be provided by a licensed or ordained minister or the minister's designee, a person authorized
34.2 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
34.3 and family therapy under section 148B.33. The education must include the use of a premarital
34.4 inventory and the teaching of communication and conflict management skills.

34.5 (c) The statement from the person who provided the premarital education under paragraph
34.6 (b) must be in the following form:

34.7 "I, (name of educator), confirm that (names of both
34.8 parties) received at least 12 hours of premarital education that included the use of a premarital
34.9 inventory and the teaching of communication and conflict management skills. I am a licensed
34.10 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
34.11 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
34.12 Minnesota Statutes, section 148B.33."

34.13 The names of the parties in the educator's statement must be identical to the legal names
34.14 of the parties as they appear in the civil marriage license application. Notwithstanding
34.15 section 138.17, the educator's statement must be retained for seven years, after which time
34.16 it may be destroyed.

34.17 ~~(d) If section 259.13 applies to the request for a civil marriage license, the local registrar~~
34.18 ~~shall grant the civil marriage license without the requested name change. Alternatively, the~~
34.19 ~~local registrar may delay the granting of the civil marriage license until the party with the~~
34.20 ~~conviction:~~

34.21 ~~(1) certifies under oath that 30 days have passed since service of the notice for a name~~
34.22 ~~change upon the prosecuting authority and, if applicable, the attorney general and no~~
34.23 ~~objection has been filed under section 259.13; or~~

34.24 ~~(2) provides a certified copy of the court order granting it. The parties seeking the civil~~
34.25 ~~marriage license shall have the right to choose to have the license granted without the name~~
34.26 ~~change or to delay its granting pending further action on the name change request.~~

35.1 **ARTICLE 6**

35.2 **REAL PROPERTY**

35.3 Section 1. Minnesota Statutes 2022, section 336.9-601, is amended to read:

35.4 **336.9-601 RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT;**
35.5 **CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT**
35.6 **INTANGIBLES, OR PROMISSORY NOTES.**

35.7 (a) **Rights of secured party after default.** After default, a secured party has the rights
35.8 provided in this part and, except as otherwise provided in section 336.9-602, those provided
35.9 by agreement of the parties. A secured party:

35.10 (1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security
35.11 interest, or agricultural lien by any available judicial procedure; and

35.12 (2) if the collateral is documents, may proceed either as to the documents or as to the
35.13 goods they cover.

35.14 (b) **Rights and duties of secured party in possession or control.** A secured party in
35.15 possession of collateral or control of collateral under section 336.7-106, 336.9-104,
35.16 336.9-105, 336.9-106, or 336.9-107 has the rights and duties provided in section 336.9-207.

35.17 (c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and
35.18 (b) are cumulative and may be exercised simultaneously.

35.19 (d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) and
35.20 section 336.9-605, after default, a debtor and an obligor have the rights provided in this part
35.21 and by agreement of the parties.

35.22 (e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment,
35.23 the lien of any levy that may be made upon the collateral by virtue of an execution based
35.24 upon the judgment relates back to the earliest of:

35.25 (1) the date of perfection of the security interest or agricultural lien in the collateral;

35.26 (2) the date of filing a financing statement covering the collateral; or

35.27 (3) any date specified in a statute under which the agricultural lien was created.

35.28 (f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest
35.29 or agricultural lien by judicial procedure within the meaning of this section. A secured party
35.30 may purchase at the sale and thereafter hold the collateral free of any other requirements
35.31 of this article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in section 336.9-607 (c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Security interest in collateral that is agricultural property; enforcement.** A person may not begin to enforce a security interest in collateral that is agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than the amount provided in section 583.24, subdivision 5, unless: a mediation notice under subsection (i) is served on the debtor after a condition of default has occurred in the security agreement and a copy served on the director of the ~~agricultural~~ Minnesota extension service; and the debtor and creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed under sections 583.20 to 583.32.

(i) **Mediation notice.** A mediation notice under subsection (h) must contain the following notice with the blanks properly filled in.

"TO: ...(Name of Debtor)...

YOU HAVE DEFAULTED ON THE ...(Debt in Default)... SECURED BY AGRICULTURAL PROPERTY DESCRIBED AS ...(Reasonable Description of Agricultural Property Collateral). THE AMOUNT OF THE OUTSTANDING DEBT IS ...(Amount of Debt)...

