

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 910

1.2 A bill for an act  
1.3 relating to notaries public; modifying fees; regulating commissions and notarial  
1.4 stamps and seals; providing clarifications; providing for the accommodations  
1.5 of physical limitations; amending Minnesota Statutes 2008, sections 358.028;  
1.6 358.09; 358.15; 358.47; 358.48; 359.01, subdivision 2; 359.02; 359.03,  
1.7 subdivisions 1, 2, 3, 4; 359.061; 359.12; Minnesota Statutes 2009 Supplement,  
1.8 sections 357.021, subdivision 2; 359.01, subdivision 3; proposing coding for new  
1.9 law in Minnesota Statutes, chapter 359; repealing Minnesota Statutes 2008,  
1.10 section 359.05.

1.11 May 14, 2010  
1.12 The Honorable Margaret Anderson Kelliher  
1.13 Speaker of the House of Representatives

1.14 The Honorable James P. Metzen  
1.15 President of the Senate

1.16 We, the undersigned conferees for H. F. No. 910 report that we have agreed upon the  
1.17 items in dispute and recommend as follows:

1.18 That the Senate recede from its amendment and that H. F. No. 910 be further  
1.19 amended as follows:

1.20 Delete everything after the enacting clause and insert:

1.21 "Section 1. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 2,  
1.22 is amended to read:

1.23 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court  
1.24 administrator shall be as follows:

1.25 (1) In every civil action or proceeding in said court, including any case arising  
1.26 under the tax laws of the state that could be transferred or appealed to the Tax Court, the  
1.27 plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that  
1.28 party in said action, a fee of \$310, except in marriage dissolution actions the fee is \$340.

1.29 The defendant or other adverse or intervening party, or any one or more of several  
1.30 defendants or other adverse or intervening parties appearing separately from the others,

2.1 shall pay, when the first paper is filed for that party in said action, a fee of \$310, except in  
2.2 marriage dissolution actions the fee is \$340.

2.3 The party requesting a trial by jury shall pay \$100.

2.4 The fees above stated shall be the full trial fee chargeable to said parties irrespective  
2.5 of whether trial be to the court alone, to the court and jury, or disposed of without trial,  
2.6 and shall include the entry of judgment in the action, but does not include copies or  
2.7 certified copies of any papers so filed or proceedings under chapter 103E, except the  
2.8 provisions therein as to appeals.

2.9 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8  
2.10 for an uncertified copy.

2.11 (3) Issuing a subpoena, \$16 for each name.

2.12 (4) Filing a motion or response to a motion in civil, family, excluding child support,  
2.13 and guardianship cases, \$100.

2.14 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,  
2.15 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not  
2.16 specifically mentioned, \$55.

2.17 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of  
2.18 judgment from another court, \$40.

2.19 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment  
2.20 of judgment, \$5.

2.21 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each  
2.22 name certified to.

2.23 (9) Filing and indexing trade name; or recording basic science certificate;  
2.24 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or  
2.25 optometrists, \$5.

2.26 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

2.27 (11) For the deposit of a will, \$27.

2.28 (12) For recording notary commission, ~~\$100, of which, notwithstanding subdivision~~  
2.29 ~~1a, paragraph (b), \$80 must be forwarded to the commissioner of management and budget~~  
2.30 ~~to be deposited in the state treasury and credited to the general fund \$20.~~

2.31 (13) Filing a motion or response to a motion for modification of child support,  
2.32 a fee of \$100.

2.33 (14) All other services required by law for which no fee is provided, such fee  
2.34 as compares favorably with those herein provided, or such as may be fixed by rule or  
2.35 order of the court.

3.1 (15) In addition to any other filing fees under this chapter, a surcharge in the  
3.2 amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for  
3.3 each adoption petition filed in district court to fund the fathers' adoption registry under  
3.4 section 259.52.

3.5 The fees in clauses (3) and (5) need not be paid by a public authority or the party  
3.6 the public authority represents.

