

1.1 moves to amend H.F. No. 1404, the first engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**
1.4 **GOVERNMENT DATA PRACTICES AND PRIVACY**

1.5 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

1.6 **5B.02 DEFINITIONS.**

1.7 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
1.8 definitions in this section have the meanings given them.

1.9 (b) "Address" means an individual's work address, school address, or residential street
1.10 address, as specified on the individual's application to be a program participant under this
1.11 chapter.

1.12 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
1.13 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
1.14 524.5-102.

1.15 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
1.16 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
1.17 situation, regardless of whether these acts or threats have been reported to law enforcement
1.18 officers.

1.19 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
1.20 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
1.21 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
1.22 person fears for the person's safety, the safety of another person who resides in the same
1.23 household, or the safety of persons on whose behalf the application is made. An individual

2.1 must reside in Minnesota in order to be an eligible person. A person registered or required
2.2 to register as a predatory offender under section 243.166 or 243.167, or the law of another
2.3 jurisdiction, is not an eligible person.

2.4 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
2.5 including priority, express, and certified mail, and excluding ~~packages, pareels,~~ (1)
2.6 periodicals- and catalogues, and (2) packages and parcels unless they are clearly identifiable
2.7 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
2.8 government or a state or county government agency of the continental United States, Hawaii,
2.9 District of Columbia, or United States territories.

2.10 (g) "Program participant" means an individual certified as a program participant under
2.11 section 5B.03.

2.12 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
2.13 includes a threat of such acts committed against an individual, regardless of whether these
2.14 acts or threats have been reported to law enforcement officers.

2.15 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

2.16 **5B.05 USE OF DESIGNATED ADDRESS.**

2.17 (a) When a program participant presents the address designated by the secretary of state
2.18 to any person or entity, that address must be accepted as the address of the program
2.19 participant. The person may not require the program participant to submit any address that
2.20 could be used to physically locate the participant either as a substitute or in addition to the
2.21 designated address, or as a condition of receiving a service or benefit, unless the service or
2.22 benefit would be impossible to provide without knowledge of the program participant's
2.23 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
2.24 physical location, the person or entity must use the program participant's designated address
2.25 for all mail correspondence with the program participant.

2.26 (b) A program participant may use the address designated by the secretary of state as
2.27 the program participant's work address.

2.28 (c) The Office of the Secretary of State shall forward all mail sent to the designated
2.29 address to the proper program participants.

2.30 (d) If a program participant has notified a person in writing, on a form prescribed by the
2.31 program, that the individual is a program participant and of the requirements of this section,
2.32 the person must not knowingly disclose the participant's name or address identified by the
2.33 participant on the notice. If identified on the notice, the individual receiving the notice must

3.1 not knowingly disclose the program participant's name, home address, work address, or
3.2 school address, unless the person to whom the address is disclosed also lives, works, or
3.3 goes to school at the address disclosed, or the participant has provided written consent to
3.4 disclosure of the participant's name, home address, work address, or school address for the
3.5 purpose for which the disclosure will be made. This paragraph applies to the actions and
3.6 reports of guardians ad litem, except that guardians ad litem may disclose the program
3.7 participant's name. This paragraph does not apply to records of the judicial branch governed
3.8 by rules adopted by the supreme court or government entities governed by section 13.045.

3.9 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

3.10 **Subdivision 1. Display by landlord.** If a program participant has notified the program
3.11 participant's landlord in writing that the individual is a program participant and of the
3.12 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display
3.13 of, and the landlord shall not display, the program participant's name at an address otherwise
3.14 protected under this chapter.

3.15 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

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

3.17 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

3.18 (2) "location data" means any data the participant specifies that may be used to physically
3.19 locate a program participant, ~~including but not limited to such as~~ the program participant's
3.20 residential address, work address, ~~and~~ or school address, and that is collected, received, or
3.21 maintained by a government entity prior to the date a program participant's certification
3.22 expires, or the date the entity receives notice that the program participant has withdrawn
3.23 from the program, whichever is earlier;

3.24 (3) "identity data" means data that may be used to identify a program participant,
3.25 including the program participant's name, phone number, e-mail address, address designated
3.26 under chapter 5B, Social Security number, or driver's license number, and that is collected,
3.27 received, or maintained by a government entity before the date a program participant's
3.28 certification expires, or the date the entity receives notice that the program participant has
3.29 withdrawn from the program, whichever is earlier;

3.30 (4) "county recorder" means the county official who performs the functions of the county
3.31 recorder or registrar of titles to record a document as part of the county real estate document
3.32 recording system, regardless of title or office; and

4.1 (5) "real property records" means any record of data that is maintained by a county as
4.2 part of the county real estate document recording system for use by the public, data on
4.3 assessments, data on real or personal property taxation, and other data on real property.

4.4 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

4.5 **Subd. 2. Notification of certification.** (a) A program participant may submit a notice,
4.6 in writing, to notify the responsible authority of any government entity other than the county
4.7 recorder in writing, on a form prescribed by the secretary of state, that the participant is
4.8 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
4.9 notice must include the program participant's name, names of other program participants
4.10 in the household, date of birth, address designated under chapter 5B, program participant
4.11 signature, signature of the participant's parent or guardian if the participant is a minor, date
4.12 the program participant's certification in the program expires, and any other information
4.13 specified by the secretary of state. A program participant may submit a subsequent notice
4.14 of certification, if the participant's certification is renewed. The contents of the notification
4.15 of certification are private data on individuals. A notice provided pursuant to this paragraph
4.16 is a request to protect location data unless the participant requests that specific identity data
4.17 also be protected.

4.18 (b) To affect real property records, including but not limited to documents maintained
4.19 in a public recording system, data on assessments and taxation, and other data on real
4.20 property, a program participant must submit a real property notice in writing to the county
4.21 recorder in the county where the property identified in the real property notice is located.
4.22 To affect real property records maintained by any other government entity, a program
4.23 participant must submit a real property notice in writing to the other government entity's
4.24 responsible authority. A real property notice must be on a form prescribed by the secretary
4.25 of state and must include:

- 4.26 (1) the full legal name of the program participant, including middle name;
- 4.27 (2) the last four digits of the program participant's Social Security number;
- 4.28 (3) the participant's date of birth;
- 4.29 (3) (4) the designated address of the program participant as assigned by the secretary of
4.30 state, including lot number;
- 4.31 (4) the date the program participant's certification in the program expires;
- 4.32 (5) the legal description and street address, if any, of the real property affected by the
4.33 notice;

5.1 (6) the address of the Office of the Secretary of State; and

5.2 (7) the signature of the program participant.

5.3 Only one parcel of real property may be included in each notice, but more than one notice
5.4 may be presented ~~to the county recorder~~. The ~~county recorder~~ recipient of the notice may
5.5 require a program participant to provide additional information necessary to identify the
5.6 records of the program participant or the real property described in the notice. A program
5.7 participant must submit a subsequent real property notice for the real property if the
5.8 participant's ~~certification is renewed~~ legal name changes. The real property notice is private
5.9 data on individuals.

5.10 Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

5.11 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
5.12 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~
5.13 ~~submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise
5.14 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~
5.15 ~~the contrary, private or confidential location data on a program participant who submits a~~
5.16 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
5.17 ~~entity or nongovernmental entity except as provided in paragraph (b).~~

5.18 (b) ~~Private or confidential location data on a program participant must not be shared or~~
5.19 ~~disclosed by a government entity~~ Notwithstanding any provision of law to the contrary,
5.20 private or confidential location data on a program participant who submits a notice under
5.21 subdivision 3, paragraph (a), may not be shared with any other government entity or
5.22 nongovernmental entity unless:

5.23 (1) the program participant has expressly consented in writing to sharing or dissemination
5.24 of the data for the purpose for which the sharing or dissemination will occur;

5.25 (2) the data are subject to sharing or dissemination pursuant to court order under section
5.26 13.03, subdivision 6;

5.27 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

5.28 (4) the location data related to county of residence are needed to provide public assistance
5.29 or other government services, or to allocate financial responsibility for the assistance or
5.30 services;

5.31 (5) the data are necessary to perform a government entity's health, safety, or welfare
5.32 functions, including the provision of emergency 911 services, the assessment and

6.1 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
6.2 of services or locations for compliance with health, safety, or professional standards; or

6.3 (6) the data are necessary to aid an active law enforcement investigation of the program
6.4 participant.

6.5 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
6.6 purposes authorized in this subdivision and may not be further disclosed to any other person
6.7 or government entity. Government entities receiving or sharing private or confidential data
6.8 under this subdivision shall establish procedures to protect the data from further disclosure.

6.9 (d) Real property record data are governed by subdivision 4a.

6.10 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
6.11 to replace a participant's location data with the participant's designated address.

6.12 Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

6.13 Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a~~
6.14 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity
6.15 must not disclose the program participant's identity data in conjunction with the property
6.16 identified in the written notice in the entity's real property records, unless:

6.17 (1) the program participant has consented to sharing or dissemination of the data for the
6.18 purpose identified in a writing acknowledged by the program participant;

6.19 (2) the data are subject to sharing or dissemination pursuant to court order under section
6.20 13.03, subdivision 6; or

6.21 (3) the secretary of state authorizes the sharing or dissemination of the data under
6.22 subdivision 4b for the purpose identified in the authorization; or

6.23 (4) the data is shared with a government entity subject to this chapter for the purpose of
6.24 administering assessment and taxation laws.

