

Subject Judiciary Omnibus Bill

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Overview

The Judiciary omnibus bill provides funding for the courts, civil legal services, Guardian ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Human Rights Department. The bill makes changes to court fees and fines, authorizes a study on early neutral evaluation, revises Minnesota's forfeiture laws, establishes a Legislative Commission on Intelligence and Technology, makes various changes to the classification of data, clarifies parental rights in relation to donated ova and semen, amends the definition of sexual harassment, prohibits the marriage of minors, and provides for cooperative private divorce.

Article 1: Appropriations

This article provides funding for the courts, civil legal services, Guardian ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Human Rights Department. The article further provides supplemental funding for the Bureau of Mediation Services and the Legislative Coordinating Commission.

Section	Description – Article 1: Appropriations
1	Appropriations. Summarizes direct appropriations by fund.
2	Supreme court. Subd. 1. Total appropriation. Appropriates a total of \$59,131,000 in FY20 and \$61,304,000 in FY21 to the supreme court. Subd. 2. Supreme court operations. Appropriates \$43,608,000 in FY20 and \$44,858,000 in FY21 for supreme court operations. (a) Contingent account. Specifies that \$5,000 each year is for a contingent account for which no other reimbursement is provided.

Section	Description – Article 1: Appropriations
	<p>(b) Judges’ compensation. Judges’ compensation is increased by three percent each year.</p> <p>(c) Cybersecurity program. \$2,500,000 each year is for a cybersecurity program.</p> <p>(d) Early neutral evaluation. \$50,000 in FY20 is to contract with the Board of Regents of the University of Minnesota for a survey of early neutral evaluation participants. [H.F. 1784]</p> <p>Subd. 3. Civil legal services. Appropriates \$15,523,000 in FY20 and \$16,446,000 in FY21 to civil legal services to provide legal representation to low-income clients. \$1,062,000 in FY20 and \$1,125,000 in FY21 is to improve access in family law matters.</p>
3	<p>Court of appeals. Appropriates \$12,878,000 in FY20 and \$13,258,000 in FY21 for the court of appeals. Specifies that judges’ compensation is increased by three percent each year.</p>
4	<p>District courts. Appropriates \$311,201,000 in FY20 and \$321,140,000 in FY21 for trial courts.</p> <p>(a) Judges’ compensation. Judges’ compensation is increased by four percent each year.</p> <p>(b) New trial judges. \$912,000 in FY20 and \$846,000 in FY21 are for two new trial court judge units.</p> <p>(c) Mandated psychological services. \$1,070,000 each year is for mandated court psychological services.</p> <p>(d) Treatment courts stability. \$306,000 each year is for treatment courts stability.</p> <p>(e) Gun violence prevention. \$81,000 each year is to process petitions for extreme risk prevention orders.</p>
5	<p>Guardian ad Litem Board. Appropriates 21,876,000 in FY20 and \$22,578,000 in FY21 to the GAL Board. Provides that \$4,205,000 in FY20 and \$4,443,000 in FY21 are for new positions to maintain compliance with federal and state mandates.</p>
6	<p>Tax Court. Appropriates \$1,807,000 in FY20 and \$1,808,000 in FY21 to the Tax Court.</p>

Section	Description – Article 1: Appropriations
7	<p>Uniform Laws Commission. Appropriates \$98,000 each year to the Uniform Laws Commission.</p>
8	<p>Board on Judicial Standards. Appropriates \$535,000 in FY20 and \$509,000 in FY21 to the Board on Judicial Standards. Provides that \$125,000 each year is for special investigative and hearing costs.</p>
9	<p>Board of Public Defense. Appropriates \$100,029,000 in FY20 and \$111,657,000 in FY21 for the Board of Public Defense.</p> <p>(a) New positions. \$3,296,000 in FY20 and \$9,472,000 in FY21 are contingent on participation in veteran’s specialty courts.</p> <p>(b) Forfeiture representation. \$205,000 in FY20 and \$515,000 in FY21 are for providing representation in forfeiture proceedings.</p> <p>(c) Base adjustment. Increases the general fund base by \$108,000 beginning in FY22.</p>
10	<p>Human Rights. Appropriates \$6,421,000 in FY20 and \$6,698,000 in FY21 for the Department of Human Rights. Provides that \$10,000 in FY21 is for a micro-grant program for capacity building by local units of government and local groups. \$76,000 in FY20 and \$77,000 in FY21 are for the purposes of Minnesota Statutes, sections 171.12 and 363A.28, subdivision 11.</p>
11	<p>Bureau of Mediation Services. Appropriates \$2,200,000 in FY20 and \$413,000 in FY21 to the Bureau of Mediation Services to develop and implement the private divorce program. [H.F. 1115]</p>
12	<p>Legislative Coordinating Commission. Appropriates \$7,000 in each year for the Legislative Commission on Intelligence and Technology. [H.F. 1404]</p>
13	<p>Transfer. Transfers \$10,000 each year to the displaced homemaker program.</p>
14	<p>Transfer. Transfers \$1,075,000 each year to the Minnesota State Patrol’s forfeiture account.</p>