3.7 Sec. 2. Minnesota Statutes 2008, section 358.028, is amended to read:

3.8 **358.028 LEGISLATORS, OFFICIAL SEALS.**

3.9 Every member of the legislature, while in office and residing in the district from  
3.10 which elected, may have an official ~~seal~~ notarial stamp, in the form provided in section  
3.11 358.03, with which to authenticate official acts provided for in section 358.15.

3.12 Sec. 3. Minnesota Statutes 2008, section 358.09, is amended to read:

3.13 **358.09 BY WHOM AND HOW ADMINISTERED.**

3.14 Any officer authorized by this chapter to take and certify acknowledgments may  
3.15 administer an oath, and, if the same be in writing, may certify the same under the officer's  
3.16 signature, and ~~the seal of office, if there be one~~ an official notarial stamp, in the following  
3.17 form: "Subscribed and sworn to before me this ..... day of ....., ....." The mode  
3.18 of administering an oath commonly practiced in the place where it is taken shall be  
3.19 followed, including, in this state, the ceremony of uplifting the hand.

3.20 Sec. 4. Minnesota Statutes 2008, section 358.15, is amended to read:

3.21 **358.15 EX OFFICIO NOTARY PUBLIC.**

3.22 (a) The following officers have the powers of a notary public within the state:

3.23 (1) every member of the legislature, while still a resident in the district from which  
3.24 elected; but no fee or compensation may be received for exercising these powers. The  
3.25 form of the official signature in these cases is: "A.B., Representative (or Senator),  
3.26 ..... District, Minnesota, ex officio notary public. My term expires  
3.27 January 1, ....."

3.28 (2) the clerks or recorders of towns, and cities. The form of the official signature in  
3.29 these cases is: "A.B. (official title), ..... County, Minnesota, ex officio notary public. My  
3.30 term expires ..... (or where applicable) my term is indeterminate.";

3.31 (3) court commissioners, county recorders, and county auditors, and their several  
3.32 deputies, and county commissioners, all within their respective counties. The form of the

4.1 official signature in these cases: "A.B. (official title), ..... County, Minnesota, ex officio  
4.2 notary public. My term expires ..... (or where applicable) my term is indeterminate."; and

4.3 (4) peace officers licensed under section 626.845 for the purpose of administering  
4.4 oaths upon information submitted to establish probable cause to any judge or judicial  
4.5 officer under the Rules of Criminal Procedure. The form of the official signature in these  
4.6 cases is "A.B., Peace Officer License Number ....., ..... County, Minnesota. My license  
4.7 expires June 30, .....".

4.8 (b) An officer using the powers of a notary public within the state pursuant to clauses  
4.9 (1) to (3) shall obtain an official stamp as specified under section 359.03, subdivisions 1,  
4.10 3, and 4, with which to authenticate official acts.

4.11 (c) The county auditor and county recorder, and their deputies, and the clerk or  
4.12 recorder of a town or city with ex officio powers under this section may authenticate  
4.13 official acts related to the statutory duties of their respective offices without using the  
4.14 official stamp for 90 days after initially assuming the office, or until the officer acquires an  
4.15 official stamp, whichever is earlier.

4.16 **EFFECTIVE DATE; APPLICABILITY.** This section is effective August 1, 2010,  
4.17 except that an officer with ex officio powers subject to paragraph (c) may authenticate  
4.18 official acts related to the officer's statutory duties without using the official stamp for up  
4.19 to 90 days after the effective date of this section, or until the officer acquires an official  
4.20 stamp, whichever is earlier.

4.21 Sec. 5. Minnesota Statutes 2008, section 358.47, is amended to read:

4.22 **358.47 CERTIFICATE OF NOTARIAL ACTS.**

4.23 (a) A notarial act must be evidenced by a certificate physically or electronically  
4.24 signed and dated by a notarial officer in a manner that attributes such signature to the  
4.25 notary public ~~identified on the commission.~~ The notary's name as it appears on the  
4.26 official notarial stamp and on any jurat or certificate of acknowledgment and in the  
4.27 notary's commission must be identical. The certificate must include identification of the  
4.28 jurisdiction in which the notarial act is performed and the title of the office of the notarial  
4.29 officer and ~~may~~ must include the official notarial stamp ~~or seal of office, or the notary's~~  
4.30 ~~electronic seal pursuant to section 359.03. If the officer is a notary public, the certificate~~  
4.31 ~~must also indicate the date of expiration, if any, of the commission of office, but omission~~  
4.32 ~~of that information may subsequently be corrected.~~ If the officer is a commissioned  
4.33 officer on active duty in the military service of the United States, it must also include the  
4.34 officer's rank.