6.25 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
6.26 to the individuals that submitted the documents for recording. This subdivision does not
6.27 prevent the public disclosure of the participant's name and address designated under chapter
6.28 5B in the county reception index if the participant's name and designated address are not
6.29 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
6.30 establish procedures for recording or filing documents to comply with this subdivision.
6.31 These procedures may include masking identity or location data and making documents or
6.32 certificates of title containing the data private and not viewable except as allowed by this

7.1 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
7.2 and 508A and other laws as appropriate, to the extent these requirements do not conflict
7.3 with this section. The procedures must provide public notice of the existence of recorded
7.4 documents and certificates of title that are not publicly viewable and the provisions for
7.5 viewing them under this subdivision. Notice that a document or certificate is private and
7.6 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
7.7 document or certificate.

7.8 (b) ~~A real property notice is notice only to the county recorder. A notice that does not~~
7.9 ~~conform to the requirements of a real property notice under subdivision 2, paragraph (b),~~
7.10 ~~is not effective as a notice to the county recorder. On receipt of a real property notice, the~~
7.11 ~~county recorder shall provide a copy of the notice to the person who maintains the property~~
7.12 ~~tax records in that county, and If the recipient of the real property notice is the county~~
7.13 ~~recorder, the county recorder shall notify the county's responsible authority and provide a~~
7.14 ~~copy to the secretary of state at the address specified in the notice. If the recipient of the~~
7.15 ~~notice is the responsible authority, the responsible authority shall provide a copy to the~~
7.16 ~~secretary of state at the address specified by the secretary of state in the notice.~~

7.17 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
7.18 property notice specified in subdivision 2, paragraph (b), and real property records affecting
7.19 the same real property created or recorded subsequent to the county's government entity's
7.20 receipt of the real property notice.

7.21 (d) The prohibition on disclosure in paragraph (a) continues until:

7.22 (1) the program participant has consented to the termination of the real property notice
7.23 in a writing acknowledged by the program participant. Notification under this paragraph
7.24 must be given by the government entity to the secretary of state within 90 days of the
7.25 termination;

7.26 (2) the real property notice is terminated pursuant to a court order. Notification under
7.27 this paragraph must be given by the government entity to the secretary of state within 90
7.28 days of the termination;

7.29 (3) the program participant no longer holds a record interest in the real property identified
7.30 in the real property notice. Notification under this paragraph must be given by the government
7.31 entity to the secretary of state within 90 days of the termination; or

7.32 (4) the secretary of state has given written notice to the county recorder government
7.33 entity who provided the secretary of state with a copy of a participant's real property notice

8.1 that the program participant's certification has terminated. Notification under this paragraph
8.2 must be given by the secretary of state within 90 days of the termination.

8.3 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
8.4 shall make publicly viewable all documents and certificates of title relative to the participant
8.5 that were previously partially or wholly private and not viewable.

8.6 **Sec. 8. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.**

8.7 (a) The following data submitted to a political subdivision by a person seeking to obtain
8.8 a license are classified as private data on individuals or nonpublic data:

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

8.10 (2) a bank account statement.

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

8.14 Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:

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

8.16 (a) "Educational data" means data on individuals maintained by a public educational
8.17 agency or institution or by a person acting for the agency or institution which relates to a
8.18 student.

8.19 Records of instructional personnel which are in the sole possession of the maker thereof
8.20 and are not accessible or revealed to any other individual except a substitute teacher, and
8.21 are destroyed at the end of the school year, shall not be deemed to be government data.

8.22 Records of a law enforcement unit of a public educational agency or institution which
8.23 are maintained apart from education data and are maintained solely for law enforcement
8.24 purposes, and are not disclosed to individuals other than law enforcement officials of the
8.25 jurisdiction are not educational data; provided, that education records maintained by the
8.26 educational agency or institution are not disclosed to the personnel of the law enforcement
8.27 unit. The University of Minnesota police department is a law enforcement agency for
8.28 purposes of section 13.82 and other sections of Minnesota Statutes dealing with law
8.29 enforcement records. Records of organizations providing security services to a public
8.30 educational agency or institution must be administered consistent with section 13.861.

9.1 Records relating to a student who is employed by a public educational agency or
9.2 institution which are made and maintained in the normal course of business, relate exclusively
9.3 to the individual in that individual's capacity as an employee, and are not available for use
9.4 for any other purpose are classified pursuant to section 13.43.

9.5 (b) "Juvenile justice system" includes criminal justice agencies and the judiciary when
9.6 involved in juvenile justice activities.

9.7 (c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an
9.8 individual acting as a parent in the absence of a parent or a guardian.

9.9 (d) "School-issued device" means hardware or software that a public educational agency
9.10 or institution, acting independently or with a technology provider, provides to an individual
9.11 student for that student's dedicated personal use. A school-issued device includes a device
9.12 issued through a one-to-one program.

9.13 (e) "Student" means an individual currently or formerly enrolled or registered,
9.14 applicants for enrollment or registration at a public educational agency or institution, or
9.15 individuals who receive shared time educational services from a public agency or institution.

9.16 (f) "Substitute teacher" means an individual who performs on a temporary basis the
9.17 duties of the individual who made the record, but does not include an individual who
9.18 permanently succeeds to the position of the maker of the record.

9.19 (g) "Technology provider" means a person who:

9.20 (1) contracts with a public educational agency or institution, as part of a one-to-one
9.21 program or otherwise, to provide a school-issued device for student use; and

9.22 (2) creates, receives, or maintains educational data pursuant or incidental to a contract
9.23 with a public educational agency or institution.

9.24 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

9.25 Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

9.26 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
9.27 5, educational data is private data on individuals and shall not be disclosed except as follows:

9.28 (a) pursuant to section 13.05;

9.29 (b) pursuant to a valid court order;

9.30 (c) pursuant to a statute specifically authorizing access to the private data;

- 10.1 (d) to disclose information in health, including mental health, and safety emergencies
10.2 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
10.3 of Federal Regulations, title 34, section 99.36;
- 10.4 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
10.5 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
10.6 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;
- 10.7 (f) to appropriate health authorities to the extent necessary to administer immunization
10.8 programs and for bona fide epidemiologic investigations which the commissioner of health
10.9 determines are necessary to prevent disease or disability to individuals in the public
10.10 educational agency or institution in which the investigation is being conducted;
- 10.11 (g) when disclosure is required for institutions that participate in a program under title
10.12 IV of the Higher Education Act, United States Code, title 20, section 1092;
- 10.13 (h) to the appropriate school district officials to the extent necessary under subdivision
10.14 6, annually to indicate the extent and content of remedial instruction, including the results
10.15 of assessment testing and academic performance at a postsecondary institution during the
10.16 previous academic year by a student who graduated from a Minnesota school district within
10.17 two years before receiving the remedial instruction;
- 10.18 (i) to appropriate authorities as provided in United States Code, title 20, section
10.19 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
10.20 system to effectively serve, prior to adjudication, the student whose records are released;
10.21 provided that the authorities to whom the data are released submit a written request for the
10.22 data that certifies that the data will not be disclosed to any other person except as authorized
10.23 by law without the written consent of the parent of the student and the request and a record
10.24 of the release are maintained in the student's file;
- 10.25 (j) to volunteers who are determined to have a legitimate educational interest in the data
10.26 and who are conducting activities and events sponsored by or endorsed by the educational
10.27 agency or institution for students or former students;
- 10.28 (k) to provide student recruiting information, from educational data held by colleges
10.29 and universities, as required by and subject to Code of Federal Regulations, title 32, section
10.30 216;
- 10.31 (l) to the juvenile justice system if information about the behavior of a student who poses
10.32 a risk of harm is reasonably necessary to protect the health or safety of the student or other
10.33 individuals;

11.1 (m) with respect to Social Security numbers of students in the adult basic education
11.2 system, to Minnesota State Colleges and Universities and the Department of Employment
11.3 and Economic Development for the purpose and in the manner described in section 124D.52,
11.4 subdivision 7;

11.5 (n) to the commissioner of education for purposes of an assessment or investigation of
11.6 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
11.7 by the commissioner of education, data that are relevant to a report of maltreatment and are
11.8 from charter school and school district investigations of alleged maltreatment of a student
11.9 must be disclosed to the commissioner, including, but not limited to, the following:

11.10 (1) information regarding the student alleged to have been maltreated;
11.11 (2) information regarding student and employee witnesses;
11.12 (3) information regarding the alleged perpetrator; and
11.13 (4) what corrective or protective action was taken, if any, by the school facility in response
11.14 to a report of maltreatment by an employee or agent of the school or school district;

11.15 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
11.16 of a crime of violence or nonforcible sex offense to the extent authorized under United
11.17 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
11.18 34, sections 99.31 (a)(13) and (14);

11.19 (p) when the disclosure is information provided to the institution under United States
11.20 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
11.21 under United States Code, title 20, section 1232g(b)(7); or

11.22 (q) when the disclosure is to a parent of a student at an institution of postsecondary
11.23 education regarding the student's violation of any federal, state, or local law or of any rule
11.24 or policy of the institution, governing the use or possession of alcohol or of a controlled
11.25 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
11.26 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
11.27 has an information release form signed by the student authorizing disclosure to a parent.
11.28 The institution must notify parents and students about the purpose and availability of the
11.29 information release forms. At a minimum, the institution must distribute the information
11.30 release forms at parent and student orientation meetings.

