

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

EIGHTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 8, 2000

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Rabbi Stacy Offner, Shir Tikva Congregation, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Entenza	Howes	Luther	Pawlenty	Swapinski
Abrams	Erhardt	Huntley	Mahoney	Paymar	Swenson
Anderson, B.	Erickson	Jaros	Mares	Pelowski	Sykora
Anderson, I.	Finseth	Jennings	Mariani	Peterson	Tingelstad
Bakk	Folliard	Johnson	Marko	Pugh	Tomassoni
Bishop	Fuller	Juhnke	McCollum	Rest	Trimble
Boudreau	Gerlach	Kahn	McElroy	Reuter	Tuma
Bradley	Gleason	Kalis	McGuire	Rhodes	Tunheim
Broecker	Goodno	Kelliher	Milbert	Rifenberg	Van Dellen
Buesgens	Gray	Kielkucki	Molnau	Rostberg	Vandever
Carlson	Greenfield	Knoblach	Mulder	Rukavina	Wagenius
Carruthers	Greiling	Koskinen	Mullery	Schumacher	Wejzman
Cassell	Gunther	Krinkie	Murphy	Seagren	Wenzel
Clark, J.	Haake	Kubly	Ness	Seifert, J.	Westerberg
Clark, K.	Haas	Kuisle	Nornes	Seifert, M.	Westfall
Daggett	Hackbarth	Larsen, P.	Olson	Skoe	Westrom
Davids	Harder	Larson, D.	Orfield	Skoglund	Wilkin
Dawkins	Hasskamp	Leighton	Osskopp	Smith	Winter
Dehler	Hausman	Lenczewski	Osthoff	Solberg	Wolf
Dempsey	Hilty	Leppik	Otremba	Stanek	Workman
Dorman	Holberg	Lieder	Ozment	Stang	Spk. Sviggum
Dorn	Holsten	Lindner	Paulsen	Storm	

A quorum was present.

Biernat, Chaudhary and Opatz were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Osthoff moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 2569 and H. F. No. 2675, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Haas moved that the rules be so far suspended that S. F. No. 2569 be substituted for H. F. No. 2675 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2570 and H. F. No. 3378, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tomassoni moved that the rules be so far suspended that S. F. No. 2570 be substituted for H. F. No. 3378 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3257 and H. F. No. 3445, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Stang moved that S. F. No. 3257 be substituted for H. F. No. 3445 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 7, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2067, relating to juvenile justice; when an extended jurisdiction juvenile offender has stayed sentence executed for violation of stay no credit is granted for time in juvenile facility.

H. F. No. 2722, relating to the county of Kittson; granting the county board limited authority to initiate the dissolution of towns in the county having a certain population.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
86		254	3:40 p.m. March 7	March 7
	2067	255	3:40 p.m. March 7	March 7
	2722	256	3:40 p.m. March 7	March 7

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Smith from the Committee on Civil Law to which was referred:

H. F. No. 1748, A bill for an act relating to motor vehicles; regulating motor vehicle fuel franchises and marketing agreements; amending Minnesota Statutes 1998, section 80C.01, subdivision 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 80C; proposing coding for new law as Minnesota Statutes, chapter 80F.

Reported the same back with the following amendments:

Pages 4 and 5, delete section 5 and insert:

"Sec. 5. [80C.147] [CHANGE IN OWNERSHIP.]

A motor vehicle fuel franchisor, or an affiliate of such franchisor, who determines to (1) sell or transfer its interests in marketing premises occupied by a franchisee, and (2) in connection with such sale or transfer assigns its interest as a franchisor in a franchise agreement applicable to such premises, shall offer to the franchisee occupying the premises those rights contained in United States Code, title 15, section 2802(b)(3)(D)(iii)(I) or (II)."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2114, A bill for an act relating to state government; providing an exception to the bid solicitation process for certain professional services; amending Minnesota Statutes 1998, section 16C.10, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16C.095] [EXCEPTION FOR CERTAIN PROFESSIONAL SERVICES.]

(a) A contract entered into by an agency, the University of Minnesota, or the Minnesota state colleges and universities for the professional services of persons regulated by the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design is not subject to sections 16C.06 to 16C.09.

(b) An agency shall select contractors described in paragraph (a) on the basis of qualifications for the type of professional service required. An agency may solicit pricing information to determine contractor compensation only after the agency has selected a contractor under paragraph (c).