5.1 (b) A certificate of a notarial act is sufficient if it is in English and meets the  
5.2 requirements of subsection (a) and it:

5.3 (1) is in the short form set forth in section 358.48;

5.4 (2) is in a form otherwise prescribed by the law of this state;

5.5 (3) is in a form prescribed by the laws or regulations applicable in the place in  
5.6 which the notarial act was performed; or

5.7 (4) sets forth the actions of the notarial officer and those are sufficient to meet the  
5.8 requirements of the designated notarial act.

5.9 (c) By executing a certificate of a notarial act, the notarial officer certifies that the  
5.10 officer has made the determinations required by section 358.42.

5.11 Sec. 6. Minnesota Statutes 2008, section 358.48, is amended to read:

5.12 **358.48 SHORT FORMS.**

5.13 The following short form certificates of notarial acts are sufficient for the purposes  
5.14 indicated, if completed with the information required by section 358.47, subsection (a):

5.15 (1) For an acknowledgment in an individual capacity;

5.16 State of .....

5.17 County of .....

5.18 This instrument was acknowledged before me on .....(date) by

5.19 .....(name(s) of person(s)).

5.20 .....

5.21 (Signature of notarial officer)

5.22 (~~Seal, if any~~ Stamp)

5.23 .....

5.24 Title (and Rank)

5.25 My commission expires: .....

5.26 (2) For an acknowledgment in a representative capacity:

5.27 State of .....

5.28 County of .....

5.29 This instrument was acknowledged before me on .....(date) by

5.30 .....(name(s) of person(s)) as .....(type of authority, e.g.,

5.31 officer, trustee, etc.) of .....(name of party on behalf of whom

5.32 the instrument was executed).

5.33 .....

5.34 (Signature of notarial officer)

6.1 (~~Seal, if any Stamp~~)

6.2 .....

6.3 Title (and Rank)

6.4 My commission expires: .....

6.5 (3) For a verification upon oath or affirmation:

6.6 State of .....

6.7 County of .....

6.8 Signed and sworn to (or affirmed) before me on .....(date) by .....(name(s))  
6.9 of person(s) making statement).

6.10 .....

6.11 (Signature of notarial officer)

6.12 (~~Seal, if any Stamp~~)

6.13 .....

6.14 Title (and Rank)

6.15 My commission expires: .....

6.16 (4) For witnessing or attesting a signature:

6.17 State of .....

6.18 County of .....

6.19 Signed or attested before me on .....(date) by .....(name(s) of person(s)).

6.20 .....

6.21 (Signature of notarial officer)

6.22 (~~Seal, if any Stamp~~)

6.23 .....

6.24 Title (and Rank)

6.25 My commission expires: .....

6.26 (5) For attestation of a copy of a document:

6.27 State of .....

6.28 County of .....

6.29 I certify that this is a true and correct copy of a document in the possession of

6.30 .....

6.31 Dated: .....

6.32 .....

6.33 (Signature of notarial officer)

6.34 (~~Seal, if any Stamp~~)

6.35 .....

6.36 Title (and Rank)

6.37 My commission expires: .....

7.1 Sec. 7. Minnesota Statutes 2008, section 359.01, subdivision 2, is amended to read:

7.2 Subd. 2. **Nonresident notaries.** (a) The governor, by and with the advice and  
7.3 consent of the senate, may appoint as notary public a person who is not a resident of  
7.4 this state if:

7.5 (1) the person is a resident of Wisconsin, Iowa, North Dakota, or South Dakota, ~~and~~  
7.6 ~~of a county that shares a boundary with this state;~~

7.7 (2) the person designates the secretary of state as agent for the service of process  
7.8 for all purposes relating to notarial acts and for receipt of all correspondence relating to  
7.9 notarial acts; and

7.10 (3) the person designates the Minnesota county in which the person's notary  
7.11 commission will be recorded pursuant to section 359.061.