11.31 (r) with Tribal Nations about Tribally enrolled or descendant students to the extent
11.32 necessary for the Tribal Nation and school district or charter school to support the educational
11.33 attainment of the student; or

12.1 (s) a student's name, home address, telephone number, e-mail address, or other personal
12.2 contact information may be disclosed to a government entity that is determined to have a
12.3 legitimate educational interest in the data and that is conducting a service, activity, or event
12.4 sponsored by or endorsed by the educational agency or institution for students or former
12.5 students.

12.6 Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

12.7 **Subd. 5. Directory information.** Information (a) Educational data designated as directory
12.8 information is public data on individuals to the extent required under federal law. Directory
12.9 information must be designated pursuant to the provisions of:

12.10 (1) this subdivision; and

12.11 (2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title
12.12 34, section 99.37, which are were in effect on January 3, 2012, is public data on individuals,
12.13 to the extent required under federal law.

12.14 (b) When conducting the directory information designation and notice process required
12.15 by federal law, an educational agency or institution shall give parents and students notice
12.16 of the right to refuse to let the agency or institution designate any or all specified data about
12.17 the student as directory information. This notice may be given by any means reasonably
12.18 likely to inform the parents and students of the right.

12.19 (c) An educational agency or institution may not designate a student's home address,
12.20 telephone number, e-mail address, or other personal contact information as directory
12.21 information under this subdivision. This paragraph does not apply to a postsecondary
12.22 institution.

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

12.24 Beginning upon the effective date of this section, a student's personal contact information
12.25 subject to this section must be treated by an educational agency or institution as private
12.26 educational data under Minnesota Statutes, section 13.32, regardless of whether that contact
12.27 information was previously designated as directory information under Minnesota Statutes,
12.28 section 13.32, subdivision 5.

12.29 Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
12.30 read:

12.31 Subd. 13. Technology providers. (a) A technology provider is subject to the provisions
12.32 of section 13.05, subdivision 11.

13.1 **(b) All educational data created, received, maintained, or disseminated by a technology**
13.2 **provider pursuant or incidental to a contract with a public educational agency or institution**
13.3 **are not the technology provider's property.**

13.4 **(c) If educational data maintained by the technology provider are subject to a breach of**
13.5 **the security of the data, as defined in section 13.055, the technology provider must, following**
13.6 **discovery of the breach, disclose to the public educational agency or institution all**
13.7 **information necessary to fulfill the requirements of section 13.055.**

13.8 **(d) Unless renewal of the contract is reasonably anticipated, within 30 days of the**
13.9 **expiration of the contract, a technology provider must destroy or return to the appropriate**
13.10 **public educational agency or institution all educational data created, received, or maintained**
13.11 **pursuant or incidental to the contract.**

13.12 **(e) A technology provider must not sell, share, or disseminate educational data, except**
13.13 **as provided by this section or as part of a valid delegation or assignment of its contract with**
13.14 **a public educational agency or institution. An assignee or delegatee that creates, receives, or**
13.15 **maintains educational data is subject to the same restrictions and obligations under this**
13.16 **section as the technology provider.**

13.17 **(f) A technology provider must not use educational data for any commercial purpose,**
13.18 **including but not limited to marketing or advertising to a student or parent.**

13.19 **(g) A technology provider must establish written procedures to ensure appropriate**
13.20 **security safeguards for educational data. These procedures must require that:**

13.21 **(1) the technology provider's employees or contractors have access to educational data**
13.22 **only if authorized; and**

13.23 **(2) the technology provider's employees or contractors may be authorized to access**
13.24 **educational data only if access is necessary to fulfill the official duties of the employee or**
13.25 **contractor.**

13.26 **These written procedures are public data.**

13.27 **(h) Within 30 days of the start of each school year, a public educational agency or**
13.28 **institution must give parents and students direct, timely notice, by United States mail, e-mail,**
13.29 **or other direct form of communication, of any curriculum, testing, or assessment technology**
13.30 **provider contract affecting a student's educational data. The notice must:**

13.31 **(1) identify each curriculum, testing, or assessment technology provider with access to**
13.32 **educational data;**

- 14.1 (2) identify the educational data affected by the curriculum, testing, or assessment
- 14.2 technology provider contract; and
- 14.3 (3) include information about the contract inspection and, if applicable, the parent or
- 14.4 student's ability to opt out of any program or activity that allows a curriculum, testing, or
- 14.5 assessment technology provider to access a student's educational data.
- 14.6 (i) A public educational agency or institution must provide parents and students an
- 14.7 opportunity to inspect a complete copy of any contract with a technology provider.
- 14.8 (j) A public educational agency or institution must not penalize or withhold an educational
- 14.9 benefit from a parent or student who opts out of any program or activity that allows a
- 14.10 technology provider to access a student's educational data.
- 14.11 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 14.12 Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
- 14.13 read:
- 14.14 **Subd. 14. School-issued devices.** (a) Except as provided in paragraph (b), a government
- 14.15 entity or technology provider must not electronically access or monitor:
- 14.16 (1) any location-tracking feature of a school-issued device;
- 14.17 (2) any audio or visual receiving, transmitting, or recording feature of a school-issued
- 14.18 device; or
- 14.19 (3) student interactions with a school-issued device, including but not limited to
- 14.20 keystrokes and web-browsing activity.
- 14.21 (b) A government entity or technology provider may only engage in activities prohibited
- 14.22 by paragraph (a) if:
- 14.23 (1) the activity is limited to a noncommercial educational purpose for instruction by
- 14.24 district employees, or technical support by district employees, and notice is provided in
- 14.25 advance;
- 14.26 (2) the activity is permitted under a judicial warrant;
- 14.27 (3) the public educational agency or institution is notified or becomes aware that the
- 14.28 device is missing or stolen;
- 14.29 (4) the activity is necessary to respond to an imminent threat to life or safety and the
- 14.30 access is limited to that purpose;
- 14.31 (5) the activity is necessary to comply with federal or state law; or

15.1 (6) the activity is necessary to participate in federal or state funding programs, including
15.2 but not limited to the E-Rate program.

15.3 (c) If a government entity or technology provider interacts with a school-issued device
15.4 as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the
15.5 student to whom the school-issued device was issued or that student's parent and provide a
15.6 written description of the interaction, including which features of the device were accessed
15.7 and a description of the threat. This notice is not required at any time when the notice itself
15.8 would pose an imminent threat to life or safety, but must instead be given within 72 hours
15.9 after that imminent threat has ceased.

15.10 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

15.11 Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
15.12 read:

15.13 **Subd. 15. Application to postsecondary institutions; exemption.** (a) A postsecondary
15.14 institution is exempt from subdivisions 13 and 14. This exemption extends to a technology
15.15 provider for purposes of a contract with a postsecondary institution.

15.16 (b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider
15.17 solely for purposes of providing access to employment, educational scholarships and
15.18 programs, financial aid, or postsecondary educational opportunities, if the provider secures
15.19 express digital or written consent of the student or the student's parent or guardian, in
15.20 response to clear and conspicuous notice.

15.21 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

15.22 Sec. 15. **[13.463] EDUCATION SUPPORT SERVICES DATA.**

15.23 **Subdivision 1. Definition.** As used in this section, "education support services data"
15.24 means data on individuals collected, created, maintained, used, or disseminated relating to
15.25 programs administered by a government entity or entity under contract with a government
15.26 entity designed to eliminate disparities and advance equities in educational achievement
15.27 for youth by coordinating services available to participants, regardless of the youth's
15.28 involvement with other government services. Education support services data does not
15.29 include welfare data under section 13.46.

15.30 **Subd. 2. Classification.** Unless otherwise provided by law, all education support services
15.31 data are private data on individuals and must not be disclosed except according to section
15.32 13.05 or a court order.

16.1 Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended
16.2 to read:

16.3 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
16.4 by this section shall not be used in place of a statutorily mandated or authorized background
16.5 check.

16.6 (b) An authorized law enforcement agency may conduct a criminal history check of an
16.7 individual who is an applicant for employment, current employee, applicant for licensure,
16.8 or current licensee. Prior to conducting the criminal history check, the authorized law
16.9 enforcement agency must receive the informed consent of the individual.

16.10 (c) The authorized law enforcement agency ~~shall not~~ may disseminate criminal history
16.11 data ~~and to either the hiring or licensing authority of the city or county requesting checks~~
16.12 ~~for applicants, licensees, or current employees. The authorized law enforcement agency~~
16.13 ~~and the hiring or licensing authority of the city or county must maintain it~~ criminal history
16.14 ~~data securely with the agency's office and act consistently with section 364.05. The authorized~~
16.15 ~~law enforcement agency can indicate whether the applicant for employment or applicant~~
16.16 ~~for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a~~
16.17 ~~hiring authority, or would prevent the issuance of a license to the department that issues the~~
16.18 ~~license.~~

16.19 Sec. 17. Minnesota Statutes 2020, section 626A.35, is amended by adding a subdivision
16.20 to read:

16.21 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition of subdivision 1 does
16.22 ~~not apply to the use of a mobile tracking device on a stolen motor vehicle when:~~

16.23 ~~(1) the consent of the owner of the vehicle has been obtained; or~~
16.24 ~~(2) the owner of the motor vehicle has reported to law enforcement that the vehicle is~~
16.25 ~~stolen.~~

16.26 ~~(b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the~~
16.27 ~~authority granted in paragraph (a), clause (2), an officer employed by the agency that attached~~
16.28 ~~the tracking device to the vehicle must remove the device, disable the device, or obtain a~~
16.29 ~~search warrant granting approval to continue to use the device in the investigation.~~

16.30 ~~(c) A peace officer employed by the agency that attached a tracking device to a stolen~~
16.31 ~~motor vehicle must remove the tracking device if the vehicle is recovered and returned to~~
16.32 ~~the owner.~~

17.1 (d) Any tracking device evidence collected after the motor vehicle is returned to the
17.2 owner is inadmissible.