AS A SECURED PARTY, ...(Name of Secured Party)... INTENDS TO ENFORCE THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A COURT JUDGMENT AGAINST THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU TO PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION

37.1 OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT
37.2 AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

37.3 TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A
37.4 MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU
37.5 RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT
37.6 ~~ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
37.7 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

37.8 FROM: ...(Name and Address of Secured Party)..."

37.9 Sec. 2. Minnesota Statutes 2022, section 507.07, is amended to read:

37.10 **507.07 WARRANTY AND QUITCLAIM DEEDS; FORMS.**

37.11 Warranty and quitclaim deeds may be substantially in the following forms:

37.12 WARRANTY DEED

37.13 A.B., grantor, of (here insert the place of residence), for and in consideration of (here
37.14 insert the consideration), conveys and warrants to C.D., grantee, of (here insert the place
37.15 of residence), the following described real estate in the county of, in the
37.16 state of Minnesota: (here describe the premises).

37.17 Dated this day of,

37.18 (Signature)

37.19 Every such instrument, duly executed as required by law, shall be a conveyance in fee
37.20 simple of the premises described to the grantee, the grantee's heirs and assigns, with
37.21 covenants on the part of the grantor, the grantor's heirs and personal representatives, that
37.22 the grantor is lawfully seized of the premises in fee simple and has good right to convey
37.23 the same; that the premises are free from all encumbrances; that the grantor warrants to the
37.24 grantee, the grantee's heirs and assigns, the quiet and peaceable possession thereof; and that
37.25 the grantor will defend the title thereto against all persons who may lawfully claim the same.
37.26 Such covenants shall be obligatory upon any grantor, the grantor's heirs and personal
37.27 representatives, as fully and with like effect as if written at length in such deed.

37.28 QUITCLAIM DEED

37.29 A.B., grantor, of (here insert the place of residence), for the consideration of (here insert
37.30 the consideration), conveys and quitclaims to C.D., the grantee, of (here insert the place of
37.31 residence), all interest in the following described real estate in the county of,
37.32 in the state of Minnesota: (here describe the premises).

38.1 Dated this day of,

38.2 (Signature)

38.3 Every such instrument, duly executed, shall be a conveyance to the grantee, the grantee's
38.4 heirs and assigns, of all right, title, and interest of the grantor in the premises described, but
38.5 shall not extend to after acquired title, unless words expressing such intention be added.

38.6 Sec. 3. Minnesota Statutes 2022, section 508.52, is amended to read:

38.7 **508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW**
38.8 **CERTIFICATE.**

38.9 An owner of registered land who desires to convey the land, or a portion thereof, in fee,
38.10 shall execute a deed of conveyance, and record the deed with the registrar. The deed of
38.11 conveyance shall be recorded and endorsed with the number and place of registration of
38.12 the certificate of title. Before canceling the outstanding certificate of title the registrar shall
38.13 show by memorial thereon the registration of the deed on the basis of which it is canceled.
38.14 The encumbrances, claims, or interests adverse to the title of the registered owner shall be
38.15 stated upon the new certificate, except so far as they may be simultaneously released or
38.16 discharged. The registrar shall not carry forward as a memorial on the new certificate of
38.17 title any memorials of a transfer on death deed if the grantors of the transfer on death deed
38.18 retain no fee interest in the land covered by the new certificate. The certificate of title shall
38.19 be marked "Canceled" by the registrar, who shall enter in the register a new certificate of
38.20 title to the grantee and prepare ~~and deliver to the grantee a copy of the~~ new certificate of
38.21 title. The registrar, upon request, shall deliver to the grantee a copy of the new certificate
38.22 of title. If a deed in fee is for a portion of the land described in a certificate of title, the
38.23 memorial of the deed entered by the registrar shall include the legal description contained
38.24 in the deed and the registrar shall enter a new certificate of title to the grantee for the portion
38.25 of the land conveyed and, except as otherwise provided in this section, issue a residue
38.26 certificate of title to the grantor for the portion of the land not conveyed. The registrar shall
38.27 prepare and, upon request, deliver to each of the parties a copy of their respective certificates
38.28 of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate
38.29 to the grantor for the portion of the land not conveyed, the registrar may if the grantor's
38.30 deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary
38.31 by the registered owner, mark by the land description on the certificate of title "Part of land
38.32 conveyed, see memorials." The fee for a residue certificate of title shall be paid to the
38.33 registrar only when the grantor's certificate of title is canceled after the conveyance by the
38.34 grantor of a portion of the land described in the grantor's certificate of title. When two or

