

Subject Civil Law Omnibus Bill

Authors Becker-Finn

Analyst Mary Davis
Nathan Hopkins
Ben Johnson

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Overview

This bill makes updates and adds new provisions to civil law statutes related to property, data, civil rights, boards, contracts, forfeitures, marriage, and name changes.

Article 1: Civil Law, Property, and Board Membership

This article amends and codifies sections of statute related to civil property rights and forfeiture, name changes, real property, construction contracts, and membership on the public defense board.

Section Description – Article 1: Civil Law, Property, and Board Membership

- 1 Administrative forfeiture procedure.**
Provides that a statement of claim and any other pleading or filing made in conciliation court may be served and filed as permitted by the Rules of Conciliation Court Procedure in a forfeiture proceeding. The section is effective the day following final enactment.
- 2 Order filing copies.**
Allows a person filing a name change after a divorce to go back to their maiden name without a criminal history check. (See Section 5)
- 3 Procedure for seeking a name change.**
Prevents a person who has a felony conviction on their record from changing their name through their marriage license application, and instead uses the existing name change statute.

Section Description – Article 1: Civil Law, Property, and Board Membership

- 4 **Costs.**
Allows a person with a felony to apply for that name change without paying a court filing fee if they file within 180 days of their marriage.
- 5 **Postdissolution name change.**
Allows a person to change their name after a dissolution of marriage without paying a filing fee and without a national criminal history check so long as the person provides a certified copy of marriage dissolution court order and a certified copy of the person’s birth certificate. The court must grant the name change so long as the purpose is not to defraud and the name change isn’t prohibited by the statute governing name changes for an individual who has a felony criminal conviction.
- 6 **Penalties; remedies.**
Establishes that those who are aggrieved by a violation of the prohibition against assigning military pay may receive equitable relief in addition to damages, reasonable attorney fees, and court costs.
- 7 **Rights after default.**
Clarifying the name of the Minnesota extension service.
- 8 **Eviction action for unlawful detention.**
Deletes a reference to a statute that was repealed during the revisions to Minnesota’s forfeiture statutes in 2021.
- 9 **Conveyance; cancellation of old and issuance of new certificate.**
Clarifying how to obtain a new certificate of title and other technical changes.
- 10 **Form.**
Requires a person with a felony to use the process in the existing name change statute, section 259.13, to change their name when getting married.
- 11 **Terms of license; fee; premarital education.**
Prevents a person who has a felony conviction on their record from changing their name through their marriage.
- 12 **Abbreviated judgment and decree.**
Requiring the court to tell parties and attorneys in a divorce case to prepare a summary real estate disposition if real estate is at issue in the divorce.

Section Description – Article 1: Civil Law, Property, and Board Membership

- 13 **Court order.**
Clarifying that the county is not responsible for determining if a summary real estate disposition was approved by the court when one is filed with the county.
- 14 **Contents.**
Conforming and technical changes.
- 15 **Contents.**
Conforming and technical changes.
- 16 **Survival of causes.**
Removes a prohibition on the survival of an action after a person dies. Current law does not allow for the survival of a claim that a person who has died has against another except in certain specific circumstances and for certain types of damages. This section would apply after the bill was enacted and apply to causes of action pending or commenced after that day.
- 17 **Death actions.**
Amends the existing law on actions that survive after a person has died to allow the plaintiff or plaintiffs (surviving spouse or nearest kin) to recover for all damages. This section would apply after the bill was enacted and apply to causes of action pending or commenced after that day.
- 18 **Injury action.**
Allows a claim that a person had before they died to continue after they died for all damages, not just for special damages so long as the suit is brought within six years of the act or omission that caused the injury and within three years of the person's death. This section would apply after the bill was enacted and apply to causes of action pending or commenced after that day.
- 19 **Contents.**
Conforming and technical changes.
- 20 **Voluntary mediation proceeding.**
Clarifying how mediation paperwork may be provided for the agriculture mediation program.
- 21 **Mediation request.**
Clarifying how mediation paperwork may be provided for the agriculture mediation program.

Section Description – Article 1: Civil Law, Property, and Board Membership

- 22 **Recorders.**
Clarifying county recorders duties and certain retention schedules.
- 23 **Judicial determination.**
Permits service of a complaint challenging asset forfeiture to be made on the prosecuting authority by certified mail, consistent with the parallel provision relating to DWI forfeitures. Provides that a statement of claim and any other pleading or filing made in conciliation court may be served and filed as permitted by the Rules of Conciliation Court Procedure. The section is effective the day following final enactment.
- 24 **Structure; membership.**
Increases the membership of the State Board of Public Defense from seven to nine members. Requires that one member appointed by the supreme court have been a public defender within the previous five years. Increases the number of public members appointed by the governor from three to five. This section also provides that the State Board of Public Defense is subject to the Open Meeting Law.
- 25 **Repealer.**
(a) Repeals a provision of law related to unattended animals, and repeals a provision of law related to the foreclosure of properties that have a mortgage predating 1909.

(b) Repeals section 504B.305 which required landlords to provide notice to tenants regarding a statute that was repealed during the revisions to Minnesota’s forfeiture statutes in 2021.