ARTICLE 2

UNIFORM CANADIAN JUDGEMENTS

17.5 Section 1. **[548.64] SHORT TITLE.**

17.6 Sections 548.64 to 548.74 may be cited as the "Uniform Registration of Canadian Money
17.7 Judgments Act."

17.8 Sec. 2. **[548.65] DEFINITIONS.**

17.9 In sections 548.64 to 548.74:

17.10 (1) "Canada" means the sovereign nation of Canada and its provinces and territories.

17.11 "Canadian" has a corresponding meaning.

17.12 (2) "Canadian judgment" means a judgment of a court of Canada, other than a judgment
17.13 that recognizes the judgment of another foreign country.

17.14 Sec. 3. **[548.66] APPLICABILITY.**

17.15 (a) Sections 548.64 to 548.74 apply to a Canadian judgment to the extent the judgment
17.16 is within the scope of sections 548.54 to 548.63, if recognition of the judgment is sought to
17.17 enforce the judgment.

17.18 (b) A Canadian judgment that grants both recovery of a sum of money and other relief
17.19 may be registered under sections 548.64 to 548.74, but only to the extent of the grant of
17.20 recovery of a sum of money.

17.21 (c) A Canadian judgment regarding subject matter both within and not within the scope
17.22 of sections 548.64 to 548.74 may be registered under sections 548.64 to 548.74, but only
17.23 to the extent the judgment is with regard to subject matter within the scope of sections
17.24 548.64 to 548.74.

17.25 Sec. 4. **[548.67] REGISTRATION OF CANADIAN JUDGMENT.**

17.26 (a) A person seeking recognition of a Canadian judgment described in section 548.66
17.27 to enforce the judgment may register the judgment in the office of the court administrator
17.28 of a court in which an action for recognition of the judgment could be filed under section
17.29 548.59.

18.1 (b) A registration under paragraph (a) must be executed by the person registering the

18.2 judgment or the person's attorney and include:

18.3 (1) a copy of the Canadian judgment authenticated in the same manner as a copy of a

18.4 foreign judgment is authenticated in an action under section 548.59 as an accurate copy by

18.5 the court that entered the judgment;

18.6 (2) the name and address of the person registering the judgment;

18.7 (3) if the person registering the judgment is not the person in whose favor the judgment

18.8 was rendered, a statement describing the interest the person registering the judgment has

18.9 in the judgment which entitles the person to seek its recognition and enforcement;

18.10 (4) the name and last-known address of the person against whom the judgment is being

18.11 registered;

18.12 (5) if the judgment is of the type described in section 548.66, paragraph (b) or (c), a

18.13 description of the part of the judgment being registered;

18.14 (6) the amount of the judgment or part of the judgment being registered, identifying:

18.15 (i) the amount of interest accrued as of the date of registration on the judgment or part

18.16 of the judgment being registered, the rate of interest, the part of the judgment to which

18.17 interest applies, and the date when interest began to accrue;

18.18 (ii) costs and expenses included in the judgment or part of the judgment being registered,

18.19 other than an amount awarded for attorney fees; and

18.20 (iii) the amount of an award of attorney fees included in the judgment or part of the

18.21 judgment being registered;

18.22 (7) the amount, as of the date of registration, of post-judgment costs, expenses, and

18.23 attorney fees claimed by the person registering the judgment or part of the judgment;

18.24 (8) the amount of the judgment or part of the judgment being registered which has been

18.25 satisfied as of the date of registration;

18.26 (9) a statement that:

18.27 (i) the judgment is final, conclusive, and enforceable under the law of the Canadian

18.28 jurisdiction in which it was rendered;

18.29 (ii) the judgment or part of the judgment being registered is within the scope of sections

18.30 548.64 to 548.74; and

19.1 (iii) if a part of the judgment is being registered, the amounts stated in the registration
19.2 under clauses (6), (7), and (8) relate to the part;

19.3 (10) if the judgment is not in English, a certified translation of the judgment into English;
19.4 and

19.5 (11) the filing fee stated in section 548.30.

19.6 (c) On receipt of a registration that includes the documents, information, and filing fee
19.7 required by paragraph (b), the court administrator shall file the registration, assign a docket
19.8 number, and enter the Canadian judgment in the court's docket.

19.9 (d) A registration substantially in the following form complies with the registration
19.10 requirements under paragraph (b) if the registration includes the attachments specified in
19.11 the form:

19.12 **REGISTRATION OF CANADIAN MONEY JUDGMENT**

19.13 Complete and file this form, together with the documents required by Part V of this form,
19.14 with the court administrator. When stating an amount of money, identify the currency in
19.15 which the amount is stated.

19.16 **PART I. IDENTIFICATION OF CANADIAN JUDGMENT**

19.17 Canadian Court Rendering
19.18 the Judgment:

19.19

19.20 Case/Docket Number in
19.21 Canadian Court:

19.22

19.23 Name of Plaintiff(s):

19.24

19.25 Name of Defendant(s):

19.26

19.27 The Canadian Court entered
19.28 the judgment:

19.29 on in in

19.30 [Date] [City] [Province or Territory]

19.31 The judgment includes an award for the payment of money in favor of
19.32 in the amount of

19.33 If only part of the Canadian judgment is subject to registration (see section 548.66,
19.34 paragraphs (b) and (c)), describe the part of the judgment being registered:

19.35

19.36 **PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON**
19.37 **AGAINST WHOM JUDGMENT IS BEING REGISTERED**

20.1 Provide the following information for all persons seeking to register the judgment under
20.2 this registration and all persons against whom the judgment is being registered under this
20.3 registration. Name of Person(s) Registering Judgment:

20.4
.....

20.5 If a person registering the judgment is not the person in whose favor the judgment was
20.6 rendered, describe the interest the person registering the judgment has in the judgment
20.7 which entitles the person to seek its recognition and enforcement:

20.8
.....

20.9 Address of Person(s) Registering Judgment:

20.10
.....

20.11 Additional Contact Information for Person(s) Registering Judgment (Optional):

20.12 Telephone Number: Fax Number:

20.13 E-mail Address:

20.14 Name of Attorney for Person(s) Registering Judgment, if any:

20.15
.....

20.16 Address:

20.17 Telephone Number: Fax Number:

20.18 E-mail Address:

20.19 Name of Person(s) Against Whom Judgment is Being Registered:

20.20
.....

20.21 Address of Person(s) Against Whom Judgment is Being Registered:

20.22 (provide the most recent address known)

20.23 Additional Contact Information for Person(s) Against Whom Judgment is Being Registered
20.24 (Optional) (provide most recent information known):

20.25 Telephone Number: Fax Number:

20.26 E-mail Address:

20.27 PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

20.28 Identify the currency or currencies in which each amount is stated.

20.29 The amount of the Canadian judgment or part of the judgment being registered is:

20.30
.....

20.31 The amount of interest accrued as of the date of registration on the part of the judgment
20.32 being registered is:

20.33
.....

20.34 The applicable rate of interest is:

20.35 The date when interest began to accrue is:

20.36 The part of the judgment to which the interest applies is:

20.37 The Canadian Court awarded costs and expenses relating to the part of the judgment being
20.38 registered in the amount of:

20.39
.....

20.40 (exclude any amount included in the award of costs and expenses which represents an
20.41 award of attorney fees).

21.1 The person registering the Canadian judgment claims post-judgment costs and expenses
21.2 in the amount of:

21.3
21.4 and post-judgment attorney fees in the amount of

21.5
21.6 relating to the part of the judgment being registered (include only costs, expenses, and
21.7 attorney fees incurred before registration).

21.8 The amount of the part of the judgment being registered which has been satisfied as of the
21.9 date of registration is

21.10
21.11 The total amount for which enforcement of the part of the judgment being registered is
21.12 sought is

21.13
21.14 **PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT**

21.15 I, state:
21.16 (Person Registering Judgment or Attorney for Person Registering Judgment)

21.17 1. The Canadian judgment is final, conclusive, and enforceable under the law of the
21.18 Canadian jurisdiction in which it was rendered.

21.19 2. The Canadian judgment or part of the judgment being registered is within the scope of
21.20 Minnesota Statutes, sections 548.64 to 548.74.

21.21 3. If only a part of the Canadian judgment is being registered, the amounts stated in Part
21.22 III of this form relate to that part.

21.23 **PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION**

21.24 Attached are (check to signify required items are included):

21.25 A copy of the Canadian judgment authenticated in the same manner a copy of a
21.26 foreign judgment is authenticated in an action under Minnesota Statutes, section
21.27 548.59, as an accurate copy by the Canadian court that entered the judgment.

21.28 If the Canadian judgment is not in English, a certified translation of the judgment
21.29 into English.

21.30 The registration fee stated in Minnesota Statutes, section 548.30.

21.31 I declare that the information provided on this form is true and correct to the best of my
21.32 knowledge and belief.

21.33 Submitted by:

21.34 Signature of Person Registering Judgment or
21.35 Attorney for Person Registering Judgment

21.36 Date of submission:

21.37 **Sec. 5. [548.68] EFFECT OF REGISTRATION.**

21.38 (a) Subject to paragraph (b), a Canadian judgment registered under section 548.67 has
21.39 the same effect provided in section 548.60 for a judgment a court determines to be entitled
21.40 to recognition.