Section	Description – Article 1: Appropriations
15	Transfer. Transfers \$753,000 each year to the Bureau of Criminal Apprehension’s forfeiture account.

Article 2: Courts

This article contains provisions relating to court fees and an early neutral evaluation study.

Section	Description – Article 2: Courts
1	Notice of surcharge. Requires the uniform traffic ticket to notify recipients that they may be required to pay a surcharge. [H.F. 1060]
2	Financial hardship. Contains the language required to be printed on the uniform traffic ticket informing recipients that the cost of the summons may be waived on a showing of financial hardship. [H.F. 1060]
3	Fee amounts. Increases the civil filing fee from \$285 to \$335. The marriage dissolution fee remains \$315. [H.F. 2743]
4	Court cybersecurity fee. Establishes a \$1 cybersecurity fee imposed on fees charged and collected by the court administrator under section 357.021, subdivision 2, clauses (1) through (13). The fee expires after two years. [H.F. 2743]
5	Surcharges on criminal and traffic offenders. Allows courts to reduce or waive the surcharge imposed on criminal and traffic offenders based on their ability to pay. Courts may also impose community work service in lieu of the surcharge. [H.F. 1060]
6	Disposition of fines, fees, and other money; accounts; Ramsey County District Court. Amends the distribution of fines, penalties, and forfeiture collected by the court administrator by providing that, as of July 1, 2019, every municipality or subdivision of government within Ramsey County shall receive two-thirds of money with the balance going to the general fund. Under current law: <ul style="list-style-type: none">▪ municipalities in Hennepin County receive 80 percent of the money collected with the balance going to the general fund;

Section Description – Article 2: Courts

- St. Paul receives 66.67 percent of the money collected with the balance going to the general fund;
- other municipalities in Ramsey County receive 50 percent of the money collected with the balance going to the general fund; and
- municipalities in all other counties received 66.67 percent of the nonparking ticket money collected with the balance going to the general fund, and receive 100 percent of the money collected from parking tickets.

[H.F. 113]

7 Waiver prohibited; reduction and installment payments.

Requires the court to consider a defendant's ability to pay, including the hardship payment would place on the person's immediate family, before imposing a fine, fee, or surcharge. The bill includes six factors a court must consider to determine a defendant's ability to pay. The requirement does not apply to a violation listed on the statewide payables list if the person does not request a hearing. **[H.F. 1060]**

8 Early neutral evaluation study and report.

Requests that the supreme court contract with the Board of Regents of the University of Minnesota to develop and conduct a survey and report of early neutral evaluation participants. The survey includes demographic information of participants, satisfaction levels with the process, opinions on the fairness of the process, and recommendations for improvement. Requests a report by January 15, 2021, detailing the findings of the study. **[H.F. 1748]**

Article 3: Forfeiture

This article revises Minnesota's forfeiture system for property seized in relation to criminal activity. Forfeiture under Minnesota law follows one of two tracks: judicial or administrative forfeiture.

Under judicial forfeiture, the prosecuting authority must institute a civil proceeding to forfeit property. The prosecuting authority carries the burden in that proceeding and must prove by clear and convincing evidence that the person was convicted of the criminal offense related to the action for forfeiture and that the property is an instrument, or represents the proceeds, of the underlying offense.

Under administrative forfeiture, the law enforcement agency seizing property provides the owner with a notice that property was seized. If the owner does nothing, the property is forfeit without any hearing. If the owner challenges the forfeiture, then the requirements under judicial forfeiture apply. This procedure applies to specific crimes including controlled substance violations, DWI offenses, and drive-by shootings.

