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ARTICLE 20

CIVIL POLICY

Section 1. **[3.8844] LEGISLATIVE COMMISSION ON INTELLIGENCE AND TECHNOLOGY.**

Subdivision 1. **Established.** The Legislative Commission on Intelligence and Technology is created to study and make recommendations on issues relating to the effect of emerging technology on privacy. The commission has investigatory and oversight jurisdiction over government surveillance programs and technology, including subpoena power.

Subd. 2. **Membership.** The commission consists of four members of the senate, two appointed by the majority leader and two appointed by the minority leader, and four members of the house of representatives, two appointed by the speaker of the house and two appointed by the minority leader. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in an odd-numbered year. Each member of the commission must take an oath, swearing to faithfully discharge the duties of members of the commission in compliance with the laws governing the commission.

Subd. 3. **Terms; vacancies.** Commission member terms begin upon appointment and end at the beginning of the regular legislative session in the next odd-numbered year. In the case of a vacancy, the appropriate appointing authority must fill the vacancy for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and vice-chair and may elect other officers as the commission determines is necessary. 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.** Legislative staff must provide administrative and research assistance to the commission.

Subd. 6. **Meetings; data.** Notwithstanding any other laws or legislative rules to the contrary, the commission may determine that a meeting shall not be open to the public. Notwithstanding any contrary provision of chapter 13 or other law, the commission may require a law enforcement official to disclose not public data to the commission, as the commission determines is necessary for performance of the commission's duties. If data provided to the commission is disseminated by the commission or its members or agents in violation of section 13.05, subdivision 4, the commission is subject to liability under section 13.08, subdivisions 1 and 3. Disclosure of not public data by a member of the commission is grounds for an ethics complaint to the committee with jurisdiction over ethics in the chamber in which the member serves. Disclosure of not public data by a member of the commission also constitutes a breach of the security of the data under section 13.055 and the commission must provide notice of the breach as required by that section.

252.28 Subd. 7. **Subpoena power.** The chair or vice-chair or a member of the commission
 252.29 designated by the chair may issue subpoenas requiring the appearance of persons, producing
 252.30 relevant records, and giving relevant testimony on matters within the jurisdiction of the
 252.31 commission. The person issuing the subpoena may request the issuance of an attachment
 252.32 to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to
 252.33 do so. Section 3.153 applies to issuance of subpoenas under this section, except as otherwise
 252.34 provided in this section.

253.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.
 253.2 Appointing authorities must make initial appointments by June 1, 2019. The speaker of the
 253.3 house must designate one member of the commission to convene the first meeting of the
 253.4 commission by June 15, 2019.

253.5 Sec. 2. Minnesota Statutes 2018, section 13.599, is amended by adding a subdivision to
 253.6 read:

253.7 Subd. 5. **State Arts Board.** Notwithstanding subdivision 3, responses submitted by a
 253.8 grantee to the State Arts Board or to a regional arts council under chapter 129D become
 253.9 public data at the public review meeting at which they are considered, except for trade secret
 253.10 data as defined and classified in section 13.37.

253.11 Sec. 3. Minnesota Statutes 2018, section 257.56, is amended to read:

253.12 **~~257.56 ARTIFICIAL INSEMINATION ASSISTED REPRODUCTION.~~**

253.13 Subdivision 1. **~~Husband Spouse treated as biological father parent.~~** If, under the
 253.14 supervision of a licensed physician and with the consent of her husband spouse, a wife is
 253.15 inseminated artificially woman conceives through assisted reproduction with semen or ova
 253.16 or both, donated by a man not her husband donor or donors not her spouse, the husband
 253.17 spouse is treated in law as if he were the biological father the parent of a child thereby
 253.18 conceived. The husband's spouse's consent must be in writing and signed by him and his
 253.19 wife the spouse and the woman conceiving through assisted reproduction. The consent must
 253.20 be retained by the physician for at least four years after the confirmation of a pregnancy
 253.21 that occurs during the process of artificial insemination assisted reproduction.

