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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 227

01/11/2023 Authored by Huot, Xiong, Frazier, Jordan, Olson, L., and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
01/19/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
02/01/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to marriage; authorizing notary publics and past or current Minnesota
1.3 elected officials to perform civil marriages; amending Minnesota Statutes 2022,
1.4 sections 357.17; 359.04; 517.04; proposing coding for new law in Minnesota
1.5 Statutes, chapter 359.

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

1.7 Section 1. Minnesota Statutes 2022, section 357.17, is amended to read:

1.8 357.17 NOTARIES PUBLIC.

1.9 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

1.10 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
1.11 bill; where protest is legally necessary, and copy thereof, \$5;

1.12 (2) for every other protest and copy, \$5;

1.13 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
1.14 and copy thereof, \$5;

1.15 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
1.16 \$1 per folio for copies;

1.17 (5) for each oath administered, \$5;

1.18 (6) for acknowledgments of deeds and for other services authorized by law, the legal
1.19 fees allowed other officers for like services;

1.20 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
1.21 folio.

2.1 (b) A notary public may charge a fee for performing a marriage in excess of the fees in  
2.2 paragraph (a) if the notary is a member, director, or partner of an entity organized under  
2.3 the laws of this state.

2.4 Sec. 2. Minnesota Statutes 2022, section 359.04, is amended to read:

2.5 **359.04 POWERS.**

2.6 Every notary public so appointed, commissioned, and qualified shall have power  
2.7 throughout this state to administer all oaths required or authorized to be administered in  
2.8 this state; to take and certify all depositions to be used in any of the courts of this state; to  
2.9 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and  
2.10 other instruments in writing or electronic records; to receive, make out, and record notarial  
2.11 protests; to perform civil marriages consistent with this chapter and chapter 517; and to  
2.12 perform online remote notarial acts in compliance with the requirements of sections 358.645  
2.13 and 358.646.

2.14 Sec. 3. **[359.115] CIVIL MARRIAGE OFFICIANT.**

2.15 (a) A notary public shall have the power to solemnize civil marriages throughout the  
2.16 state if the notary public has filed a copy of the notary public's notary credentials with the  
2.17 local registrar of a county in this state. When a local registrar records notary credentials for  
2.18 a notary public, the local registrar shall provide a certificate of filing to the notary whose  
2.19 credentials are recorded. A notary public shall endorse and record the county where the  
2.20 notary public's credentials are recorded upon each certificate of civil marriage granted by  
2.21 the notary.

2.22 (b) A past or current Minnesota elected official shall have the power to solemnize a civil  
2.23 marriage throughout the state if the elected official has filed a copy of the elected official's  
2.24 certificate of election with the local registrar of a county in this state. When a local registrar  
2.25 records an elected official's credentials, the local registrar shall provide a certificate of filing  
2.26 that the elected official's credentials are recorded, and the elected official shall endorse and  
2.27 record the county where the elected official's credentials are recorded upon each certificate  
2.28 of civil marriage granted by the elected official.

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

2.30 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

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

3.1 a court administrator, a retired court administrator with the approval of the chief judge of  
3.2 the judicial district, a former court commissioner who is employed by the court system or  
3.3 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a  
3.4 notary authorized by the Office of the Secretary of State, a past or current Minnesota elected  
3.5 official authorized by section 359.115, the residential school superintendent of the Minnesota  
3.6 State Academy for the Deaf and the Minnesota State Academy for the Blind, a licensed or  
3.7 ordained minister of any religious denomination, or by any mode recognized in section  
3.8 517.18. For purposes of this section, a court of record includes the Office of Administrative  
3.9 Hearings under section 14.48.