In Minnesota, attention to asset forfeiture increased following reports on abuses of the system by the Metro Gang Strike Force. The legislative auditor's financial audit division conducted a special review of the Metro Gang Strike Force and, in May 2009, concluded that "internal controls were not adequate to safeguard seized and forfeited property, properly authorize its financial transactions, accurately record its financial activity in the accounting records, and conduct its financial activities in a reasonable and prudent manner." An additional report by the Department of Public Safety, the "Luger Report," found credible allegations of misconduct relating to strike force employees that included illegal seizures and improper handling of seized property. The legislature passed significant changes to the state's forfeiture laws in 2010 and made additional changes in 2012, 2013, 2014, and 2017.

Recent decisions by the Minnesota Supreme Court and the United States Supreme Court discuss forfeiture. In *Olson v. One 1999 Lexus*, a Minnesota woman with three prior DWI convictions was stopped for a new DWI. The officers took the vehicle under the forfeiture statute and gave proper notice to both the driver (Megan Olson) and her mother (Helen Olson, the registered owner). The Olsons filed the proper challenge to the forfeiture and that initiated a judicial forfeiture process. The Olsons challenged the constitutionality of the statute and the district court ruled that the statute was unconstitutional as applied to the Olsons. The court of appeals upheld the district court decision, but the supreme court reversed that decision in part in an opinion filed on March 13, 2019. The supreme court upheld the portion of the court of appeals decision holding that the law is not unconstitutional on its face. The opinion reversed the court of appeals in part, concluding that the law was not unconstitutional as applied to the driver, Megan Olson. But the court agreed that the law was unconstitutional as applied to the owner, Helen Olson. That decision was based primarily on the fact that no hearing was held for about 18 months.

On February 20, 2019, the United States Supreme Court issued a decision in *Timbs v. Indiana*. In *Timbs*, the defendant pled guilty to dealing heroin with a value of less than \$250. His sentence included five years of probation and a combination of fines and fees totaling \$1,203. In addition, the state sought forfeiture of a vehicle worth approximately \$42,000 which Timbs had purchased with money from a life insurance policy paid out after his father's death but used to transport heroin. The district court denied the forfeiture, concluding that the forfeiture amounted to an excessive fine. The Indiana Supreme Court reversed the decision, concluding that the excessive fines clause of the Eighth Amendment to the United States Constitution did not apply to the state. In a unanimous decision, the United States Supreme Court reversed the Indiana court, finding that the excessive fines clause does apply to the states. The United States Supreme Court did not rule on the question of whether the forfeiture was excessive in this case, but returned the case to the state courts for further proceedings on that question.

Section	Description – Article 3: Forfeiture
1	Reporting. Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]
2	Reporting. Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]
3	Reporting. Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]
4	Reporting. Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]
5	Exemption from criminal sanctions. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
6	Criminal and civil protections. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
7	Forfeiture. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
8	Transmittal of fees to the commissioner of management and budget. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
9	Criminal forfeiture. Establishes definitions, limitations, and procedures for forfeiture of certain property used in, or representing the proceeds of, criminal offenses. Subd. 1. Definitions. Defines terms related to forfeiture used in the section governing criminal forfeiture. Subd. 2. Purpose. States that forfeiture is disfavored and that the purpose of the section is to deter criminal activity, confiscate certain property used in violation of the law, and protect property rights. Subd. 3. Seizure of personal property with process. Allows the state to seek, and the court to issue, an ex parte preliminary order to attach, seize, or secure personal property. Subd. 4. Seizure of personal property without process. Allows personal property to be seized if it is the subject of a prior judgment in favor of the state; is incident to a lawful arrest for a designated offense and there is probable cause that the

Section **Description – Article 3: Forfeiture**

property was used in, or is the proceeds of, the offense; or there is probable cause to believe that delay will result in removal or destruction of the property and the property is connected to a felony or is dangerous to health and safety. Asserts that the mere possession of currency does not justify seizure of that currency.

Subd. 5. Seizure or restraint of real property with process. Requires a court order for seizing real property and requires notice before issuing that order.

Subd. 6. Rental property. Incorporates the existing protections for owners of rental property that appear in section 609.5317. The protections require notice to landlords, an opportunity to bring an eviction, and a defense when the tenant was not aware of the presence of a controlled substance on the property.

Subd. 7. Exemptions. Fully exempts the following property from seizure and forfeiture: (1) homestead real property; (2) currency totaling \$300 or less; and (3) a motor vehicle worth no more than \$2,500 in market value unless the vehicle was used in a drive-by shooting. Permits local jurisdictions to establish alternative exemptions with a minimum dollar amount that exceeds that set by statute.