253.22 All papers and records pertaining to the insemination assisted reproduction, whether
 253.23 part of the permanent record of a court or of a file held by the supervising physician or
 253.24 elsewhere, are subject to inspection only upon an order of the court for good cause shown.

253.25 Subd. 2. **Donor not treated as biological father parent.** The donor of semen or ova
 253.26 provided to a licensed physician for use in artificial insemination of assisted reproduction
 253.27 by a married woman other than the donor's wife spouse is treated in law as if he were the
 253.28 donor is not the biological father parent of a child thereby conceived, unless a court finds
 253.29 satisfactory evidence that the donor and the woman intended for the donor to be a parent.

254.1 Sec. 4. Minnesota Statutes 2018, section 363A.03, subdivision 43, is amended to read:

254.2 Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual
254.3 advances, requests for sexual favors, sexually motivated physical contact or other verbal or
254.4 physical conduct or communication of a sexual nature when:

254.5 (1) submission to that conduct or communication is made a term or condition, either
254.6 explicitly or implicitly, of obtaining employment, public accommodations or public services,
254.7 education, or housing;

254.8 (2) submission to or rejection of that conduct or communication by an individual is used
254.9 as a factor in decisions affecting that individual's employment, public accommodations or
254.10 public services, education, or housing; or

254.11 (3) that conduct or communication has the purpose or effect of substantially interfering
254.12 with an individual's employment, public accommodations or public services, education, or
254.13 housing, or creating an intimidating, hostile, or materially offensive employment, public
254.14 accommodations, public services, educational, or housing environment.

254.15 (b) Paragraph (a), clause (3), does not require the harassing conduct or communication
254.16 to be severe or pervasive. Conduct or communication has the purpose or effect of creating
254.17 an intimidating, hostile, or materially offensive environment when:

254.18 (1) a reasonable person in similar circumstances to the plaintiff would find the
254.19 environment intimidating, hostile, or materially offensive; and

254.20 (2) the plaintiff found the environment intimidating, hostile, or materially offensive.

254.21 The intimidating, hostile, or materially offensive environment must be determined based
254.22 on the totality of the circumstances.

254.23 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to causes
254.24 of action arising on or after that date.

254.25 Sec. 5. Minnesota Statutes 2018, section 363A.35, subdivision 3, is amended to read:

254.26 Subd. 3. **Access to closed files.** (a) Except as otherwise provided in this subdivision,
254.27 human rights investigative data contained in a closed case file are private data on individuals
254.28 or nonpublic data. The name and address of the charging party and respondent, factual basis
254.29 of the allegations, the statute under which the action is brought, the part of the summary of
254.30 the investigation that does not contain identifying data on a person other than the complainant
254.31 or respondent, and the commissioner's memorandum determining whether probable cause
254.32 has been shown are public data.

255.1 (b) The commissioner may make human rights investigative data contained in a closed
255.2 case file inaccessible to the charging party or the respondent in order to protect medical or
255.3 other security interests of the parties or third persons.

255.4 (c) Except for paragraph (b), when the charging party files a case in district court, the
255.5 commissioner may provide private data or nonpublic data in a closed case file to the charging
255.6 party and respondent.

255.7 Sec. 6. Minnesota Statutes 2018, section 363A.36, subdivision 1, is amended to read:

255.8 Subdivision 1. **Scope of application.** (a) ~~For all contracts for goods and services in~~
255.9 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
255.10 ~~for a contract or agreement from any business having more than 40 full-time employees~~
255.11 ~~within this state on a single working day during the previous 12 months, unless the~~
255.12 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
255.13 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~
255.14 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
255.15 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
255.16 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
255.17 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~
255.18 A department, an agency of the state, the Metropolitan Council, an agency subject to section
255.19 473.143, subdivision 1, or a public officer or agency subject to section 16A.695 shall not
255.20 execute a contract for goods or services in excess of \$100,000 with a business that has 40
255.21 or more full-time employees in this state or a state where the business has its primary place
255.22 of business on a single day during the prior 12 months, unless the business has a workforce
255.23 certificate, as created in sections 363A.36 and 363A.37, from the commissioner of human
255.24 rights or has certified in writing that it is exempt. Determinations of exempt status shall be
255.25 made by the commissioner of human rights. A certificate is valid for four years. A
255.26 municipality as defined in section 466.01, subdivision 1, that receives state money for any
255.27 reason is encouraged to prepare and implement an affirmative action plan for the employment
255.28 of minority persons, people with disabilities, people of color, and women, and the qualified
255.29 disabled and to submit the plan to the commissioner.