39.1 more successive conveyances of the same property are filed for registration on the same
39.2 day the registrar may enter a certificate in favor of the grantee or grantees in the last of the
39.3 successive conveyances, and the memorial of the previous deed or deeds entered on the
39.4 prior certificate of title shall have the same force and effect as though the prior certificate
39.5 of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in
39.6 the successive conveyances. The fees for the registration of the earlier deed or deeds shall
39.7 be the same as the fees prescribed for the entry of memorials. The registrar of titles, with
39.8 the consent of the transferee, may mark "See memorials for new owner(s)" by the names
39.9 of the registered owners on the certificate of title and also add to the memorial of the
39.10 transferring conveyance a statement that the memorial shall serve in lieu of a new certificate
39.11 of title in favor of the grantee or grantees therein noted and may refrain from canceling the
39.12 certificate of title until the time it is canceled by a subsequent transfer, and the memorial
39.13 showing such transfer of title shall have the same effect as the entry of a new certificate of
39.14 title for the land described in the certificate of title; the fee for the registration of a conveyance
39.15 without cancellation of the certificate of title shall be the same as the fee prescribed for the
39.16 entry of a memorial.

39.17 Sec. 4. Minnesota Statutes 2022, section 518.191, subdivision 1, is amended to read:

39.18 Subdivision 1. **Abbreviated judgment and decree.** If real estate is described in a
39.19 judgment and decree of dissolution, the court ~~may~~ shall direct either of the parties or their
39.20 legal counsel to prepare and submit to the court a proposed summary real estate disposition
39.21 judgment. Upon approval by the court and filing of the summary real estate disposition
39.22 judgment with the court administrator, the court administrator shall provide to any party
39.23 upon request certified copies of the summary real estate disposition judgment.

39.24 Sec. 5. Minnesota Statutes 2022, section 518.191, subdivision 3, is amended to read:

39.25 Subd. 3. **Court order.** An order or provision in a judgment and decree that provides
39.26 that the judgment and decree must be recorded in the office of the county recorder or filed
39.27 in the office of the registrar of titles means, if a summary real estate disposition judgment
39.28 has been approved by the court, that the summary real estate disposition judgment, rather
39.29 than the judgment and decree, must be recorded in the office of the county recorder or filed
39.30 in the office of the registrar of titles. The recorder or registrar of titles is not responsible for
39.31 determining if a summary real estate disposition judgment has been approved by the court.

Sec. 6. Minnesota Statutes 2022, section 541.023, subdivision 6, is amended to read:

Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any rights of the federal government; nor increase the effect as notice, actual or constructive, of any instrument now of record; nor bar the rights of any person, partnership, state agency or department, or corporation in possession of real estate. This section shall not impair the record title or record interest, or title obtained by or through any congressional or legislative grant, of any railroad corporation or other public service corporation or any trustee or receiver thereof or of any educational or religious corporation in any real estate by reason of any failure to record further evidence of such title or interest even though the record thereof is now or hereafter more than 40 years old; nor shall this section require the recording of any notice as provided for in this section as to any undischarged mortgage or deed of trust executed by any such corporation or any trustee or receiver thereof or to any claim or action founded upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision shall not include (1) reservations or exceptions of land for right-of-way or other railroad purposes contained in deeds of conveyance made by a railroad company or by trustees or receivers thereof, unless said reserved or excepted land shall have been put to railroad use within 40 years after the date of said deeds of conveyance, (2) nor any rights under any conditions subsequent or restrictions contained in any such deeds of conveyance.

Sec. 7. Minnesota Statutes 2022, section 550.365, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Judgment Debtor)....

A JUDGMENT WAS ORDERED AGAINST YOU BY(Name of Court).... ON
....(Date of Judgment).

AS A JUDGMENT CREDITOR,(Name of Judgment Creditor).... INTENDS TO
TAKE ACTION AGAINST THE AGRICULTURAL PROPERTY DESCRIBED
AS....(Description of Agricultural Property).... TO SATISFY THE JUDGMENT IN THE
AMOUNT OF(Amount of Debt)....