22.1 (b) A Canadian judgment registered under section 548.67 may not be enforced by sale
22.2 or other disposition of property, or by seizure of property or garnishment, until 31 days after
22.3 notice under section 548.69 of registration is served. The court for cause may provide for
22.4 a shorter or longer time. This paragraph does not preclude use of relief available under law
22.5 of this state other than sections 548.64 to 548.74 to prevent dissipation, disposition, or
22.6 removal of property.

22.7 **Sec. 6. [548.69] NOTICE OF REGISTRATION.**

22.8 (a) A person that registers a Canadian judgment under section 548.67 shall cause notice
22.9 of registration to be served on the person against whom the judgment has been registered.

22.10 (b) Notice under this section must be served in the same manner that a summons and
22.11 complaint must be served in an action seeking recognition under section 548.59 of a
22.12 foreign-country money judgment.

22.13 (c) Notice under this section must include:

22.14 (1) the date of registration and court in which the judgment was registered;

22.15 (2) the docket number assigned to the registration;

22.16 (3) the name and address of:

22.17 (i) the person registering the judgment; and

22.18 (ii) the person's attorney, if any;

22.19 (4) a copy of the registration, including the documents required under section 548.67,
22.20 paragraph (b); and

22.21 (5) a statement that:

22.22 (i) the person against whom the judgment has been registered, not later than 30 days
22.23 after the date of service of notice, may petition the court to vacate the registration; and

22.24 (ii) the court for cause may provide for a shorter or longer time.

22.25 (d) Proof of service of notice under this section must be filed with the court administrator.

22.26 **Sec. 7. [548.70] PETITION TO VACATE REGISTRATION.**

22.27 (a) Not later than 30 days after notice under section 548.69 is served, the person against
22.28 whom the judgment was registered may petition the court to vacate the registration. The
22.29 court for cause may provide for a shorter or longer time for filing the petition.

23.1 (b) A petition under this section may assert only:

23.2 (1) a ground that could be asserted to deny recognition of the judgment under sections

23.3 548.54 to 548.63; or

23.4 (2) a failure to comply with a requirement of sections 548.64 to 548.74 for registration
23.5 of the judgment.

23.6 (c) A petition filed under this section does not itself stay enforcement of the registered
23.7 judgment.

23.8 (d) If the court grants a petition under this section, the registration is vacated, and any
23.9 act under the registration to enforce the registered judgment is void.

23.10 (e) If the court grants a petition under this section on a ground under paragraph (b),
23.11 clause (1), the court also shall render a judgment denying recognition of the Canadian
23.12 judgment. A judgment rendered under this subsection has the same effect as a judgment
23.13 denying recognition to a judgment on the same ground under sections 548.54 to 548.63.

23.14 **Sec. 8. [548.71] STAY OF ENFORCEMENT OF JUDGMENT PENDING**

23.15 **DETERMINATION OF PETITION.**

23.16 A person that files a petition under section 548.70, paragraph (a), to vacate registration
23.17 of a Canadian judgment may request the court to stay enforcement of the judgment pending
23.18 determination of the petition. The court shall grant the stay if the person establishes a
23.19 likelihood of success on the merits with regard to a ground listed in section 548.70, paragraph
23.20 (b), for vacating a registration. The court may require the person to provide security in an
23.21 amount determined by the court as a condition of granting the stay.

23.22 **Sec. 9. [548.72] RELATIONSHIP TO UNIFORM FOREIGN-COUNTRY MONEY**

23.23 **JUDGMENTS RECOGNITION ACT.**

23.24 (a) Sections 548.64 to 548.74 supplement the Uniform Foreign-Country Money
23.25 Judgments Recognition Act, and sections 548.54 to 548.63, other than section 548.59, apply
23.26 to a registration under sections 548.64 to 548.74.

23.27 (b) A person may seek recognition of a Canadian judgment described in section 548.66
23.28 either:

23.29 (1) by registration under sections 548.64 to 548.74; or

23.30 (2) under section 548.59.

24.1 (c) Subject to paragraph (d), a person may not seek recognition in this state of the same
24.2 judgment or part of a judgment described in 548.66, paragraph (b) or (c), with regard to the
24.3 same person under both sections 548.59 and 548.64 to 548.74.

24.4 (d) If the court grants a petition to vacate a registration solely on a ground under section
24.5 548.70, paragraph (b), clause (2), the person seeking registration may:

24.6 (1) if the defect in the registration can be cured, file a new registration under sections
24.7 548.64 to 548.74; or

24.8 (2) seek recognition of the judgment under section 548.59.

Sec. 10. [548.73] UNIFORMITY OF APPLICATION AND INTERPRETATION.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

24.12 Sec. 11. [548.74] TRANSITIONAL PROVISION.

24.13 Sections 548.64 to 548.74 apply to the registration of a Canadian judgment entered in
24.14 a proceeding that is commenced in Canada on or after the effective date of sections 548.64
24.15 to 548.74.

Sec. 12. EFFECTIVE DATE.

24.17 Sections 1 to 11 are effective January 1, 2023.

ARTICLE 3

HUMAN RIGHTS

24.20 Section 1. Minnesota Statutes 2020, section 363A.03, is amended by adding a subdivision
24.21 to read:

24.22 Subd. 36a. **Race.** "Race" is inclusive of traits associated with race, including but not limited to hair texture and hair styles such as braids, locks, and twists.

24.24 Sec. 2. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to
24.25 read:

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

25.1 (b) An employer, employment agency, or labor organization shall not inquire into,
25.2 consider, or require disclosure from any source the pay history of an applicant for
25.3 employment for the purpose of determining wages, salary, earnings, benefits, or other
25.4 compensation for that applicant. There is a rebuttable presumption that use of pay history
25.5 received on an applicant for employment to determine the future wages, salary, earnings,
25.6 benefits, or other compensation for that applicant is an unfair discriminatory employment
25.7 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay
25.8 history of an applicant does not apply if the job applicant's pay history is a matter of public
25.9 record under federal or state law, unless the employer, employment agency, or labor
25.10 organization sought access to those public records with the intent of obtaining pay history
25.11 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
25.12 compensation for that applicant.

25.13 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
25.14 and without prompting disclosing pay history for the purposes of negotiating wages, salary,
25.15 benefits, or other compensation. If an applicant for employment voluntarily and without
25.16 prompting discloses pay history to a prospective employer, employment agency, or labor
25.17 organization, nothing in this subdivision shall prohibit that employer, employment agency,
25.18 or labor organization from considering or acting on that voluntarily disclosed salary history
25.19 information to support a wage or salary higher than initially offered by the employer,
25.20 employment agency, or labor organization.

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

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

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

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

25.32 **EFFECTIVE DATE.** This section is effective January 1, 2022. For employment covered
25.33 by collective bargaining agreements, this section is not effective until the date of

26.1 implementation of the applicable collective bargaining agreement that is after January 1,
26.2 2022.

26.3 Sec. 3. Minnesota Statutes 2020, section 363A.11, subdivision 2, is amended to read:

26.4 **Subd. 2. General prohibitions.** This subdivision lists general prohibitions against
26.5 discrimination on the basis of disability. For purposes of this subdivision, "individual" or
26.6 "class of individuals" refers to the clients or customers of the covered public accommodation
26.7 that enter into the contractual, licensing, or other arrangement.

26.8 (1) It is discriminatory to:

26.9 (i) subject an individual or class of individuals on the basis of a disability of that
26.10 individual or class, directly or through contractual, licensing, or other arrangements, to a
26.11 denial of the opportunity of the individual or class to participate in or benefit from the goods,
26.12 services, facilities, privileges, advantages, or accommodations of an entity;

26.13 (ii) afford an individual or class of individuals on the basis of the disability of that
26.14 individual or class, directly or through contractual, licensing, or other arrangements, with
26.15 the opportunity to participate in or benefit from the goods, services, facilities, privileges,
26.16 advantages, or accommodations that are not equal to those afforded to other individuals;
26.17 and

26.18 (iii) provide an individual or class of individuals, on the basis of a disability of that
26.19 individual or class, directly or through contractual, licensing, or other arrangements, with
26.20 goods, services, facilities, privileges, advantages, or accommodations that are different or
26.21 separate from those provided to other individuals, unless the action is necessary to provide
26.22 the individual or class of individuals with goods, services, facilities, privileges, advantages,
26.23 or accommodations, or other opportunities that are as effective as those provided to others.;
26.24 and

26.25 (iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing
26.26 individuals with closed-captioned television when television services are provided to other
26.27 individuals.

26.28 (2) Goods, services, facilities, privileges, advantages, and accommodations must be
26.29 afforded to an individual with a disability in the most integrated setting appropriate to the
26.30 needs of the individual.

26.31 (3) Notwithstanding the existence of separate or different programs or activities provided
26.32 in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual

27.1 with a disability may not be denied the opportunity to participate in the programs or activities
27.2 that are not separate or different.

27.3 (4) An individual or entity may not, directly or through contractual or other arrangements,
27.4 use standards or criteria and methods of administration:

- 27.5 (i) that have the effect of discriminating on the basis of disability; or
27.6 (ii) that perpetuate the discrimination of others who are subject to common administrative
27.7 control.