7.12 (b) The secretary of state shall receive applications for nonresident notary  
7.13 appointments and commissions, shall keep a register of those persons appointed and  
7.14 commissioned as notaries public by the governor with the advice and consent of the  
7.15 senate, shall update that register when informed of a change in name and address by  
7.16 a notary public, shall process applications by a notary public for reappointment, shall  
7.17 receive fees for the performance of these functions to be deposited into the general fund,  
7.18 and shall perform those clerical and administrative duties associated with these functions.  
7.19 The governor may also receive such applications directly.

7.20 Sec. 8. Minnesota Statutes 2009 Supplement, section 359.01, subdivision 3, is  
7.21 amended to read:

7.22 Subd. 3. **Fees.** (a) When making application for a commission the applicant must  
7.23 submit, along with the information required by the secretary of state, a nonrefundable fee  
7.24 of ~~\$40~~ \$120, which shall be forwarded by the secretary of state to the commissioner of  
7.25 management and budget to be deposited in the state treasury and credited to the general  
7.26 fund.

7.27 (b) Except as otherwise provided in paragraph (a), all fees shall be retained by the  
7.28 secretary of state and are nonreturnable, except for an overpayment of a fee.

7.29 Sec. 9. Minnesota Statutes 2008, section 359.02, is amended to read:

7.30 **359.02 TERM.**

7.31 A notary commissioned under section 359.01 holds office ~~for five years~~ until January  
7.32 31 of the fifth year following the year the commission was issued, unless sooner removed  
7.33 by the governor or the district court, or by action of the commissioner of commerce.  
7.34 ~~Within 60 days~~ Six months before the expiration of the commission, a notary may ~~apply~~

8.1 ~~for reappointment~~ renew the notary's commission for a new term to commence and to be  
8.2 designated in the new commission as beginning upon the day immediately following the  
8.3 date of the expiration. A notary whose commission expires ~~on January 1, 2005,~~ may  
8.4 apply for reappointment ~~six months before~~ after the expiration date. The reappointment  
8.5 or renewal takes effect and is valid although the appointing governor may not be in the  
8.6 Office of Governor on the effective day.

8.7 ~~All notary commissions expire on January 31 of the fifth year following the year~~  
8.8 ~~of issue.~~

8.9 **EFFECTIVE DATE.** The provisions of this section relating to the time during  
8.10 which a notary's commission may be renewed are effective July 31, 2011. The remainder  
8.11 of this section is effective August 1, 2010.

8.12 Sec. 10. Minnesota Statutes 2008, section 359.03, subdivision 1, is amended to read:

8.13 Subdivision 1. **Requirement.** Every notary, including an ex officio notary under  
8.14 section 358.15, shall ~~get~~ obtain an official ~~seal~~ notarial stamp as specified in subdivision 3,  
8.15 with which to authenticate official acts, ~~and upon which shall be engraved the arms of~~  
8.16 ~~this state, the words "notarial seal."~~ The ~~seal,~~ with official notarial stamp, and the notary's  
8.17 official ~~register,~~ is journal, are the personal property of the notary and are exempt from  
8.18 execution, ~~and, on death or removal from office, the register must be deposited with the~~  
8.19 ~~court administrator of the district court of the notary's county.~~

8.20 Sec. 11. Minnesota Statutes 2008, section 359.03, subdivision 2, is amended to read:

8.21 Subd. 2. **Validation and legalization of certain instruments.** (a) All instruments  
8.22 heretofore duly made and executed which have been acknowledged before a notary  
8.23 public as provided by law, but the seal or stamp used thereon has engraved on it "notary  
8.24 public," are hereby validated and legalized, and in case such instruments are recorded,  
8.25 the recording is hereby validated and legalized, and all such instruments are validated to  
8.26 the same extent as though properly sealed at the time of their acknowledgment. This  
8.27 subdivision shall not affect any action now pending in any of the courts of this state.

8.28 (b) The official notarial stamp required by this section, whether applied to the record  
8.29 physically or electronically, is deemed to be a "seal" for purposes of the admission of a  
8.30 document in court.