255.30 ~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to~~
255.31 ~~be entered into between a department or agency of the state and a business that is not subject~~
255.32 ~~to paragraph (a), but that has more than 40 full-time employees on a single working day~~
255.33 ~~during the previous 12 months in the state where the business has its primary place of~~
255.34 ~~business. A department or agency of the state may not execute a contract or agreement with~~
256.1 ~~a business covered by this paragraph unless the business has a certificate of compliance~~
256.2 ~~issued by the commissioner under paragraph (a) or the business certifies that it is in~~
256.3 ~~compliance with federal affirmative action requirements.~~

256.4 ~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of
256.5 Investment for investment options under section 356.645.

256.6 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
256.7 15 days of the application submitted by the business or firm.

256.8 Sec. 7. Minnesota Statutes 2018, section 363A.36, subdivision 4, is amended to read:

256.9 Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the
256.10 state, ~~the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a~~
256.11 ~~public officer or agency subject to section 16A.695,~~ may be terminated or abridged by the
256.12 department or agency, ~~the Metropolitan Council, an agency subject to section 473.143,~~
256.13 ~~subdivision 1, or a public officer or agency subject to section 16A.695,~~ because of suspension
256.14 or revocation of a certificate based upon a contractor's failure to implement or make a good
256.15 faith effort to implement an affirmative action plan approved by the commissioner under
256.16 this section. If a contract is awarded to a person who does not have a contract compliance
256.17 certificate required under subdivision 1, the commissioner may void the contract on behalf
256.18 of the state.

256.19 Sec. 8. Minnesota Statutes 2018, section 363A.36, is amended by adding a subdivision to
256.20 read:

256.21 Subd. 6. **Access to data.** Data created, collected, and maintained by the commissioner
256.22 for a business to receive and retain a certificate of compliance under this section is private
256.23 data or nonpublic data. Applications, forms, or similar documents submitted by a business
256.24 seeking a certificate of compliance is public data. A letter that states the commissioner's
256.25 decision to issue, not issue, revoke, or suspend a certificate of compliance is public data.

256.26 Sec. 9. Minnesota Statutes 2018, section 363A.44, subdivision 1, is amended to read:

256.27 Subdivision 1. **Scope.** (a) ~~No~~ A department, ~~an agency of the state, the Metropolitan~~
256.28 ~~Council, or an agency subject to section 473.143, subdivision 1, or a public officer or agency~~
256.29 subject to section 16A.695 shall not execute a contract for goods or services or an agreement
256.30 for goods or services in excess of \$500,000 with a business that has 40 or more full-time
256.31 employees in this state or a state where the business has its primary place of business on a
257.1 single day during the prior 12 months, unless the business has an equal pay certificate or it
257.2 has certified in writing that it is exempt. A certificate is valid for four years.

257.3 (b) This section does not apply to a business with respect to a specific contract if the
257.4 commissioner of administration determines that application of this section would cause
257.5 undue hardship to the contracting entity. This section does not apply to a contract to provide
257.6 goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I,
257.7 256L, and 268A, with a business that has a license, certification, registration, provider
257.8 agreement, or provider enrollment contract that is prerequisite to providing those goods and
257.9 services. This section does not apply to contracts entered into by the State Board of
257.10 Investment for investment options under section 352.965, subdivision 4.