27.8 Sec. 4. Minnesota Statutes 2020, section 363A.21, subdivision 1, is amended to read:

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

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

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

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

27.25 Sec. 5. Minnesota Statutes 2021 Supplement, section 363A.50, is amended to read:

27.26 **363A.50 NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**

27.27 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
27.28 the meanings given unless the context clearly requires otherwise.

27.29 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

27.30 (c) "Auxiliary aids and services" include, but are not limited to:

28.1 (1) qualified interpreters or other effective methods of making aurally delivered materials
28.2 available to individuals with hearing impairments and to non-English-speaking individuals;

28.3 (2) qualified readers, taped texts, texts in accessible electronic format, or other effective
28.4 methods of making visually delivered materials available to individuals with visual
28.5 impairments;

28.6 (3) the provision of information in a format that is accessible for individuals with
28.7 cognitive, neurological, developmental, intellectual, or physical disabilities;

28.8 (4) the provision of supported decision-making services; and

28.9 (5) the acquisition or modification of equipment or devices.

28.10 (d) "Covered entity" means:

28.11 (1) any licensed provider of health care services, including licensed health care
28.12 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric
28.13 residential treatment facilities, institutions for individuals with intellectual or developmental
28.14 disabilities, and prison health centers; or

28.15 (2) any entity responsible for matching anatomical gift donors to potential recipients.

28.16 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.

28.17 (f) "Organ transplant" means the transplantation or infusion of a part of a human body
28.18 into the body of another for the purpose of treating or curing a medical condition.

28.19 (g) "Qualified individual" means an individual who, with or without available support
28.20 networks, the provision of auxiliary aids and services, or reasonable modifications to policies
28.21 or practices, meets the essential eligibility requirements for the receipt of an anatomical
28.22 gift.

28.23 (h) "Reasonable modifications" include, but are not limited to:

28.24 (1) communication with individuals responsible for supporting an individual with
28.25 postsurgical and post-transplantation care, including medication; and

28.26 (2) consideration of support networks available to the individual, including family,
28.27 friends, and home and community-based services, including home and community-based
28.28 services funded through Medicaid, Medicare, another health plan in which the individual
28.29 is enrolled, or any program or source of funding available to the individual, in determining
28.30 whether the individual is able to comply with post-transplant medical requirements.

29.1 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision
29.2 16a.

29.3 **Subd. 2. Prohibition of discrimination.** (a) A covered entity may not, on the basis of
29.4 a qualified individual's race, ethnicity, mental disability, or physical disability:

29.5 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;

29.6 (2) deny medical or related organ transplantation services, including evaluation, surgery,
29.7 counseling, and postoperative treatment and care;

29.8 (3) refuse to refer the individual to a transplant center or other related specialist for the
29.9 purpose of evaluation or receipt of an anatomical gift or organ transplant;

29.10 (4) refuse to place an individual on an organ transplant waiting list or place the individual
29.11 at a lower-priority position on the list than the position at which the individual would have
29.12 been placed if not for the individual's race, ethnicity, or disability; or

29.13 (5) decline insurance coverage for any procedure associated with the receipt of the
29.14 anatomical gift or organ transplant, including post-transplantation and postinfusion care.

29.15 (b) Notwithstanding paragraph (a), a covered entity may take an individual's disability
29.16 into account when making treatment or coverage recommendations or decisions, solely to
29.17 the extent that the physical or mental disability has been found by a physician, following
29.18 an individualized evaluation of the potential recipient to be medically significant to the
29.19 provision of the anatomical gift or organ transplant. The provisions of this section may not
29.20 be deemed to require referrals or recommendations for, or the performance of, organ
29.21 transplants that are not medically appropriate given the individual's overall health condition.

29.22 (c) If an individual has the necessary support system to assist the individual in complying
29.23 with post-transplant medical requirements, an individual's inability to independently comply
29.24 with those requirements may not be deemed to be medically significant for the purposes of
29.25 paragraph (b).

29.26 (d) A covered entity must make reasonable modifications to policies, practices, or
29.27 procedures, when such modifications are necessary to make services such as
29.28 transplantation-related counseling, information, coverage, or treatment available to qualified
29.29 individuals with disabilities, unless the entity can demonstrate that making such modifications
29.30 would fundamentally alter the nature of such services.

29.31 (e) A covered entity must take such steps as may be necessary to ensure that no qualified
29.32 individual with a disability is denied services such as transplantation-related counseling,
29.33 information, coverage, or treatment because of the absence of auxiliary aids and services,

30.1 unless the entity can demonstrate that taking such steps would fundamentally alter the nature
30.2 of the services being offered or result in an undue burden. A covered entity is not required
30.3 to provide supported decision-making services.

30.4 (f) A covered entity must otherwise comply with the requirements of Titles II and III of
30.5 the Americans with Disabilities Act of 1990, the Americans with Disabilities Act
30.6 Amendments Act of 2008, and the Minnesota Human Rights Act.

30.7 (g) The provisions of this section apply to each part of the organ transplant process.

30.8 Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any
30.9 individual who has been subjected to discrimination in violation of this section may initiate
30.10 a civil action in a court of competent jurisdiction to enjoin violations of this section.

30.11 **Sec. 6. REPEALER.**

30.12 Minnesota Statutes 2020, sections 363A.20, subdivision 3; and 363A.27, are repealed.

30.13 **ARTICLE 4**

30.14 **OTHER CIVIL LAW POLICY**

30.15 Section 1. Minnesota Statutes 2020, section 84.775, subdivision 1, is amended to read:

30.16 Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other
30.17 licensed peace officer may issue a civil citation to a person who operates:

30.18 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause
30.19 (1); 84.777; or 84.788 to 84.795; or 84.90;

30.20 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
30.21 84.777; or 84.798 to 84.804; or 84.90; or

30.22 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
30.23 84.777; 84.90; or 84.922 to 84.928; or

30.24 (4) a snowmobile in violation of sections 84.777 or 84.82 to 84.872; or

30.25 (5) an off-highway motorcycle, an off-road vehicle, an all-terrain vehicle, or a snowmobile
30.26 in violation of section 84.90 or 97B.001.

30.27 (b) A civil citation under paragraph (a) shall require restitution for public and private
30.28 property damage and impose a penalty of:

30.29 (1) \$100 \$250 for the first offense;

30.30 (2) \$200 \$500 for the second offense; and

31.1 (3) \$500 \$1,000 for third and subsequent offenses.

31.2 (c) A conservation officer or other licensed peace officer may issue a civil citation to a
31.3 person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in
31.4 violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this
31.5 paragraph shall require restitution for damage to wetlands and impose a penalty of:

31.6 (1) \$100 for the first offense;

31.7 (2) \$500 for the second offense; and

31.8 (3) \$1,000 for third and subsequent offenses.

31.9 (d) If the peace officer determines that there is damage to property requiring restitution,
31.10 the commissioner must send a written explanation of the extent of the damage and the cost
31.11 of the repair by first class mail to the address provided by the person receiving the citation
31.12 within 15 days of the date of the citation.

31.13 (e) An off-road vehicle that is equipped with a snorkel device and receives a civil citation
31.14 under this section is subject to twice the penalty amounts in paragraphs (b) and (c).

31.15 Sec. 2. Minnesota Statutes 2020, section 84.775, subdivision 4, is amended to read:

31.16 **Subd. 4. Allocating penalty amounts.** Penalty amounts collected from civil citations
31.17 issued under this section must be paid to the treasury of the unit of government employing
31.18 the officer that issued the civil citation. Penalties retained by the commissioner shall be
31.19 credited as follows: to the off-highway motorcycle account under section 84.794 for citations
31.20 involving off-highway motorcycles; to the off-road vehicle account under section 84.803
31.21 for citations involving off-road vehicles; ~~or~~ to the all-terrain vehicle account under section
31.22 84.927 for citations involving all-terrain vehicles; or to the snowmobile trails and enforcement
31.23 account under section 84.83 for citations involving snowmobiles. Penalty amounts credited
31.24 under this subdivision are dedicated for the enforcement of enforcing off-highway vehicle
31.25 laws or for enforcing snowmobile laws.

31.26 Sec. 3. Minnesota Statutes 2021 Supplement, section 169A.63, subdivision 8, is amended
31.27 to read:

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

32.1 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
32.2 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
32.3 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
32.4 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
32.5 persons known to have an ownership, possessory, or security interest in the vehicle must
32.6 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
32.7 be registered under chapter 168, the notification to a person known to have a security interest
32.8 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
32.9 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
32.10 authority, a court may extend the time period for sending notice for a period not to exceed
32.11 90 days for good cause shown. Notice mailed by certified mail to the address shown in
32.12 Department of Public Safety records is sufficient notice to the registered owner of the
32.13 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
32.14 by certified mail to the address shown in the applicable filing or registration for the vehicle
32.15 is sufficient notice to a person known to have an ownership, possessory, or security interest
32.16 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
32.17 of a summons in a civil action.

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

32.19 (1) a description of the vehicle seized;

32.20 (2) the date of seizure; and

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

32.24 Substantially the following language must appear conspicuously in the notice:

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

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

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

33.5 (e) Within 60 days following service of a notice of seizure and forfeiture under this
33.6 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
33.7 demand must be in the form of a civil complaint and must be filed with the court
33.8 administrator in the county in which the seizure occurred, together with proof of service of
33.9 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture.
33.10 The claimant may serve the complaint by certified mail or any means permitted by court
33.11 rules. If the value of the seized property is \$15,000 or less, the claimant may file an action
33.12 in conciliation court for recovery of the seized vehicle. A copy of the conciliation court
33.13 statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of
33.14 Conciliation Court Procedure on the prosecuting authority having jurisdiction over the
33.15 forfeiture within 60 days following service of the notice of seizure and forfeiture under this
33.16 subdivision. The claimant does not have to pay the court filing fee.