8.31 Sec. 12. Minnesota Statutes 2008, section 359.03, subdivision 3, is amended to read:

8.32 Subd. 3. **Specifications.** ~~The seal of every notary public may be affixed by a~~  
8.33 ~~stamp that will print a seal which legibly reproduces under photographic methods~~ The

9.1 official notarial stamp consists of the seal of the state of Minnesota, the name of the  
9.2 notary as it appears on the commission or the name of the ex officio notary, the words  
9.3 "Notary Public," or "Notarial Officer" in the case of an ex officio notary, and the words  
9.4 "My commission expires ..... (or where applicable) My term is indeterminate," with  
9.5 the expiration date shown thereon or may be an electronic form on it and must be able to  
9.6 be reproduced in any legibly reproducible manner. A physical seal used to authenticate a  
9.7 paper document The official notarial stamp shall be a rectangular form of not more than  
9.8 three-fourths of an inch vertically by 2-1/2 inches horizontally, with a serrated or milled  
9.9 edge border, and shall contain the information required by this subdivision.

9.10 Sec. 13. Minnesota Statutes 2008, section 359.03, subdivision 4, is amended to read:

9.11 Subd. 4. ~~Electronic seal~~ **Notarial stamp may be affixed electronically.** ~~A notary's~~  
9.12 ~~electronic seal shall contain the notary's name, jurisdiction, and commission expiration~~  
9.13 ~~date, and shall be logically and securely affixed to or associated with the electronic record~~  
9.14 ~~being notarized.~~ The information required by this section may be affixed electronically  
9.15 and shall be logically and securely affixed or associated with the electronic record being  
9.16 notarized.

9.17 Sec. 14. Minnesota Statutes 2008, section 359.061, is amended to read:

9.18 **359.061 RECORD OF COMMISSION; CERTIFICATE.**

9.19 Subdivision 1. Resident notaries. The commission of every notary commissioned  
9.20 under section 359.01, together with: (1) a signature that matches the first, middle, and  
9.21 last name as listed on the notary's commission and shown on the notarial stamp, and (2) a  
9.22 sample signature in the style in which the notary will actually execute notarial acts, shall  
9.23 be recorded in the office of the court administrator of the district court of the notary's  
9.24 county of residence or in the county department to which duties relating to notaries public  
9.25 have been assigned under section 485.27, in a record kept for that purpose.

9.26 Subd. 2. Nonresident notaries. The commission of a nonresident notary must  
9.27 be recorded in the Minnesota county the notary designates pursuant to section 359.01,  
9.28 subdivision 2, clause (3), in the office of the court administrator of the district court of the  
9.29 Minnesota county that borders the county in which the nonresident notary resides of that  
9.30 county or in the county department to which duties relating to notaries public have been  
9.31 assigned under section 485.27.

9.32 Subd. 3. Certificate of court administrator. The court administrator, when  
9.33 requested, shall certify to official acts in the manner and for the fees prescribed by statute  
9.34 or court rule.

10.1 Subd. 4. County notary certificate. The county department, to which duties  
10.2 relating to notaries public have been assigned under section 485.27, shall certify to official  
10.3 acts under this section for the fee of \$5 and in the form of:

10.4 State of Minnesota  
10.5 ..... County

10.6 "I the undersigned ....., in and for said county and state, do  
10.7 hereby certify that ....., whose name is subscribed to on the attached  
10.8 document held the office of notary public in said county and state at the date of said  
10.9 subscription and was authorized under the laws of this state to take acknowledgments,  
10.10 to administer oaths, take depositions, acknowledgments of deeds, and other written  
10.11 instruments, and exercise all such powers and duties authorized by the laws of Minnesota  
10.12 as notary public. I further certify that I have compared the subscribed signature to the  
10.13 signature on file in this office and believe them to be the same.