Article 2: Construction Contracts

This article amends provisions of public building contracts and private building contracts related to indemnification agreements.

Section Description – Article 2: Construction Contracts

- 1 **Indemnification agreement.**
Provides a definition for an “indemnification agreement.”
- 2 **Promisee.**
Adds the definition of a “promisee” for the sections of chapter 15 relating to public construction contracts.

Section Description – Article 2: Construction Contracts

- 3 **Unenforceability of certain agreements.**
Limits the application of indemnity agreements in public construction contracts to negligent or intentional actions, or for the purposes of strict liability imposed by environmental regulations. This section also makes requirements that one party in a contract provide insurance for another party for negligent or intentional actions are void, and provides specific exceptions including contracts for work near railroads.
- 4 **Indemnification agreement.**
Adds “defend” to the definition of “indemnification agreement” to clarify that the term includes the requirement to pay an attorney to defend a case as the term is used related to general construction cases.
- 5 **Agreements valid.**
Removes “project specific insurance” from the list of exempted insurance requirements in private construction contracts. In private contraction cases, one party is prohibited from requiring another party to provide insurance coverage for the other party’s acts.
- 6 **Effective date.**
Sections 1 to 5 are effective the day following final enactment and apply to agreements entered into on or after that date.

Article 3: Civil Rights Law

This article makes changes to the Minnesota Human Rights Act and related sections of law.

Section Description – Article 3: Civil Rights Law

- 1 **Additional requirements.**
Conforming changes; adding gender identity and prohibiting discrimination by appraisers based on a person’s gender identity.
- 2 **Client’s rights.**
Conforming changes; adding gender identity and prohibiting discrimination by mental health workers based on a person’s gender identity.
- 3 **Freedom from discrimination.**
Conforming changes; adding gender identity to the public policy statement of the Minnesota Human Rights Act.

Section Description – Article 3: Civil Rights Law

- 4 **Local commissions.**
Adding new term “gender identity” to list of protected classes.
- 5 **Sexual orientation.**
Removes language from the existing definition of “sexual orientation” that included having or being perceived as having an identity not traditionally associated with one’s biological male or female traits.
- 6 **Gender identity.**
Creates a new definition in the Minnesota Human Rights Act for the term “gender identity” providing that the term means a person’s sense of being a man, a woman, both, or neither, and clarifies that a person’s gender identity might not align with the primary or secondary sex characteristics commonly associated with being defined as a man or a woman.
- 7 **Construction and exclusivity.**
Adding new term “gender identity” to list of protected classes.
- 8 **Formulation of policies.**
Adding new term “gender identity” to list of protected classes.
- 9 **Referral from commissioner.**
Adding new term “gender identity” to list of protected classes.
- 10 **Labor organization.**
Adding new term “gender identity” to list of protected classes.
- 11 **Employer.**
Adding new term “gender identity” to list of protected classes.
- 12 **Employment agency.**
Adding new term “gender identity” to list of protected classes.
- 13 **Employer, employment agency, or labor organization.**
Adding new term “gender identity” to list of protected classes.
- 14 **Inquiries into pay history prohibited.**
Prevents employers, including labor unions and employment agencies, from requesting a job applicant’s pay history. This provision does not prevent a job applicant from volunteering their past pay if the employer does not prompt them or require them to provide it, and it does not apply if the job applicant’s pay history is a

Section Description – Article 3: Civil Rights Law

- matter of public record. This provision does not prohibit an employer from providing a job applicant with wage and benefit information for a position or discussing pay expectations with an applicant. This section does not apply to existing collective bargaining agreements but applies to new agreements executed after January 1, 2024.
- 15 **Real property interest; action by owner, lessee, and others.**
Adding new term “gender identity” to list of protected classes.
- 16 **Real property interest; action by brokers, agents, and others.**
Adding new term “gender identity” to list of protected classes.
- 17 **Real property interest; action by financial institution.**
Adding new term “gender identity” to list of protected classes.
- 18 **Real property transaction.**
Adding new term “gender identity” to list of protected classes.
- 19 **Full and equal enjoyment of public accommodations.**
Adding new term “gender identity” to list of protected classes.
- 20 **General prohibitions.**
Amends a section of the Minnesota Human Rights Act providing specific instances of discrimination against persons with disabilities to include that places of public accommodation must provide closed-captioned television when television is provided at that location to others.
- 21 **Access to Public Service.**
Adds gender identity as a protected class in access to public services.
- 22 **Utilization; benefit or services.**
Adding new term “gender identity” to list of protected classes.
- 23 **Exclude, expel, or selection.**
Adding new term “gender identity” to list of protected classes.
- 24 **Admission form or inquiry.**
Adding new term “gender identity” to list of protected classes.
- 25 **Purpose for information and record.**
Adding new term “gender identity” to list of protected classes.