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION.
IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE
MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
ENFORCES THE DEBT.

41.1 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
41.2 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
41.3 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
41.4 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
41.5 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND
41.6 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS
41.7 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
41.8 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

41.9 TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A
41.10 MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU
41.11 RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT
41.12 ~~ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
41.13 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

41.14 FROM:(Name and Address of Judgment Creditor)...."

41.15 Sec. 8. Minnesota Statutes 2022, section 559.209, subdivision 2, is amended to read:

41.16 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
41.17 properly filled in.

41.18 "TO:(Name of Contract for Deed Purchaser)....

41.19 YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE
41.20 AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location of
41.21 Property, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT IS
41.22(Amount of Debt)....

41.23 AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed Vendor)....
41.24 INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

41.25 YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT
41.26 REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS
41.27 IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST
41.28 MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF
41.29 THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE
41.30 DEBT.

41.31 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
41.32 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
41.33 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE

FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM:(Name and Address of Contract for Deed Vendor)...."

Sec. 9. Minnesota Statutes 2022, section 582.039, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Record Owner)....

YOU HAVE DEFAULTED ON THE MORTGAGE OF THE AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT ON THIS PROPERTY IS(Amount of Debt)....

AS HOLDER OF THE MORTGAGE,(Name of Holder of Mortgage).... INTENDS TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS

SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM:(Name and Address of Holder of Mortgage)...."

Sec. 10. Minnesota Statutes 2022, section 583.25, is amended to read:

583.25 VOLUNTARY MEDIATION PROCEEDINGS.

A debtor that owns agricultural property or a creditor of the debtor may request mediation of the indebtedness by a farm mediator by applying to the director. The director shall ~~make~~ provide voluntary mediation application forms ~~available at the county recorder's and county extension office in each county~~ when requested. The director must evaluate each request and may direct a mediator to meet with the debtor and creditor to assist in mediation.

Sec. 11. Minnesota Statutes 2022, section 583.26, subdivision 2, is amended to read:

Subd. 2. **Mediation request.** (a) A debtor must file a mediation request form with the director by 14 days after receiving a mediation notice. The debtor must state all known creditors with debts secured for agricultural property and must authorize the director to obtain the debtor's credit report from one or more credit reporting agencies. The mediation request form must include an instruction that the debtor must state all known creditors with debts secured by agricultural property and unsecured creditors that are necessary for the farm operation of the debtor. It is the debtor's discretion as to which unsecured creditors are necessary for the farm operation but the mediation request form must notify the debtor that omission of a significant unsecured creditor could result in a bad-faith determination pursuant to section 583.27, subdivisions 1, paragraph (a), clause (2), and 2. The mediation request must state the date that the notice was served on the debtor. The director shall ~~make~~ provide mediation request forms ~~available in the county recorder's and county extension office of each county~~ when requested.

(b) Except as provided in section 583.24, subdivision 4, paragraph (a), clause (3), a debtor who fails to file a timely mediation request waives the right to mediation for that debt under the Farmer-Lender Mediation Act. The director shall notify the creditor who

served the mediation notice stating that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request.

(c) If a debtor has not received a mediation notice and is subject to a proceeding of a creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections 336.9-601 to 336.9-628, terminating a contract for deed to purchase agricultural property under section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property, the debtor may file a mediation request with the director. The mediation request form must indicate that the debtor has not received a mediation notice.

Sec. 12. Minnesota Statutes 2022, section 600.23, is amended to read:

600.23 RECORDERS AND COURT ADMINISTRATORS.

Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees therefor, ~~shall~~ may receive and deposit in the office any instruments or papers which ~~shall~~ be are offered for that purpose and, if ~~required~~ requested, shall give to the person depositing the same a receipt therefor.

Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed by the officer receiving the same, and so endorsed as to indicate their general nature, the names of the parties thereto, and time when received, and shall be deposited and kept by the officer and successors in office in the same manner as the officer's official papers, but in a place separate therefrom.

Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or withdrawn from the office except upon the written order of the person depositing the same, or the person's executors or administrators, or on the order of some court for the purpose of being read in the court, and then to be returned to the office.

Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping shall be retained, at a minimum, until the earlier of:

(1) the county recorder learns of the depositor's death, at which time the county recorder may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument to the depositor's executors or administrators; or

(2) 20 years following the deposit of the paper or instrument, at which time the county recorder shall dispose of the paper or instrument pursuant to its county's retention policy.

Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer to whom the legal custody of any instrument belongs, stating that the officer has made

45.1 diligent search for such instrument and that it cannot be found, shall be prima facie evidence
45.2 of the fact so certified to in all cases, matters, and proceedings.

45.3 Sec. 13. **REPEALER.**

45.4 Minnesota Statutes 2022, sections 346.02; and 582.14, are repealed.

45.5 **ARTICLE 7**

45.6 **MULTIMEMBER AGENCY APPOINTMENTS**

45.7 Section 1. Minnesota Statutes 2022, section 15.0597, subdivision 1, is amended to read:

45.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms shall have
45.9 the meanings given them.

45.10 (b) "Agency" means (1) a state board, commission, council, committee, authority, task
45.11 force, including an advisory task force created under section 15.014 or 15.0593, a group
45.12 created by executive order of the governor, or other similar multimember agency created
45.13 by law and having statewide jurisdiction; and (2) the Metropolitan Council, metropolitan
45.14 agency, Capitol Area Architectural and Planning Board, and any agency with a regional
45.15 jurisdiction created in this state pursuant to an interstate compact.

45.16 (c) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency,
45.17 or (2) a new, unfilled agency position. ~~Vacancy includes a position that is to be filled through~~
45.18 ~~appointment of a nonlegislator by a legislator or group of legislators;~~ Vacancy does not
45.19 mean (1) a vacant position on an agency composed exclusively of persons employed by a
45.20 political subdivision or another agency, ~~or~~ (2) a vacancy to be filled by a person required
45.21 to have a specific title or position, (3) a vacancy that is to be filled through appointment of
45.22 a legislator by a legislator or group of legislators, or (4) a position appointed by a private
45.23 entity or individual, in the manner specified in the document creating the agency, unless
45.24 otherwise provided.

45.25 (d) "Secretary" means the secretary of state.

45.26 (e) "Appointing authority" means the individual or entity with the specific authority to
45.27 appoint open or direct appointment positions. This includes, but is not limited to, the
45.28 governor, state agency commissioners, indigenous Tribal leaders, designated legislative
45.29 leaders and local agency heads, persons who have been specifically delegated the authority
45.30 to make those appointments, or private entities or persons as designated by the document
45.31 creating the agency. Appointments should be evidenced by a document signed by the

46.1 appointing authority's most senior official. Appointments that do not specify an appointing
46.2 authority shall be made in the manner provided in section 4.04.

46.3 (f) "Direct appointments" means: (1) the appointment of members to an agency, pursuant
46.4 to a process not subject to this section; and (2) those members of an agency appointed
46.5 through a process not subject to this section. Direct appointments must be provided for
46.6 specifically in the documents creating the agency, whether enabling law, executive order,
46.7 commissioner's order, or otherwise.

46.8 Sec. 2. Minnesota Statutes 2022, section 15.0597, subdivision 4, is amended to read:

46.9 Subd. 4. **Notice of vacancies.** The chair of an existing agency, shall notify the secretary
46.10 by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration
46.11 of membership terms at least 45 days before the vacancy occurs. The chair of an existing
46.12 agency ~~shall give electronic notification to~~ must notify the secretary of each vacancy
46.13 occurring as a result of newly created agency positions and of every other vacancy occurring
46.14 for any reason other than the expiration of membership terms as soon as possible upon
46.15 learning of the vacancy and in any case within 15 days after the occurrence of the vacancy.
46.16 The chair may submit vacancy notices by posting seat openings on the secretary of state's
46.17 boards and commissions website.

46.18 (b) If a vacancy is to be appointed by the governor, the chair must first notify the governor
46.19 and receive permission to post the vacancy. Where a vacancy is created by resignation, the
46.20 vacancy may not be posted until receipt and acceptance of the resignation of the incumbent
46.21 as provided by section 351.01, subdivision 1, clause (2), is confirmed by the governor.

46.22 (c) The appointing authority for newly created agencies shall give electronic notification
46.23 to the secretary of all vacancies in the new agency within 15 days after the creation of the
46.24 agency. The secretary may require the submission of notices required by this subdivision
46.25 by electronic means.