10.14 Signed this date ..... in the county of .....,  
10.15 state of Minnesota."

10.16 Signature .....  
10.17 Title .....

10.18 **Sec. 15. [359.091] ACCOMMODATION OF PHYSICAL LIMITATIONS.**

10.19 (a) A notary public may certify as to the subscription or signature of an individual  
10.20 when it appears that the individual has a physical limitation that restricts the individual's  
10.21 ability to sign by writing or making a mark, pursuant to the following:

10.22 (1) the name of an individual may be signed, or attached electronically in the case of  
10.23 an electronic record, by another individual other than the notary public at the direction and  
10.24 in the presence of the individual whose name is to be signed and in the presence of the  
10.25 notary public. The signature may be made by a rubber stamp facsimile of the person's  
10.26 actual signature, mark, or a signature of the person's name or mark made by another and  
10.27 adopted for all purposes of signature by the person with a physical limitation; and

10.28 (2) the words "Signature written by" or "Signature attached by" in the case of  
10.29 an electronic record, "(name of individual directed to sign or directed to attach) at the  
10.30 direction and in the presence of (name as signed) on whose behalf the signature was  
10.31 written" or "attached electronically" in the case of an electronic record, or words of  
10.32 substantially similar effect must appear under or near the signature.

10.33 (b) A notary public may use signals or electronic or mechanical means to take an  
10.34 acknowledgment from, administer an oath or affirmation to, or otherwise communicate

11.1 with any individual in the presence of such notary public when it appears that the  
11.2 individual is unable to communicate verbally or in writing.

11.3 Sec. 16. Minnesota Statutes 2008, section 359.12, is amended to read:

11.4 **359.12 ADMINISTRATIVE ACTIONS AND PENALTIES.**

11.5 Every notary who shall charge or receive a fee or reward for any act or service  
11.6 done or rendered as a notary greater than the amount allowed by law, or who dishonestly  
11.7 or unfaithfully discharges duties as notary, or who has pleaded guilty, with or without  
11.8 explicitly admitting guilt, plead nolo contendere, or been convicted of a felony, gross  
11.9 misdemeanor, or misdemeanor involving moral turpitude, is subject to the penalties  
11.10 imposed pursuant to section 45.027, ~~except that~~. A notary may be removed from office  
11.11 only by the governor ~~or~~ the district court, or the commissioner of commerce. The  
11.12 commissioner of commerce has all the powers provided by section 45.027 and shall  
11.13 proceed in the manner provided by that section in actions against notaries.

11.14 Notwithstanding section 359.03, subdivision 1, upon removal from office by the  
11.15 commissioner of commerce, a notary public shall deliver the notary's official notarial  
11.16 stamp to the commissioner of commerce.

11.17 Sec. 17. Minnesota Statutes 2009 Supplement, section 517.08, subdivision 1b, is  
11.18 amended to read:

11.19 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar  
11.20 shall examine upon oath the parties applying for a license relative to the legality of the  
11.21 contemplated marriage. If one party is unable to appear in person, the party appearing may  
11.22 complete the absent applicant's information. The local registrar shall provide a copy of the  
11.23 marriage application to the party who is unable to appear, who must verify the accuracy of  
11.24 the party's information in a notarized statement. The marriage license must not be released  
11.25 until the verification statement has been received by the local registrar. If at the expiration  
11.26 of a five-day period, on being satisfied that there is no legal impediment to it, including the  
11.27 restriction contained in section 259.13, the local registrar shall issue the license, containing  
11.28 the full names of the parties before and after marriage, and county and state of residence,  
11.29 with the county seal attached, and make a record of the date of issuance. The license shall  
11.30 be valid for a period of six months. Except as provided in paragraph (c), the local registrar  
11.31 shall collect from the applicant a fee of \$110 for administering the oath, issuing, recording,  
11.32 and filing all papers required, and preparing and transmitting to the state registrar of vital  
11.33 statistics the reports of marriage required by this section. If the license should not be used  
11.34 within the period of six months due to illness or other extenuating circumstances, it may

12.1 be surrendered to the local registrar for cancellation, and in that case a new license shall  
12.2 issue upon request of the parties of the original license without fee. A local registrar who  
12.3 knowingly issues or signs a marriage license in any manner other than as provided in this  
12.4 section shall pay to the parties aggrieved an amount not to exceed \$1,000.