(c) Subject to the requirements of paragraph (b), the procedures that an agency creates for the screening and selection of contractors under this section shall be within the sole discretion of the agency and may be adjusted to accommodate the agency's cost, scope, and schedule objectives for a particular project. Adjustments to accommodate an agency's objectives may include provision for the direct appointment of a contractor if the value of the project does not exceed a threshold amount as determined by the agency. Screening and selection procedures may include a consideration of each contractor's:

(1) specialized experience, capabilities, and technical competence that may be demonstrated by the proposed approach and methodology to meet the project requirements;

(2) resources available to perform the work, including any specialized services, within the applicable time limits;

(3) record of past performance, including, but not limited to, price and cost data from previous projects, quality of work, ability to meet schedules, cost control, and contract administration;

(4) ownership status and employment practices regarding women, minorities, and emerging small businesses or historically underutilized businesses;

(5) availability to the project locale;

(6) familiarity with project locale;

(7) proposed project management techniques; and

(8) ability and proven history in handling special project constraints.

(d) The agency and the selected contractor shall mutually discuss and refine the scope of services for the project and shall negotiate conditions, including, but not limited to, compensation level and performance schedule, based on the scope of the services. The compensation level paid must be reasonable and fair to the agency as determined solely by the agency.

(e) If the agency and the selected contractor are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the agency, the agency shall, either orally or in writing, formally terminate negotiations with the selected contractor. The agency may then negotiate with the next highest qualified contractor. The negotiation process may continue in this manner through successive contractors until an agreement is reached or the agency terminates the contracting process."

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon and insert "proposing coding for new law in Minnesota Statutes, chapter 16C."

Page 1, delete line 5

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2643, A bill for an act relating to health; requiring prompt payment by health plan companies and third-party administrators of clean claims for health care services; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [62Q.75] [PROMPT PAYMENT REQUIRED.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given to them.

(b) "Clean claim" means a claim that has no defect or impropriety, including any lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on a claim under this section.

(c) "Third-party administrator" means a third-party administrator or other entity subject to section 60A.23, subdivision 8, and Minnesota Rules, chapter 2767.

Subd. 2. [CLAIMS PAYMENTS.] (a) This section applies to clean claims submitted to a health plan company or third-party administrator for services provided by any health care provider, except a provider licensed under chapter 151, or health care facility. All health plan companies and third-party administrators must pay or deny claims that are clean claims within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim.

(b) If a health plan company or third-party administrator does not pay or deny a clean claim within the period provided in paragraph (a), the health plan company or third-party administrator must pay interest on the claim for the period beginning on the day after the required payment date specified in paragraph (a) and ending on the date on which the health plan company or third-party administrator makes the payment or denies the claim. In any payment, the health plan company or third-party administrator must itemize any interest payment being made separately from other payments being made for services provided.

(c) The rate of interest paid by a health plan company or third-party administrator under this subdivision shall be 1.5 percent per month or any part of a month.

(d) A health plan company or third-party administrator is not required to make an interest payment on a claim for which payment has been delayed for purposes of reviewing potentially fraudulent or abusive billing practices.

(e) The commissioner may not assess a financial administrative penalty against a health plan company for violation of this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 2001, and applies to claims submitted on or after that date."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 2673, A bill for an act relating to local government; establishing standards for the creation of corporations by political subdivisions; providing for the continuation of existing corporations created by political subdivisions; amending Minnesota Statutes 1998, section 238.08, subdivision 3; proposing coding for new law in Minnesota Statutes 1998, chapter 465; repealing Minnesota Statutes 1998, section 465.715, subdivisions 1, 2, and 3; Minnesota Statutes 1999 Supplement, section 465.715, subdivision 1a.

Reported the same back with the following amendments:

Pages 1 to 5, delete section 1 and insert:

"Section 1. [465.717] [CREATION OF CORPORATIONS BY POLITICAL SUBDIVISIONS.]

Subdivision 1. [STATUTORY AUTHORIZATION REQUIRED.] A county, home rule charter city, statutory city, town, school district, or other political subdivision, including a joint powers entity operating under section 471.59, may not create a corporation, whether for profit or not for profit, unless explicitly authorized to do so by law.

Subd. 2. [AUTHORITY TO INCORPORATE A JOINT POWERS ENTITY.] A joint powers entity created under section 471.59 may incorporate itself as a nonprofit under chapter 317A. A corporation created under this subdivision shall comply with every law that applies to the participating political subdivisions and shall possess no greater authority or power than that held by the joint powers entity itself."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Seagren from the Committee on K-12 Education Finance to which was referred:

H. F. No. 2737, A bill for an act relating to municipalities; allowing donations to all school programs and all facilities; amending Minnesota Statutes 1998, section 471.15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 471.15, is amended to read:

471.15 [RECREATIONAL FACILITIES BY MUNICIPALITY, VETERANS; BONDS.]