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

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

33.29 (g) If the claimant makes a timely demand for a judicial determination under this
33.30 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
33.31 9.

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

34.1 Sec. 4. Minnesota Statutes 2020, section 259.11, is amended to read:

34.2 **259.11 ORDER; FILING COPIES.**

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

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

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

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

34.32 (2) a request for a name change in conjunction with a marriage dissolution under section
34.33 518.27; or

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

35.1 Sec. 5. **[259.14] POSTDISSOLUTION NAME CHANGE.**

35.2 (a) A person who has resided in this state for at least six months and obtained the person's
35.3 most recent final marriage dissolution from a district court in this state may apply to the
35.4 district court in the county where the person resides to change the person's name to the legal
35.5 name on the person's birth certificate. A person applying for a name change must submit a
35.6 certified copy of the certificate of dissolution issued pursuant to section 518.148 and a
35.7 certified copy of the person's birth certificate.

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

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

35.18 Sec. 6. Minnesota Statutes 2020, section 260C.101, subdivision 2, is amended to read:

35.19 Subd. 2. **Other matters relating to children.** The juvenile court has original and
35.20 exclusive jurisdiction in proceedings concerning:

- 35.21 (1) the termination of parental rights to a child in accordance with the provisions of
35.22 sections 260C.301 to 260C.328;
- 35.23 (2) permanency matters under sections 260C.503 to 260C.521;
- 35.24 (3) the appointment and removal of a juvenile court guardian for a child, where parental
35.25 rights have been terminated under the provisions of sections 260C.301 to 260C.328;
- 35.26 (4) judicial consent to the marriage of a child when required by law;
- 35.27 (5) all adoption matters and review of the efforts to finalize the adoption of the child
35.28 under section 260C.317;
- 35.29 (6) the review of the placement of a child who is in foster care pursuant to a voluntary
35.30 placement agreement between the child's parent or parents and the responsible social services
35.31 agency under section 260C.227; or between the child, when the child is over age 18, and
35.32 the agency under section 260C.229;

36.1 (7) the review of voluntary foster care placement of a child for treatment under chapter
36.2 260D according to the review requirements of that chapter; and

36.3 (8) the reestablishment of a legal parent and child relationship under section 260C.329.;
36.4 and

36.5 (9) juvenile court guardianship petitions for at-risk juveniles filed under section 260C.149.

36.6 Sec. 7. **[260C.149] JUVENILE COURT GUARDIANSHIP FOR AT-RISK**
36.7 **JUVENILES.**

36.8 Subdivision 1. Definitions. For the purposes of this section, the terms defined in this
36.9 subdivision have the meanings given.

36.10 (a) "Abandonment" means the parent's failure to maintain contact with an at-risk juvenile
36.11 on a regular basis or to demonstrate consistent interest in an at-risk juvenile's well-being
36.12 beginning at least six months prior to the at-risk juvenile reaching the age of 18, or the death
36.13 of an at-risk juvenile's parent.

36.14 (b) "Abuse" means, at any time in an at-risk juvenile's life, the infliction or threat of:

36.15 (1) psychological or emotional harm;

36.16 (2) physical injury that was not due to an accident; or

36.17 (3) sexual abuse, which includes sex trafficking as defined in section 609.321, subdivision
36.18 7a.

36.19 (c) "At-risk juvenile" means an unmarried person who is between the ages of 18 and 21
36.20 and is potentially eligible for classification under United States Code, title 8, section
36.21 1101(a)(27)(J), as amended through December 31, 2021.

36.22 (d) "Best interests" has the meaning given in section 260C.511, paragraph (a).

36.23 (e) "Guardian" means an adult who has been appointed by the court as the guardian of
36.24 an at-risk juvenile under this section. A guardian includes but is not limited to a parent.

36.25 (f) "Mental injury" has the meaning given in section 260E.03, subdivision 13.

36.26 (g) "Neglect" means, at any time prior to an at-risk juvenile reaching the age of 18, the
36.27 failure to give an at-risk juvenile proper care that causes the juvenile's health or welfare to
36.28 be harmed or placed at substantial risk of harm or causes mental injury or a substantial risk
36.29 of mental injury.

36.30 (h) "Petitioner" means the at-risk juvenile who is the subject of the petition.

37.1 Subd. 2. **Guardianship; purpose.** The purpose of the guardianship under this section

37.2 is to provide an at-risk juvenile with guidance, assistance, financial and emotional support,
37.3 and referrals to resources necessary to either or both:

37.4 (1) meet the at-risk juvenile's needs, which include but are not limited to shelter, nutrition,

37.5 and access to and receipt of psychiatric, psychological, medical, dental, educational,
37.6 occupational, or social services; or

37.7 (2) protect the at-risk juvenile from sex or labor trafficking or domestic or sexual violence.

37.8 Subd. 3. **Petition.** An at-risk juvenile may petition the juvenile court for the appointment

37.9 of a guardian. The petition must state the name of the proposed guardian and allege that:

37.10 (1) the appointment of a guardian is in the best interests of the at-risk juvenile;

37.11 (2) the proposed guardian is capable and reputable;

37.12 (3) both the petitioner and the proposed guardian agree to the appointment of a

37.13 guardianship under this section;

37.14 (4) reunification of the at-risk juvenile with one or both parents is not viable because of

37.15 abandonment, abuse, neglect, or a similar basis that has an effect on an at-risk juvenile

37.16 comparable to abandonment, abuse, or neglect under Minnesota law; and

37.17 (5) it is not in the best interests of the at-risk juvenile to be returned to the at-risk juvenile's

37.18 or at-risk juvenile's parent's previous country of nationality or last habitual residence.

37.19 Subd. 4. **Right to counsel.** The at-risk juvenile petitioning for a guardianship and the

37.20 proposed guardian named in the petition each have the right to be represented by counsel

37.21 of the at-risk juvenile's or guardian's choosing and at the at-risk juvenile's or guardian's own

37.22 expense.

37.23 Subd. 5. **Service.** The proposed guardian and, if an appointment of a new guardian is

37.24 sought, the existing guardian for the at-risk juvenile previously appointed under this section

37.25 are entitled to service in the manner specified in the Minnesota Rules of Juvenile Protection

37.26 Procedure.

37.27 Subd. 6. **Notice to parents.** The petitioner must provide a copy of the petition to any

37.28 living parent in any manner and format reasonably calculated to give the parent adequate

37.29 notice at least 14 days prior to the hearing under subdivision 7. Prior to or at the hearing,

37.30 the petitioner must file proof that the copy of the petition was provided to any living parents

37.31 of the petitioner. The court may waive notice to a parent:

37.32 (1) if the identity or location of the petitioner's parent is unknown; or

38.1 (2) for any other reason that the court may deem appropriate.

38.2 Subd. 7. Proceeding. (a) The court shall hear and issue an order on any petition as soon
38.3 as administratively feasible and prior to the at-risk juvenile reaching 21 years of age.

38.4 (b) Venue must be in the county where the at-risk juvenile or the proposed guardian
38.5 resides.

38.6 (c) Nothing in this section authorizes the guardian to abrogate any rights or privileges
38.7 to which the at-risk juvenile is entitled under law.

38.8 Subd. 8. Order. (a) The court must issue an order awarding a guardianship for the
38.9 purposes identified in this section if the court finds that:

38.10 (1) the proposed guardian is capable and reputable;

38.11 (2) the guardianship is in the best interests of the at-risk juvenile;

38.12 (3) both the petitioner and the proposed guardian agree to the establishment of a
38.13 guardianship under this section;

38.14 (4) reunification of the at-risk juvenile with one or both parents is not viable because of
38.15 abandonment, abuse, neglect, or a similar basis that has an effect on an at-risk juvenile
38.16 comparable to abandonment, abuse, or neglect under Minnesota law; and

38.17 (5) it is not in the best interests of the at-risk juvenile to be returned to the previous
38.18 country of nationality or last habitual residence of the juvenile or the juvenile's parent or
38.19 parents.

38.20 (b) The order must, where the identity is known, specifically identify the parent or parents
38.21 whom the court finds have abused, abandoned, or neglected the at-risk juvenile.

38.22 (c) The order must contain relevant state statutory citations and written findings of fact
38.23 to support each of these findings:

38.24 (1) the at-risk juvenile is dependent on the juvenile court, and has been placed under the
38.25 custody of an individual appointed by the juvenile court, through the appointment of a
38.26 guardian, for the purposes of this statute;

38.27 (2) reunification of the at-risk juvenile with one or both parents is not viable because of
38.28 abandonment, abuse, or neglect or a similar basis that has an effect on an at-risk juvenile
38.29 comparable to abandonment, abuse, or neglect under Minnesota law; and

38.30 (3) it is not in the best interests of the at-risk juvenile to be returned to the at-risk juvenile's
38.31 or at-risk juvenile's parent's country of nationality or last habitual residence.