Subd. 8. Contraband. Establishes that no property right exists in contraband.

Subd. 9. Waiver prohibited. Prohibits an appropriate agency, as defined in subdivision 1, from asking or requiring a person to sign a waiver of the person's interest in property. Permits waivers signed at the behest of a prosecutor in the litigation of the forfeiture case.

Subd. 10. Receipt. Requires an appropriate agency to provide a receipt when property is seized.

Subd. 11. Criminal forfeiture; property subject to forfeiture. Provides that property is subject to forfeiture when a person is convicted of a designated offense and either: (1) the property constitutes, or was derived directly from, proceeds of the underlying offense for which the person is convicted; or (2) the property was used in any manner to commit, or facilitate the commission of, the offense.

Subd. 12. Conviction required; standard of proof. States that there shall be no civil asset forfeiture under the criminal law chapter. Permits property to be forfeited if (1) the offense is a designated offense, (2) the offense is established by proof of a criminal conviction, and (3) the state proves by clear and convincing evidence that the property is subject to forfeiture pursuant to subdivision 11. Permits property to be forfeited by plea agreement unless any other person asserted a right to the property under this new section of law. Provides for waiver of the conviction requirement in some situations. Permits the sale of certain property, and certain seized currency, to be credited to the general fund.

Section **Description – Article 3: Forfeiture**

Subd. 13. Forfeiture indictment. Permits the state to seek forfeiture through an indictment or information that includes a criminal charge and a charge for which forfeiture may be ordered. Permits the court to enter an order, effective for up to 90 days, restraining property. Requires notice to persons known to have an interest in the property who are not named in the indictment or information.

Subd. 14. Forfeiture complaint; service of process. Requires the prosecutor to file a criminal complaint in any case in which the prosecutor intends to seek forfeiture. The complaint must include the criminal charge, a description of the property subject to seizure, and basis for the seizure. Requires return of property if notice is not properly served to all persons appearing to have an interest in the property. Asserts that failure to file a forfeiture complaint does not invalidate the prosecution of the underlying criminal offense. Requires the prosecuting authority to send notice to the registered owner of a seized vehicle and any other individual known to have an interest in any property subject to forfeiture who is not charged with a crime in the complaint. Describes what must be maintained in the notice.

Subd. 15. Title. Provides that title to the property subject to forfeiture vests with the state when the court issues a forfeiture judgment.

Subd. 16. Defendant's pretrial replevin hearing. Creates a right to a pretrial hearing to determine the validity of the seizure. Requires the court to hold the hearing when the court enters a plea or within 14 days of the person's first appearance in court. Allows either party to move for an extension. Requires the court to issue a writ of replevin, returning the property, if: (1) it is likely the final judgment will require the court to return the property; (2) the property is not reasonably required to be held for evidentiary reasons; or (3) the property is the only reasonable means for the defendant to pay for legal representation and minimum living expenses unless the prosecuting authority shows by clear and convincing evidence that the property is the instrument or proceeds of an offense for which the defendant is charged. Permits the court to order the return of sufficient funds to pay for counsel of choice.

Subd. 17. Discovery. Provides that the Rules of Criminal Procedure govern discovery.

Subd. 18. Venue; trial proceedings. States that the court with jurisdiction over the related criminal matter has jurisdiction over the forfeiture proceeding. Requires litigation of forfeiture to follow a criminal trial, if any. Requires that the forfeiture trial be to a court unless the value of the property exceeds \$10,000. States that the rules of evidence or technical or formal rules of pleading do not apply in a trial to the court. Permits the public defender to elect to represent the individual in the forfeiture hearing.

Subd. 19. Proportionality hearing. Creates a proportionality hearing which can be held as part of a replevin hearing or forfeiture trial. Permits the defendant to

Section **Description – Article 3: Forfeiture**

petition the court to determine whether the forfeiture is unconstitutionally excessive. Establishes that the defendant has the burden of proving to the court, by preponderance of the evidence, that the forfeiture is disproportional to the seriousness of the offense. Permits the court to determine factors relating to the seriousness of the crime and the defendant's culpability, and also the impact the forfeiture will have on the defendant and any members of the defendant's family. Prohibits the court from considering the value to the state.

Subd. 20. Secured interest. States that property encumbered by a bona fide security interest is not subject to forfeiture. Provides for a hearing when there is dispute about a security interest.