257.11 Sec. 10. Minnesota Statutes 2018, section 517.02, is amended to read:

257.12 **517.02 PERSONS CAPABLE OF CONTRACTING.**

257.13 ~~Every~~ A person who has attained the full age of 18 years is capable in law of contracting
257.14 ~~into a civil marriage, if otherwise competent. A person of the full age of 16 years may, with~~

257.15 ~~the consent of the person's legal custodial parents, guardian, or the court, as provided in~~
257.16 ~~section 517.08, receive a license to marry, when, after a careful inquiry into the facts and~~
257.17 ~~the surrounding circumstances, the person's application for a license and consent for civil~~
257.18 ~~marriage of a minor form is approved by the judge of the district court of the county in~~
257.19 ~~which the person resides. If the judge of the district court of the county in which the person~~
257.20 ~~resides is absent from the county and has not by order assigned another judge or a retired~~
257.21 ~~judge to act in the judge's stead, then the court commissioner or any judge of district court~~
257.22 ~~of the county may approve the application for a license.~~

257.23 ~~The consent for civil marriage of a minor must be in the following form:~~

257.24 ~~STATE OF MINNESOTA, COUNTY OF (insert county name)~~

257.25 ~~I/We (insert legal custodial parent or guardian names) under oath or~~
257.26 ~~affirmation say:~~

257.27 ~~That I/we are the legal custodial parent(s) or guardian of (insert name~~
257.28 ~~of minor), who was born at (insert place of birth) on~~
257.29 ~~(insert date of birth) who is presently the age of (insert age).~~

257.30 ~~That the minor has not been previously married.~~

257.31 ~~That I/we consent to the civil marriage of this minor to (insert name~~
257.32 ~~of the person minor intends to marry) who is of the age of (insert age).~~

258.1 ~~That affidavit is being made for the purpose of requesting the judge's consent to allow~~
258.2 ~~this minor to marry and make this civil marriage legal.~~

258.3 ~~Date:~~

258.4 ~~.....~~

258.5 ~~.....~~

258.6 ~~(Signature of legal custodial parents or guardian)~~

258.7 ~~Sworn to or affirmed and acknowledged before me on this day of~~

258.8 ~~.....~~

258.9 ~~NOTARY PUBLIC~~

258.10 ~~STATE OF MINNESOTA, COUNTY OF (insert county name).~~

258.11 ~~The undersigned is the judge of the district court where the minor resides and grants the~~
258.12 ~~request for the minor to marry.~~

258.13 ~~..... (judge of district court)~~

258.14 ~~..... (date).~~

258.15 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
258.16 applies to marriages entered into on or after that date.

258.17 Sec. 11. Minnesota Statutes 2018, section 517.03, subdivision 1, is amended to read:

258.18 Subdivision 1. **General.** (a) The following civil marriages are prohibited:

258.19 (1) a civil marriage entered into before the dissolution of an earlier civil marriage of one
258.20 of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction
258.21 where the dissolution was granted;

258.22 (2) a civil marriage between an ancestor and a descendant, or between siblings, whether
258.23 the relationship is by the half or the whole blood or by adoption; ~~and~~

258.24 (3) a civil marriage between an uncle or aunt and a niece or nephew, or between first
258.25 cousins, whether the relationship is by the half or the whole blood, except as to civil marriages
258.26 permitted by the established customs of aboriginal cultures; and

258.27 (4) a civil marriage entered into between persons when both have not attained the full
258.28 age of 18 years.

259.1 (b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by
259.2 another state or foreign jurisdiction under common law or statute is void and against the
259.3 public policy of this state unless neither party was a resident of this state at the time the
259.4 marriage was entered into.

259.5 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
259.6 applies to marriages entered into on or after that date.