(a) Any home rule charter or statutory city or any town, county, school district, or any board thereof, or any incorporated post of the American Legion or any other incorporated veterans' organization, may expend not to exceed \$800 in any one year, for the purchase of awards and trophies and may operate a program of public recreation and playgrounds; acquire, equip, and maintain land, buildings, or other recreational facilities, including an outdoor or indoor swimming pool; and expend funds for the operation of such program pursuant to the provisions of sections 471.15 to 471.19. The city, town, county or school district may issue bonds pursuant to chapter 475 for the purpose of carrying out the powers granted by this section. The city, town, county or school district may operate the program and facilities directly or establish one or more recreation boards to operate all or various parts of them.

(b) A town may expend in any one year some or all of the \$800 permitted under paragraph (a) for the purpose of supporting student academic and extra curricula activities sponsored by the local school district."

Delete the title and insert:

"A bill for an act relating to towns; allowing towns to spend up to \$800 for school district academic and extra curricula activities; amending Minnesota Statutes 1998, section 471.15."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 2745, A bill for an act relating to crimes; imposing felony penalty on person convicted of fourth impaired driving offense within ten-year period; requiring offender to be sentenced to both incarceration and to probation supervision; requiring a plan, a study, and legislative reports; amending Minnesota Statutes 1998, sections 169.121, subdivision 3b; 169.129, by adding a subdivision; and 609.135, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 169.121, subdivisions 3, 3d, and 3f; 169.1217, subdivision 7; 169.129, subdivision 1; and 609.135, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 14, delete everything after "convictions"

Page 3, delete line 15

Page 3, line 16, delete everything before "; or"

Page 11, line 10, delete everything after "(1)" and insert "the person has three or more prior impaired driving convictions, as defined in section 169.121, subdivision 3, within the past ten years;"

Page 11, delete lines 11 and 12

Page 11, line 13, delete everything before "or"

Page 14, line 35, delete "January" and insert "July"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2952, A bill for an act relating to transportation; allowing the commissioner of transportation to convey interest in certain land to property owners; allowing interest on repayment of money advanced to department of transportation for interregional transportation corridor development; regulating drivers licenses; modifying provisions for speed limits in highway work zones; transferring responsibility for distributing certain funds for highway safety to commissioner of public safety; transferring responsibilities from transportation regulation board to commissioner of transportation; modifying transportation revolving loan fund provisions; making technical and clarifying changes; modifying provisions relating to statewide communications system; requiring a public safety system radio study; amending Minnesota Statutes 1998, sections 161.24, subdivision 4; 169.14, subdivision 5d; 171.02, subdivision 2; 171.321, subdivision 2; 174.02, subdivisions 4 and 5; 174.10, subdivisions 1, 3, and 4; 174A.02, subdivisions 1 and 2; 174A.04; 218.031, subdivision 2; 218.041, subdivisions 4, 5, and 6; 219.384, subdivision 2; 219.402; and 446A.085, as amended; Minnesota Statutes 1999 Supplement, sections 171.29, subdivision 2; 174.70, subdivisions 2 and 3; 174A.02, subdivision 4; 174A.06; 219.074, subdivision 2; and 221.031, subdivision 1; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1998, sections 174A.01; 174A.02, subdivision 5; 174A.03; 174A.05; 218.021; 218.025; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 218.041, subdivisions 1, 2, 7, and 8; 219.558; 219.559; 219.56; 219.681; 219.69; 219.691; 219.692; 219.695; 219.70; 219.71; 219.741; 219.743; 219.751; 219.755; 219.85; and 219.97.