Subd. 21. Innocent owner. Creates an innocent owner hearing. Permits an individual asserting an ownership interest to file a statement of interest in ownership. Requires the court, to the extent possible, to hold a hearing within 30 days. The petitioner must prove by clear and convincing evidence that the person has an ownership interest in the property. If the petitioner meets that burden, the state must prove by clear and convincing evidence that the petitioner had actual knowledge of the underlying crime, or was not a bona fide purchaser after the offense took place. Further provides that the statement of interest cannot be used in the underlying criminal matter, but permits the petitioner to testify on behalf of either party in the underlying criminal case. Permits the defendant to be called to testify in the innocent owner hearing, but further permits that person to assert the right to remain silent subject to an adverse inference in the innocent owner proceeding.

Subd. 22. Judgment. Requires the court to enter judgement for a claimant or the state following the appropriate hearings. Permits the court to enter judgment pursuant to a plea agreement.

Subd. 23. Substitution of assets. Permits the substitution of property if property subject to forfeiture is unreachable when the state proves by a preponderance that the defendant intentionally took action to put the property beyond the reach of the state.

Subd. 24. No additional remedies. Prohibits the state from seeking personal money judgments or other remedies related to the forfeiture of property not provided in this new section of law.

Subd. 25. No joint and several liability. Establishes that a defendant is not jointly and severally liable for forfeiture awards owed by other defendants. Permits the court to order each defendant to forfeit property on a pro rata basis when ownership is unclear.

Subd. 26. Appeal. Permits a party to forfeiture, other than the defendant, to file an interlocutory appeal regarding the court's decision regarding seizure or

Section **Description – Article 3: Forfeiture**

forfeiture. Permits the defendant to appeal the court’s decision following a final disposition in district court.

Subd. 27. Attorney fees. Makes the seizing agency liable for attorney fees, postjudgment interest, and any interest the state received from the date of seizure if the property owner’s claims prevail by recovering at least half the value of the property.

Subd. 28. Return of property; damages; costs. Requires return of property within five days of entry of judgment in favor of an owner. Exempts the owner from any charges for storage of the property. Makes the storing agency responsible for any damages to the property.

Subd. 29. Disposition of property and proceeds. Permits contraband to be destroyed. Requires proceeds from the sale of forfeited property to be used to pay any outstanding liens, the victim, and reasonable costs related to the seizure. Remaining funds must be credited equally to the Office of Justice Programs, the commissioner of public safety for distribution to crime victim services organizations that provide services to sexually exploited youth, the Minnesota Board of Public Defense, and the general fund.

Subd. 30. Prohibition on retaining property; sale restrictions. Prohibits an appropriate agency from retaining forfeited or abandoned property for its own use, and further prohibits selling the property to employees, relatives of employees, or other appropriate agencies or any other law enforcement agency.

Subd. 31. Prohibition of federal adoption. Prohibits participation in the federal adoption program.

Subd. 32. Limit on receiving forfeiture proceeds from joint task forces. Requires forfeiture of property with a value of \$50,000 or less to follow state law. Prohibits the agency in this state from accepting payment from the federal government if property with a value of \$50,000 or less are forfeit under federal law. Clarifies that the limitations are not intended to limit participation in joint task forces or the right to seize appropriate property.

Subd. 33. Preemption. Expressly preempts any other laws in the state that regulate the forfeiture of property in crimes related to controlled substances and driving while impaired.

Subd. 34. Reporting requirement. Adopts the existing requirements related to reporting forfeiture. **[H.F. 1971]**

10 **Possession on school property; penalty.**

Makes a conforming change for the statutory citation relating to forfeiture. **[H.F. 1971]**

Section	Description – Article 3: Forfeiture
11	Seizure. Makes a conforming change for the statutory citation and procedure relating to forfeiture. [H.F. 1971]
12	Forfeiture. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
13	Forfeiture. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
14	Sale proceeds. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
15	DWI; vehicle forfeiture. Makes a conforming change for the statutory citation and procedure relating to forfeiture. [H.F. 1971]
16	Proceedings at time of apprehension or arrest. Makes a conforming change for the statutory citation and procedure relating to forfeiture. [H.F. 1971]
17	Display of permit; penalty. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
18	Change of address; loss or destruction of permit. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
19	Posting; trespass. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
20	Penalties. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
21	Surrender of firearms. Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]
22	Repealer. Repeals existing statutes that govern administrative and judicial forfeiture. [H.F. 1971]

Section	Description – Article 3: Forfeiture
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23	Effective date. Establishes an effective date of July 1, 2019. [H.F. 1971]
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Article 4: Civil Policy

This article contains provisions related to civil policy including the establishment of a Legislative Commission on Intelligence and Technology, making various changes to the classification of data, clarifying parental rights in relation to donated ova and semen, amending the definition of sexual harassment, and prohibiting the marriage of minors.