259.7 Sec. 12. Minnesota Statutes 2018, section 517.08, subdivision 1a, is amended to read:

259.8 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
259.9 parties upon a form provided for the purpose and shall contain the following information:

259.10 (1) the full names of the parties and the sex of each party;

259.11 (2) their post office addresses and county and state of residence;

259.12 (3) their full ages;

259.13 (4) if either party has previously been married, the party's married name, and the date,
259.14 place and court in which the civil marriage was dissolved or annulled or the date and place
259.15 of death of the former spouse;

259.16 ~~(5) if either party is a minor, the name and address of the minor's parents or guardian;~~

259.17 ~~(6)~~ (5) whether the parties are related to each other, and, if so, their relationship;

259.18 ~~(7)~~ (6) the address of the parties after the civil marriage is entered into to which the local
259.19 registrar shall send a certified copy of the civil marriage certificate;

259.20 ~~(8)~~ (7) the full names the parties will have after the civil marriage is entered into and
259.21 the parties' Social Security numbers. The Social Security numbers must be collected for the
259.22 application but must not appear on the civil marriage license. If a party listed on a civil
259.23 marriage application does not have a Social Security number, the party must certify on the
259.24 application, or a supplement to the application, that the party does not have a Social Security
259.25 number;

259.26 ~~(9)~~ (8) if one or both of the parties to the civil marriage license has a felony conviction
259.27 under Minnesota law or the law of another state or federal jurisdiction, the parties shall
259.28 provide to the county proof of service upon the prosecuting authority and, if applicable, the
259.29 attorney general, as required by section 259.13; and

260.1 ~~(10)~~ (9) notice that a party who has a felony conviction under Minnesota law or the law
260.2 of another state or federal jurisdiction may not use a different name after a civil marriage
260.3 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

260.4 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
260.5 applies to applications submitted to the local registrar on or after that date.

260.6 Sec. 13. Minnesota Statutes 2018, section 517.08, subdivision 1b, is amended to read:

260.7 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
260.8 examine upon oath the parties applying for a license relative to the legality of the
260.9 contemplated civil marriage. Both parties must present proof of age to the local registrar.
260.10 If one party is unable to appear in person, the party appearing may complete the absent
260.11 applicant's information. The local registrar shall provide a copy of the civil marriage
260.12 application to the party who is unable to appear, who must verify the accuracy of the
260.13 appearing party's information in a notarized statement. The verification statement must be
260.14 accompanied by a copy of proof of age of the party. The civil marriage license must not be
260.15 released until the verification statement and proof of age has been received by the local
260.16 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
260.17 the restriction contained in section 259.13, the local registrar shall issue the license,
260.18 containing the full names of the parties before and after the civil marriage, and county and
260.19 state of residence, with the county seal attached, and make a record of the date of issuance.
260.20 The license shall be valid for a period of six months. Except as provided in paragraph (b),
260.21 the local registrar shall collect from the applicant a fee of \$115 for administering the oath,
260.22 issuing, recording, and filing all papers required, and preparing and transmitting to the state
260.23 registrar of vital records the reports of civil marriage required by this section. If the license
260.24 should not be used within the period of six months due to illness or other extenuating
260.25 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
260.26 a new license shall issue upon request of the parties of the original license without fee. A
260.27 local registrar who knowingly issues or signs a civil marriage license in any manner other
260.28 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
260.29 \$1,000.

260.30 (b) The civil marriage license fee for parties who have completed at least 12 hours of
260.31 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
260.32 submit at the time of applying for the civil marriage license a statement that is signed, dated,
260.33 and notarized or marked with a church seal from the person who provided the premarital
260.34 education on their letterhead confirming that it was received. The premarital education must
261.1 be provided by a licensed or ordained minister or the minister's designee, a person authorized
261.2 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
261.3 and family therapy under section 148B.33. The education must include the use of a premarital
261.4 inventory and the teaching of communication and conflict management skills.

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

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

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

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

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

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

261.27 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
261.28 applies to applications submitted to the local registrar on or after that date.

261.29 Sec. 14. Minnesota Statutes 2018, section 517.08, is amended by adding a subdivision to
261.30 read:

261.31 Subd. 1d. **Proof of age.** For purposes of this section, proof of age of a party may be
261.32 established in the form of:

- 262.1 (1) an original or certified copy of a birth certificate or birth record;
- 262.2 (2) a driver's license or other identification card issued by a government entity or school;
- 262.3 or
- 262.4 (3) a school record, immigration record, naturalization record, court record, or other
- 262.5 document or record issued by a government entity that contains the date of birth of a party.