Reported the same back with the following amendments:

Page 5, line 9, delete "4-0" and insert "40"

Pages 29 and 30, delete section 29

Page 32, line 10, delete "30" and insert "29"

Page 32, line 31, delete "and" and after "219.97" insert "; 222.631; 222.632; and 222.633"

Page 32, line 34, delete "32" and insert "31"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 16 and 17, delete "requiring a public safety system radio study;"

Page 1, line 36, delete "and" and before the period, insert "; 222.631; 222.632; and 222.633"

With the recommendation that when so amended the bill pass.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 2953, A bill for an act relating to motor vehicles; modifying vehicle registration and titling provisions; modifying vehicle registration plate impoundment provisions; modifying interstate commercial vehicle registration provisions to conform to interstate registration plan; making technical and clarifying changes; amending Minnesota Statutes 1998, sections 168.012, subdivision 7; 168.013, by adding a subdivision; 168.017, subdivision 3; 168.042, subdivisions 1, 2, 9, 12, and by adding a subdivision; 168.09, subdivision 6; 168.1235, subdivisions 1 and 4; 168.1291; 168.13; 168.187, subdivision 8; 168.31, subdivision 4; 168.33, subdivision 7; 168.54, subdivisions 5 and 6; 168A.03; 168A.06; 168A.13; 168A.14; 168A.31, subdivision 1; and 171.20, subdivision 4; Minnesota Statutes 1999 Supplement, sections 168.15, subdivision 1; 168.16; and 171.29, subdivision 2; repealing Minnesota Statutes 1998, section 168.1292.

Reported the same back with the following amendments:

Pages 2 to 6, delete sections 2 to 8 and insert:

"Sec. 2. Minnesota Statutes 1998, section 168.017, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] All vehicles subject to registration under the monthly series system shall be registered by the registrar for a period of 12 consecutive calendar months, except as follows:

(a) if the application is an original rather than renewal application; or

(b) if the applicant is a licensed motor vehicle lessor under section 168.27, in which case the applicant may apply for original or renewal registration of a vehicle for a period of four or more months, the month of expiration to be designated by the applicant at the time of registration. However, to qualify for this exemption, the applicant must present the application to the registrar at St. Paul, or at deputy registrar offices as the registrar may designate.

In any instance except that of a licensed motor vehicle lessor, the registrar may register the vehicle which is the subject of the application for a period of not less than three nor more than 15 calendar months, when the registrar determines that to do so will help to equalize the registration and renewal work load of the department."

Page 15, after line 4, insert:

"Sec. 16. Minnesota Statutes 1998, section 168A.04, subdivision 5, is amended to read:

Subd. 5. [SPECIALLY CONSTRUCTED OR RECONSTRUCTED VEHICLE.] Except as provided in subdivision 6, if the application refers to a specially constructed vehicle or a reconstructed vehicle, the application shall so state and shall contain or be accompanied by:

(1) Any information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence and priority of security interests in it;

(2) The certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the department reasonably requires.

Sec. 17. Minnesota Statutes 1998, section 168A.04, is amended by adding a subdivision to read:

Subd. 6. [ASSEMBLED MOTORCYCLES.] (a) If the application refers to an assembled motorcycle, the application must so state and be accompanied by:

(1) a manufacturer's statement or certificate of origin from a recognized motorcycle manufacturer for the frame, complete engine or engine cases, provided that if a statement or certificate of origin is submitted for engine cases it must also be accompanied by copies of original documentation for cylinder heads, cylinders, flywheels, and piston and rod assemblies; and

(2) vendor receipts or copies of the receipts from suppliers on the transmission assembly, engine assembly, fork assembly, and front and rear wheel assemblies. If the applicant is a motorcycle assembler, the applicant must also provide copies of original vendor receipts for the assemblies listed in this clause.

(b) An assembled motorcycle for which the documentation required under paragraph (a), clauses (1) and (2), has been submitted is not subject to the filing requirement of section 168A.07, subdivision 1, clause (2)."

Page 16, after line 31, insert:

"Sec. 22. Minnesota Statutes 1999 Supplement, section 171.05, subdivision 2, is amended to read:

Subd. 2. [PERSON LESS THAN 18 YEARS OF AGE.] (a) Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application therefor, may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and the applicant:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in one of the following types of driver education programs:

(i) a driver education program offered through the public schools that includes classroom and behind-the-wheel training and that has been approved by the commissioner of children, families, and learning;

(ii) a course offered by a private, commercial driver education school or institute that includes classroom and behind-the-wheel training and that has been approved by the department of public safety; or

(iii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a home-school diploma, the student's status as a home-school student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

(2) has completed ~~the~~ a nonconcurrent classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a test of the applicant's knowledge of traffic laws, which test must be administered by the department;

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, then (v) the applicant's employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, or employer; and

(6) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for one year from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

(c) A driver education program that offers concurrent classroom and laboratory class D instruction shall issue a certificate of enrollment to a student who has completed a minimum of 15 hours of classroom instruction in motor vehicle operation. The certificate must state that the student is enrolled in a program of concurrent classroom and laboratory instruction. The department may issue an instruction permit to a student who presents the certificate and who otherwise satisfies the requirements of this subdivision. A driver education program shall notify the department of the name and address of a student who does not complete the classroom portion of the program within six months after issuance of the certificate. On receipt of notification, the department may withdraw the student's instruction permit and mail notice to the student of the withdrawal."