46.26 (d) The secretary shall publish monthly on the website of the secretary of state a list of
46.27 all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall
46.28 be so published, unless the appointing authority rejects all applicants and requests the
46.29 secretary to republish the notice of vacancy. One copy of the listing shall be made available
46.30 at the office of the secretary to any interested person. The secretary shall distribute by mail
46.31 or electronic means copies of the listings to requesting persons.

(e) The listing for all vacancies scheduled to occur in the month of January shall be published on the website of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

(f) If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 3. Minnesota Statutes 2022, section 15.0597, subdivision 5, is amended to read:

Subd. 5. **Nominations for vacancies.** Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, ~~a statement whether the applicant has ever been convicted of a felony~~, and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, veteran status, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy on the website of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. ~~If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority.~~ Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 4. Minnesota Statutes 2022, section 15.0597, subdivision 6, is amended to read:

Subd. 6. **Appointments.** (a) In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until ~~(1) ten~~ five days after receipt of the applications for positions in that agency from the secretary or ~~(2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency as provided for in subdivision 5.~~ At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary by electronic means of the name of the person the appointing authority ~~intends to appoint~~ has appointed to fill the agency vacancy and the expiration date of that person's term.

(b) No person may serve in a position until the appointing authority has submitted either (1) a signed notice of appointment or (2) the documents required by paragraph (e) to the secretary of state, and the term of the appointee may not commence on a date preceding the date of the signature on the notice of appointment or the paragraph (e) submission.

(c) An oath of office for each appointee to an agency must be submitted to the secretary of state under section 358.05.

(d) If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

(e) An appointing authority making a direct appointment must submit a letter to the secretary of state stating the name of the person appointed, the agency and the specific seat to which they are appointed, contact information, the date on which the term begins, and length of the term.

(f) No person may simultaneously occupy more than one position on the same agency board. Appointment or designation of a member as chair of an agency does not constitute a violation of this paragraph.

Sec. 5. Minnesota Statutes 2022, section 351.01, subdivision 2, is amended to read:

Subd. 2. **When effective.** Except as provided by subdivision 3 or other express provision of law or charter to the contrary, a resignation is effective when it is received by the officer, body, or board authorized to receive it. In the case of a position appointed by the governor under section 15.0597, the resignation must be submitted to the governor.

49.1 Sec. 6. Minnesota Statutes 2022, section 364.021, is amended to read:

49.2 **364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF**
49.3 **CRIMINAL RECORDS.**

49.4 (a) A public or private employer may not inquire into or consider or require disclosure
49.5 of the criminal record or criminal history of an applicant for employment until the applicant
49.6 has been selected for an interview by the employer or, if there is not an interview, before a
49.7 conditional offer of employment is made to the applicant.

49.8 (b) This section does not apply to the Department of Corrections or to employers who
49.9 have a statutory duty to conduct a criminal history background check or otherwise take into
49.10 consideration a potential employee's criminal history during the hiring process.

49.11 (c) This section does not prohibit an employer from notifying applicants that law or the
49.12 employer's policy will disqualify an individual with a particular criminal history background
49.13 from employment in particular positions.

49.14 (d) An appointing authority may not inquire into or consider or require disclosure of the
49.15 criminal record or criminal history of an applicant for appointment to multimember agencies,
49.16 including boards, commissions, agencies, committees, councils, authorities, advisory task
49.17 forces, and advisory councils, on an application form or, until the applicant has been selected
49.18 for an interview by the appointing authority or is otherwise selected as a final candidate for
49.19 appointment.

49.20 Sec. 7. Minnesota Statutes 2022, section 364.06, subdivision 1, is amended to read:

49.21 Subdivision 1. **Public employers.** Any complaints or grievances concerning violations
49.22 of sections 364.01 to 364.10 by public employers or violations of section 364.021 by public
49.23 appointing authorities shall be processed and adjudicated in accordance with the procedures
49.24 set forth in chapter 14, the Administrative Procedure Act.

APPENDIX
Repealed Minnesota Statutes: S0200-1

No active language found for: 346.02

363A.20 EXEMPTION BASED ON EMPLOYMENT.

No active language found for: 363A.20.3

No active language found for: 363A.27

No active language found for: 504B.305

No active language found for: 582.14