Section	Description – Article 4: Civil Policy
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1	Legislative Commission on Intelligence and Technology. Subd. 1. Established. Establishes the Legislative Commission on Intelligence and Technology. States that the commission’s role is to study, investigate, and oversee issues related to emerging technology, government surveillance, and individual privacy. Subd. 2. Membership. Provides that the commission consists of four senate members and four house members—evenly split on a bipartisan basis—and appointed by caucus leadership from each body at the beginning of a legislative session. Subd. 3. Terms; vacancies. Provides for two-year terms expiring at the end of the legislative session. The appropriate appointing authority would fill any vacancy during the session. Subd. 4. Officers. The commission must elect a chair and vice chair. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year. Subd. 5. Staff. Requires legislative staff to provide administrative and research assistance to the commission. Subd. 6. Meetings; data. Allows the commission to hold nonpublic meetings. Provides that the commission may compel law enforcement officials to disclose not public data to the commission. Subjects commission members to civil liability for further dissemination of not public data. Subd. 7. Subpoena power. Provides that the chair or vice-chair of the commission may compel testimony or production of documents through legislative subpoena. [H.F. 1404]
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Section	Description – Article 4: Civil Policy
2	<p>State Arts Board.</p> <p>Creates an exception to section 13.599 of the Government Data Practices Act which deals with data submitted to a state agency in an application for a grant. Normally, under this section, information in grant responses (other than the applicant's name and address) remain private until the completion of the evaluation process. The exception allows the State Arts Board or a regional arts council to make grant responses public at an earlier stage: the review meeting at which responses are considered. [H.F. 2362]</p>
3	<p>Assisted reproduction.</p> <p>Updates the use of the term insemination and artificial insemination which only refers to the donation of semen and instead uses the broader term of assisted reproduction which can apply to both ova and semen donation. Minnesota law currently determines when a husband is treated as the father of his wife's child if the wife has used donated sperm to conceive. The law does not contemplate what happens if the wife uses a donated ova, or what happens if donor semen is used by a woman who is not married.</p> <p>Subd. 1. Spouse treated as biological parent. Provides that when a woman who uses sperm donation or egg donation to conceive with her spouse, then the spouse can be treated as the parent of the child that she conceives. The spouse must provide written consent.</p> <p>Subd. 2. Donor not treated as biological parent. Clarifies that sperm donors and egg donors are not treated as biological parents of the children conceived using their genetic material, unless they are the spouse of the person conceiving such as in the case of IVF.</p> <p>The exception to this is when the court finds that there is satisfactory evidence that the donor and the woman who is conceiving the child intended for the donor to be the parent. [H.F. 724]</p>
4	<p>Sexual harassment.</p> <p>This bill amends the definition of "sexual harassment" in the Minnesota Human Rights Act (MHRA). The current definition provides that one of the ways that sexual harassment discrimination can occur under the MHRA is when unwanted sexual advances, conduct, or communication creates an intimidating or hostile environment substantially interfering with an individual's employment, education, housing, or access to public accommodation or public service.</p> <p>In interpreting this provision of the MHRA, courts in Minnesota have adopted the federal standard used to interpret certain federal discrimination claims that require the discriminatory harassment to be sufficiently severe or pervasive in order to be actionable. This bill provides that the harassing conduct or communication does not have to be severe or pervasive to be discriminatory sexual harassment under the MHRA.</p> <p>This bill also specifies that sexually harassing conduct or communication that creates a hostile environment must be subjectively harassing to the individual, and objectively</p>