Page 19, after line 17, insert:

"Sec. 25. Laws 1995, chapter 264, article 2, section 44, as amended by Laws 1996, chapter 471, article 2, section 27, and Laws 1998, chapter 389, article 8, section 33, is amended to read:

Sec. 44. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Sections 3 and 4 are effective June 1, 1995. ~~Section 4 is repealed June 1, 2000.~~

Sections 5 to 21 and 43, paragraph (a), are effective July 1, 1995.

Sections 23, 28, 33, 40, 42, and the part of section 22 amending language in paragraph (i), clause (vii), are effective the day following final enactment.

Sections 24 and 34 are effective for sales made after December 31, 1996.

Section 25 is effective beginning with leases or rentals made after June 30, 1995.

Section 26 is effective retroactively for sales after May 31, 1992.

Section 27 is effective for sales made after June 30, 1995.

Section 29 and the part of section 22 striking the language after paragraph (h) are effective for sales after June 30, 1995.

Section 32 is effective for sales made after June 30, 1995, and before July 1, 1999.

Sections 35 and 36 are effective for sales or transfers made after June 30, 1995.

Section 38 is effective the day after the governing body of the city of Winona complies with Minnesota Statutes, section 645.021, subdivision 3.

Section 39 is effective upon compliance by the Minneapolis city council with Minnesota Statutes, section 645.021, subdivision 3.

Section 43, paragraph (b), is effective for sales of 900 information services made after June 30, 1995."

Page 19, after line 19, insert:

"Sec. 27. [EFFECTIVE DATE.]

Section 25 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, delete "modifying vehicle"

Page 1, line 4, delete everything before "modifying"

Page 1, line 6, after the semicolon, insert "modifying requirements for driver education programs;"

Page 1, line 9, delete "168.013, by adding a subdivision;"

Page 1, line 10, delete everything after "3;"

Page 1, line 11, delete "subdivision;"

Page 1, line 14, after the third semicolon, insert "168A.04, subdivision 5, and by adding a subdivision;"

Page 1, line 17, after the second semicolon, insert "171.05, subdivision 2;"

Page 1, line 18, after the semicolon, insert "Laws 1995, chapter 264, article 2, section 44, as amended;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3000, A bill for an act relating to state government; providing for sunset of administrative rules; authorizing legislative governmental operations committees to formally object to administrative rules; modifying the review of proposed rules; creating a rules task force; providing appointments; amending Minnesota Statutes 1998, sections 3.842, subdivision 4a; and 14.15, subdivision 4; Minnesota Statutes 1999 Supplement, section 14.26, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Page 5, line 12, after the period, insert "The member of the majority caucus appointed by the speaker of the house of representatives must convene the first meeting. The members of the task force must elect a chair. The legislative coordinating commission and an agency designated by the governor must provide staff assistance and administrative support for the task force within existing appropriations."

Page 5, line 33, after the period, insert "The task force expires June 30, 2001."

Page 6, line 7, after the period, insert "If, during the annual legislative session in the year in which an agency's rules are scheduled for repeal, the full house of representatives and the full senate have not voted on a bill or amendment that would repeal the agency's rules or authorize the agency's rules to remain in effect, then the rules of that agency are not repealed until 60 days after the commencement of the regular legislative session in the following year."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Holsten from the Committee on Environment and Natural Resources Finance to which was referred:

H. F. No. 3046, A bill for an act relating to game and fish; modifying certain licensing fees; appropriating money; amending Minnesota Statutes 1998, sections 97A.475, subdivisions 2, 3, 6, 7, 8, 11, 12, 13, and 20; and 97A.485, subdivision 12.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1998, section 97A.055, subdivision 4, is amended to read:

Subd. 4. [ANNUAL REPORTS.] (a) By November 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

(iii) the trout and salmon stamp under section 97A.475, subdivision 10;

(iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); and

(v) the turkey stamp under section 97A.475, subdivision 5, clause (3);

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent; ~~and~~

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;

(4) outcome goals for the expenditures from the game and fish fund; and

(5) summary and comments of citizen oversight committee reviews under subdivision 4a.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