12.5 (b) In case of emergency or extraordinary circumstances, a judge of the district court  
12.6 of the county in which the application is made may authorize the license to be issued at  
12.7 any time before expiration of the five-day period required under paragraph (a). A waiver  
12.8 of the five-day waiting period must be in the following form:

12.9 STATE OF MINNESOTA, COUNTY OF ..... (insert county name)

12.10 APPLICATION FOR WAIVER OF MARRIAGE LICENSE WAITING PERIOD:

12.11 ..... (legal names of the applicants)

12.12 Represent and state as follows:

12.13 That on ..... (date of application) the applicants applied to the local  
12.14 registrar of the above-named county for a license to marry.

12.15 That it is necessary that the license be issued before the expiration of five days  
12.16 from the date of the application by reason of the following: (insert reason for requesting  
12.17 waiver of waiting period)

12.18 .....  
12.19 .....  
12.20 .....

12.21 WHEREAS, the applicants request that the judge waive the required five-day  
12.22 waiting period and the local registrar be authorized and directed to issue the marriage  
12.23 license immediately.

12.24 Date: .....

12.25 .....  
12.26 .....

12.27 (Signatures of applicants)

12.28 Acknowledged before me on this ..... day of .....

12.29 .....

12.30 NOTARY PUBLIC

12.31 COURT ORDER AND AUTHORIZATION:

12.32 STATE OF MINNESOTA, COUNTY OF ..... (insert county name)

12.33 After reviewing the above application, I am satisfied that an emergency or  
12.34 extraordinary circumstance exists that justifies the issuance of the marriage license before  
12.35 the expiration of five days from the date of the application. IT IS HEREBY ORDERED  
12.36 that the local registrar is authorized and directed to issue the license forthwith.

13.1 .....

13.2 ..... (judge of district court)

13.3 ..... (date).

13.4 (c) The marriage license fee for parties who have completed at least 12 hours of  
13.5 premarital education is \$40. In order to qualify for the reduced license fee, the parties  
13.6 must submit at the time of applying for the marriage license a statement that is signed,  
13.7 dated, and notarized statement or marked with a church seal, from the person who  
13.8 provided the premarital education on their letterhead confirming that it was received. The  
13.9 premarital education must be provided by a licensed or ordained minister or the minister's  
13.10 designee, a person authorized to solemnize marriages under section 517.18, or a person  
13.11 authorized to practice marriage and family therapy under section 148B.33. The education  
13.12 must include the use of a premarital inventory and the teaching of communication and  
13.13 conflict management skills.

13.14 (d) The statement from the person who provided the premarital education under  
13.15 paragraph (b) must be in the following form:

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

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

13.26 (e) If section 259.13 applies to the request for a marriage license, the local registrar  
13.27 shall grant the marriage license without the requested name change. Alternatively, the local  
13.28 registrar may delay the granting of the marriage license until the party with the conviction:

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

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

13.35 Sec. 18. **REPEALER.**

14.1 Minnesota Statutes 2008, section 359.05, is repealed."

14.2 Delete the title and insert:

14.3 "A bill for an act  
14.4 relating to notaries public; modifying fees; regulating commissions and notarial  
14.5 stamps and seals; providing clarifications; providing for the accommodations of  
14.6 physical limitations; modifying a provision relating to premarital education;  
14.7 amending Minnesota Statutes 2008, sections 358.028; 358.09; 358.15; 358.47;  
14.8 358.48; 359.01, subdivision 2; 359.02; 359.03, subdivisions 1, 2, 3, 4; 359.061;  
14.9 359.12; Minnesota Statutes 2009 Supplement, sections 357.021, subdivision  
14.10 2; 359.01, subdivision 3; 517.08, subdivision 1b; proposing coding for new  
14.11 law in Minnesota Statutes, chapter 359; repealing Minnesota Statutes 2008,  
14.12 section 359.05."

15.1 We request the adoption of this report and repassage of the bill.

15.2 House Conferees:

15.3 .....  
15.4 Melissa Hortman Gail Kulick Jackson

15.5 .....  
15.6 Mark Murdock

15.7 Senate Conferees:

15.8 .....  
15.9 Don Betzold Steve Dille

15.10 .....  
15.11 Gary Kubly