Section Description – Article 3: Civil Rights Law

- 26 **Reprisals.**
Adds gender identity to the list of protected classes of person who cannot be harassed or intimidated for raising a claim related to the violation of the Minnesota Human Rights Act.
- 27 **Personal or commercial credit.**
Adding new term “gender identity” to list of protected classes.
- 28 **Business discrimination.**
Adding new term “gender identity” to list of protected classes.
- 29 **Housing.**
Removes an exception that allows homeowners to discriminate on the basis of sexual orientation when renting a building that has two units.
- 30 **General exclusions.**
Clarifies that sexual attachment to children is not a protected class.
- 31 **Repealer.**
Repeals an existing law that allows discrimination on the basis of sexual orientation related to hiring employees for organizations providing services to youth, and repeals a section of the human rights act related to the construction of the law and interaction with other laws.

Article 4: Data

This article amends sections of the statute related to the Government Data Practices Act (GDPA), Minn. Stat. ch. 13.

Section Description – Article 4: Data

- 1 **Advisory opinions: When required.**
Amends the section of the GDPA relating to advisory opinions issued by the commissioner of administration. Strikes the fee requirement for an advisory opinion. Clarifies notice requirements when an opinion will not be issued. Extends the deadline for an opinion for 20 to 50 days, and strikes a provision allowing extension of the deadline.

Section Description – Article 4: Data

2 Political subdivision licensing data.

Classifies as private/nonpublic tax returns or bank account statements submitted to a political subdivision as part of an application for a license. Also imposes a destruction requirement for that data. This destruction requirement also applies to previously collected data.

3 Educational data: When disclosure is permitted.

Educational data about students is classified as private under section 13.32 of the Minnesota Government Data Practices Act. Subdivision 3 of section 13.32 lists situations in which disclosure of private educational data is allowed. Adds to subdivision 3 and allows (1) student contact information to be disclosed to a public library for purposes of issuing a library card, and (2) private educational data to be disclosed to Tribal Nations about Tribally enrolled or descendant students.

4 Educational data: Directory information.

Prohibits an education institution from designating a student’s personal contact information as publicly available directory information. Because the contact information cannot be made public as directory information, it will remain private educational data. As private educational data, the contact information may still be disclosed with parental consent.

Also provides that a student’s personal contact information that was previously designated as publicly available directory information *before* this law came into effect must now be treated as private educational data.

5 Animal premises data.

Requires the Board of Animal Health to provide the public access to data that identifies the location of registered cervid farms.

Article 5: Notaries Public

This article allows notaries who are licensed in Minnesota to register to perform marriages and allows past and current elected officials in Minnesota to perform marriages. Currently in Minnesota judges and ordained ministers and religious officiants can perform marriages in Minnesota. Notaries are authorized to perform marriages in other states including: Florida, South Carolina, Maine, Montana, and Nevada.

Section Description – Article 5: Notaries Public

- 1 Notaries public.**
Allows a notary to charge a larger fee than allowed to notarize a document to perform a wedding, which is capped at \$5 to perform notary services otherwise.
- 2 Powers.**
Provides that notaries have the power to perform a civil marriage, along with the other powers notaries are granted when they have a valid notary commission.
- 3 Civil marriage officiant.**
Authorizes a notary or past or present local, state, or federal Minnesota elected official to solemnize a marriage if they have registered their notary commission or election certificate with the local registrar in a county and fulfills the technical filing requirements which mirror the requirements for a religious officiant.
- 4 Persons authorized to perform civil marriages.**
Adds notaries and elected officials to the list of individuals able to perform a civil marriage.

Article 6: Health Care Adverse Incidents

This article creates an “open discussion” process that patients, or their legal representatives, can engage in with health care providers and health care facilities after a patient has died or been injured arising from or related to the care the patient received.

Section Description – Article 6: Health Care Adverse Incidents

- 1 Communication and resolution after a health care adverse incident.**
 - Subd. 1. Definitions.** Provides definitions for terms used in the bill including “health adverse incident” which means an outcome related to a patient that results in death or physical injury of a patient; “open discussions” which means an open discussion process that includes materials and communication prepared specifically or during the course of the open discussion process; and “health facility” which includes doctors, dentists, clinics, labs, and birth centers.
 - Subd. 2. Engaging in an open discussion.** Provides that after a patient is injured or died the health facility or doctor or provider can send the patient, parent, or legal representative of a patient a notice that they wish to engage in an open discussion process and provide the patient with information about their legal rights or that a patient can request to enter an open discussion with the provider,

Section Description – Article 6: Health Care Adverse Incidents

health facility, or both. This section provides that a patient or patient representative can agree to participate in the open discussion process.

Subd. 3. Confidentiality of open discussion and offers of compensation.

Provides that communications made during the open discussion process are confidential, including offers of compensation to a patient, and that they are not admissible as evidence in a court case or discoverable in a court action, except that they may be entered as evidence in a court action to prove a communication is contradictory.

Subd. 4. Payments and resolutions. Provides that payments made through this process are not considered payments resulting from a demand for payment, a final judgment or settlement, or a malpractice claim settlement, but provides that a health provider or facility might require documents to be obtained or executed if the negotiation requires court approval or relates to a court matter.

Subd. 5. Sunset. Adds that this section of law sunsets on June 30, 2031.

Subd. 6. Applicability. Provides that this section applies to adverse health incidents occurring on or after August 1, 2023.



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