39.1 Subd. 9. Appointment of new guardian. At any time after the approval of a guardian
39.2 under subdivision 8, an at-risk juvenile or the currently appointed at-risk juvenile's guardian
39.3 may petition the juvenile court for appointment of a new guardian. The petition must state
39.4 the name of the proposed new guardian and set forth the facts supporting the request. The
39.5 court may appoint a new guardian if the court finds that:

- 39.6 (1) the proposed new guardian is capable and reputable;
39.7 (2) the appointment of a new guardian is in the best interests of the at-risk juvenile; and
39.8 (3) both the petitioner and the proposed new guardian agree to the establishment of the
39.9 guardianship.

39.10 Subd. 10. Automatic termination of guardianship. A guardianship awarded under
39.11 this section terminates when the at-risk juvenile attains the age of 21. The court's jurisdiction
39.12 continues until termination of the guardianship.

39.13 Subd. 11. Voluntary termination of guardianship. The at-risk juvenile may request
39.14 the termination of the guardianship at any time and, upon request, the court shall terminate
39.15 the guardianship.

39.16 Subd. 12. Relation to other guardianship law. The provisions of sections 260C.325,
39.17 260C.328, and 524.5-101 to 524.5-317 do not apply to petitions for the appointment of a
39.18 guardianship for an at-risk juvenile under this section.

39.19 Sec. 8. Minnesota Statutes 2020, section 357.17, is amended to read:

39.20 **357.17 NOTARIES PUBLIC.**

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

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

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

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

39.27 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
39.28 \$1 per folio for copies;

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

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

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

40.3 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
40.4 paragraph (a) if the notary is commissioned pursuant to chapter 359.

40.5 Sec. 9. Minnesota Statutes 2020, section 359.04, is amended to read:

40.6 **359.04 POWERS.**

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

40.15 Sec. 10. [359.115] CIVIL MARRIAGE OFFICIAINT.

40.16 A notary public shall have the power to solemnize civil marriages throughout the state
40.17 if the notary public has filed a copy of the notary public's notary commission with the local
40.18 registrar of a county in this state. When a local registrar records a commission for a notary
40.19 public, the local registrar shall provide a certificate of filing to the notary whose commission
40.20 is recorded. A notary public shall endorse and record the county where the notary public's
40.21 commission is recorded upon each certificate of civil marriage granted by the notary.

40.22 Sec. 11. Minnesota Statutes 2020, section 517.04, is amended to read:

40.23 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

40.24 Civil marriages may be solemnized throughout the state by an individual who has attained
40.25 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
40.26 a court administrator, a retired court administrator with the approval of the chief judge of
40.27 the judicial district, a former court commissioner who is employed by the court system or
40.28 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
40.29 notary commissioned pursuant to chapter 359, the residential school superintendent of the
40.30 Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a
40.31 licensed or ordained minister of any religious denomination, or by any mode recognized in

41.1 section 517.18. For purposes of this section, a court of record includes the Office of
41.2 Administrative Hearings under section 14.48.

41.3 Sec. 12. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

41.4 **Subd. 1b. Term of license; fee; premarital education.** (a) The local registrar shall
41.5 examine upon oath the parties applying for a license relative to the legality of the
41.6 contemplated civil marriage. Examination upon oath of the parties under this section may
41.7 include contemporaneous video or audio transmission or receipt of a verified statement
41.8 signed by both parties attesting to the legality of the marriage. The local registrar may accept
41.9 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic
41.10 filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to~~
41.11 ~~appear in person, the party appearing may complete the absent applicant's information. The~~
41.12 ~~local registrar shall provide a copy of the civil marriage application to the party who is~~
41.13 ~~unable to appear, who must verify the accuracy of the appearing party's information in a~~
41.14 ~~notarized statement. The verification statement must be accompanied by a copy of proof of~~
41.15 ~~age of the party.~~ The civil marriage license must not be released until ~~the verification~~
41.16 ~~statement and~~ proof of age has been received by the local registrar. If the local registrar is
41.17 satisfied that there is no legal impediment to it, including the restriction contained in section
41.18 259.13, the local registrar shall issue the license, containing the full names of the parties
41.19 before and after the civil marriage, and county and state of residence, with the county seal
41.20 attached, and make a record of the date of issuance. The license shall be valid for a period
41.21 of six months. Except as provided in paragraph (b), the local registrar shall collect from the
41.22 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
41.23 required, and preparing and transmitting to the state registrar of vital records the reports of
41.24 civil marriage required by this section. If the license should not be used within the period
41.25 of six months due to illness or other extenuating circumstances, it may be surrendered to
41.26 the local registrar for cancellation, and in that case a new license shall issue upon request
41.27 of the parties of the original license without fee. A local registrar who knowingly issues or
41.28 signs a civil marriage license in any manner other than as provided in this section shall pay
41.29 to the parties aggrieved an amount not to exceed \$1,000.

41.30 (b) The civil marriage license fee for parties who have completed at least 12 hours of
41.31 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
41.32 submit at the time of applying for the civil marriage license a statement that is signed, dated,
41.33 and notarized or marked with a church seal from the person who provided the premarital
41.34 education on their letterhead confirming that it was received. The premarital education must
41.35 be provided by a licensed or ordained minister or the minister's designee, a person authorized

42.1 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
42.2 and family therapy under section 148B.33. The education must include the use of a premarital
42.3 inventory and the teaching of communication and conflict management skills.

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

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

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

42.16 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
42.17 shall grant the civil marriage license without the requested name change. Alternatively, the
42.18 local registrar may delay the granting of the civil marriage license until the party with the
42.19 conviction:

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

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

42.26 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.

42.27 Sec. 13. Minnesota Statutes 2020, section 604.21, is amended to read:

42.28 **604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES
42.29 CONTRACTS VOID.**

42.30 (a) A provision contained in, or executed in connection with, a design professional
42.31 services contract is void and unenforceable to the extent it attempts to require an indemnitor
42.32 to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss

43.1 or damage resulting from the negligence or fault of anyone other than the indemnitor or
43.2 others for whom the indemnitor is legally liable.

43.3 (b) For purposes of this section, "design professional services contract" means a contract
43.4 under which some portion of the work or services is to be performed or supervised by a
43.5 person licensed under section 326.02, and is furnished in connection with any actual or
43.6 proposed maintenance of or improvement to real property, highways, roads, or bridges.

43.7 (c) This section does not apply to the extent that the obligation to indemnify, to hold
43.8 harmless, or to defend an indemnitee is ~~able to be~~ covered by insurance.

43.9 (d) This section does not apply to agreements referred to in section 337.03 or 337.04.

43.10 (e) A provision contained in, or executed in connection with, a design professional
43.11 services contract for any actual or proposed maintenance of, or improvement to, real property,
43.12 highways, roads, or bridges located in Minnesota that makes the contract subject to the laws
43.13 of another state or requires that any litigation, arbitration, or other dispute resolution process
43.14 on the contract occur in another state is void and unenforceable.

43.15 (f) This section supersedes any other inconsistent provision of law.

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

43.17 Sec. 14. Minnesota Statutes 2021 Supplement, section 609.5314, subdivision 3, is amended
43.18 to read:

43.19 **Subd. 3. Judicial determination.** (a) Within 60 days following service of a notice of
43.20 seizure and forfeiture under this section, a claimant may file a demand for a judicial
43.21 determination of the forfeiture. The demand must be in the form of a civil complaint and
43.22 must be filed with the court administrator in the county in which the seizure occurred,
43.23 together with proof of service of a copy of the complaint on the prosecuting authority for
43.24 that county. The claimant may serve the complaint on the prosecuting authority by certified
43.25 mail or any means permitted by court rules. If the value of the seized property is \$15,000
43.26 or less, the claimant may file an action in conciliation court for recovery of the seized
43.27 property. A copy of the conciliation court statement of claim may be served personally or
43.28 as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority
43.29 having jurisdiction over the forfeiture within 60 days following service of the notice of
43.30 seizure and forfeiture under this subdivision. The claimant does not have to pay the court
43.31 filing fee. No responsive pleading is required of the prosecuting authority and no court fees
43.32 may be charged for the prosecuting authority's appearance in the matter. The district court
43.33 administrator shall schedule the hearing as soon as practicable after, and in any event no

44.1 later than 90 days following, the conclusion of the criminal prosecution. The proceedings
44.2 are governed by the Rules of Civil Procedure and, where applicable, by the Rules of
44.3 Conciliation Court Procedure.

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

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

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

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

44.21 Sec. 15. Minnesota Statutes 2020, section 609.748, subdivision 2, is amended to read:

44.22 Subd. 2. **Restraining order; court jurisdiction.** (a) A person who is a victim of
44.23 harassment or the victim's guardian or conservator may seek a restraining order from the
44.24 district court in the manner provided in this section.

44.25 (b) The parent, guardian or conservator, or stepparent of a minor who is a victim of
44.26 harassment may seek a restraining order from the district court on behalf of the minor.(c)
44.27 A minor may seek a restraining order if the minor demonstrates that the minor is emancipated
44.28 and the court finds that the order is in the best interests of the emancipated minor. A minor
44.29 demonstrates the minor is emancipated by a showing that the minor is living separate and
44.30 apart from parents and managing the minor's own financial affairs, and shows, through an
44.31 instrument in writing or other agreement, or by the conduct of the parties that all parents
44.32 who have a legal parent and child relationship with the minor have relinquished control and
44.33 authority over the minor.

45.1 (d) An application for relief under this section may be filed in the county of residence
45.2 of either party or in the county in which the alleged harassment occurred. There are no
45.3 residency requirements that apply to a petition for a harassment restraining order.

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

45.5 Amend the title accordingly