Section	Description – Article 4: Civil Policy
	<p>harassing to a reasonable person in a similar situation, and should be based on the totality of the circumstances.</p> <p>This bill has an effective date of August 1, 2019, and would apply to discriminatory actions creating a cause of action occurring on or after that date. [H.F. 10]</p>
5	<p>Access to closed files.</p> <p>Provides that when a case is filed in district court, either party can access the records of the parties held by the Department of Human Rights if there was a previous closed case that went through the Department of Human Rights administrative process. Current law makes the information the Department of Human Rights has on a case private or nonpublic, except for the names and addresses of the parties, the allegation and statute the case was brought under, and the commissioner’s decision related to probable cause. [H.F. 2004]</p>
6	<p>Scope of application.</p> <p>Extends requirement for the use of workforce compliance certificates to public officers or agencies, including the Metropolitan Council, cities, and counties, who are receiving general obligation bonds. Clarifies that workforce compliance certificates require affirmative action plans for the employment of people with disabilities, people of color, and women in certain public contracts when the employer meets certain criteria. This section also makes technical changes related to the application of the bill to employers who are operating in Minnesota and other states. [H.F. 2000/2001]</p>
7	<p>Revocation of contract.</p> <p>Allows a public officer or agent, the Metropolitan Council, cities, and counties receiving general obligation bonds to revoke a contract when the contractor has failed to fulfill the requirements of the workforce compliance certificate. [H.F. 2000/2001]</p>
8	<p>Access to data.</p> <p>Classifies the data that the commissioner of human rights creates, collects, or maintains regarding a workforce Certificate of Compliance as private or nonpublic. The Minnesota Human Rights Act currently requires businesses seeking to contract with the state for goods or services in excess of \$100,000 to first obtain a workforce Certificate of Compliance from the Department of Human Rights demonstrating that the business has an approved affirmative action plan. The commissioner’s final decision regarding a Certificate of Compliance would be public data. [H.F. 2062]</p>
9	<p>Scope.</p> <p>Extends the application of Equal Pay Certificate requirements to public officers or agents receiving general obligation bonds, including cities and counties. [H.F. 2000/2001]</p>

Section	Description – Article 4: Civil Policy
10	Persons capable of contracting. Removes provisions allowing minors to marry. This section would be effective on August 1, 2019, and applies to marriages entered into on or after that date. [H.F. 745]
11	General. Prohibits marriages for individuals under 18, and prohibits the recognition of marriages of Minnesota residents under the age of 18 who married in other jurisdictions outside the state. This section would be effective on August 1, 2019, and applies to marriages entered into on or after that date. [H.F. 745]
12	Form. Makes technical and conforming changes. [H.F. 745]
13	Term of license; fee; premarital education. Requires proof of age of individuals when applying for a license to marry. This section would be effective on August 1, 2019, and applies to applications for marriage submitted on or after that date. [H.F. 745]
14	Proof of age. Provides a definition of “proof of age” so an individual can establish they are old enough to marry, which includes a certified copy of a birth certificate, a driver’s license or government issued ID, or a school record, immigration record, court record or other document issued by a government entity that provides the individual’s date of birth. [H.F. 745]

Article 5: Cooperative Private Divorce Program

This bill establishes a cooperative divorce program in the Bureau of Mediation Services. The program allows participants to file paperwork through the Bureau of Mediation Services and be granted a certificate of marital dissolution from the commissioner. **[H.F. 1115]**

This bill also:

- Allows participants in the cooperative divorce program to be granted a summary real estate disposition after a dissolution.
- Allows participants in the cooperative divorce program to be granted a qualified domestic relations order after a dissolution.
- Establishes a cooperative divorce program in the Bureau of Mediation Services.

- Requires parties to a divorce with children to complete a parent education program and for the commissioner to post limited public information providing public notice the parties have been granted a dissolution.
- Provides that agreements related to child custody, parenting time, and financial support are enforceable as contracts in the same way agreements between parents for parenting plans are enforceable under the child custody laws in Minnesota. Issues not addressed in the agreement are considered reserved and may be part of future agreements by the parties or available for determination in a court.
- Allows either party to the cooperative divorce program can file a divorce action in court at any time which puts the cooperative divorce on hold. Parties can also enforce or modify an agreement which is reviewed by the court de novo. The court can vacate a cooperative divorce agreement consistent with current law, and the parties may seek a dissolution in courts in Minnesota.
- Requires notices and information to be provided to the parties using the cooperative divorce program, and in languages commonly spoken in Minnesota.
- Requires the Bureau of Mediation services to provide information to participants to help evaluate if the participants are participating freely in the program.
- Provides that information shared during the cooperative divorce program participation is not admissible in court.
- Requires the Bureau of Mediation Services to do an evaluation of the program and provides the bureau with funding to operate the program.



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