Sec. 2. Minnesota Statutes 1998, section 97A.055, subdivision 4a, is amended to read:

Subd. 4a. [CITIZEN OVERSIGHT COMMITTEES.] (a) The commissioner shall appoint committees of affected persons to review the reports prepared under subdivision 4 and other relevant information and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following committees:

(1) a committee to review the annual game and fish fund report and address general game and fish fund issues;

(2) a committee to address funding issues related to fishing;

(3) a committee to review the report on the small game license surcharge and the report required in subdivision 4, paragraph (a), clause (2), and address funding issues related to hunting;

(4) a committee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(5) a committee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(6) a committee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(7) a committee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The committees must make recommendations to the commissioner for outcome goals from expenditures."

Page 4, line 29, delete "fish and wildlife"

Page 4, line 30, delete "management" and insert "an accelerated walleye stocking program"

Page 4, line 33, after the period, insert "Eighty-five percent of this appropriation must be spent on field operations."

Page 5, line 4, delete "10" and insert "12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring certain reports; modifying duties of citizen oversight committees;"

Page 1, line 4, after "sections" insert "97A.055, subdivisions 4 and 4a;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3048, A bill for an act relating to human services; providing time lines for the transition to a new case-mix system based upon the federal minimum data set; requiring education and training programs and a report to the legislature; amending Minnesota Statutes 1999 Supplement, section 256B.435, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3064, A bill for an act relating to human services; extending the deadline for commencing construction for a previously approved moratorium project; providing for changes to the rate setting for a nursing facility in St. Louis county approved for a renovation; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 17.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 3134, A bill for an act relating to natural resources; limiting authority of the metropolitan mosquito control commission to enter certain state lands; amending Minnesota Statutes 1998, section 473.704, subdivision 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 473.704, subdivision 17, is amended to read:

Subd. 17. [ENTRY TO PROPERTY.] Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within or outside the district at reasonable times to determine the need for control programs. They may take all necessary and proper steps for the control programs on property within the district as the director of the commission may designate. Subject to the paramount control of the township, city, county, and state commissioner of natural resources authorities, commission members and officers and employees of the commission may enter upon any property and clean up any stagnant pool of water, the shores of lakes and streams, and other breeding places for mosquitoes within the district. ~~The commissioner of natural resources shall allow the commission to enter upon state property for the purposes described in this subdivision.~~ The commission may apply insecticides approved by the director to any area within or outside the district that is found to be a breeding place for mosquitoes. The commission shall give reasonable notification to the governing body of the local unit of government prior to applying insecticides outside of the district on land located within the jurisdiction of the local unit of government. The commission shall not enter upon private property if the owner objects except for control of disease bearing mosquito encephalitis outbreaks.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "limiting" and insert "modifying"

Page 1, line 4, delete "state"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Lindner from the Committee on Jobs and Economic Development Policy to which was referred:

H. F. No. 3146, A bill for an act relating to housing; providing for a shelter charge on some tribally owned property; amending Minnesota Statutes 1998, section 469.040, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 469.040, is amended by adding a subdivision to read:

Subd. 5. [DESIGNATED HOUSING CORPORATION.] Property located within the exterior boundaries of the White Earth Indian reservation that is owned by the tribe's designated housing entity as defined in United States Code, title 25, section 4103(21), and that is a housing project or a housing development project, as defined in section 469.002, subdivisions 13 and 15, is exempt from all real and personal property taxes of the city, the county, the state, or any political subdivision thereof, but the property is subject to subdivision 3. A copy of those portions of the annual reports submitted on behalf of the housing entity to the Secretary of the United States Department of Housing and Urban Development for the project that contain information sufficient to determine the amount due under subdivision 3 satisfies the reporting requirements of subdivision 3 for the project."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3149, A bill for an act relating to municipalities; providing an exception to tort liability for geographic information systems information; amending Minnesota Statutes 1998, section 466.03, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, after "(GIS)" insert "used by the public"

Page 1, line 15, delete everything after the period and insert "GIS information includes information generated from an organized collection of computer hardware, software, and geographic data designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information and compiled for use by a municipality, either alone or with other entities, public or private. GIS data is accurate for its intended use by a municipality and may be inaccurate for other uses."

Page 1, delete lines 16 to 18

With the recommendation that when so amended the bill pass.

The report was adopted.

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3188, A bill for an act relating to medical assistance reimbursement for special transportation services; amending Minnesota Statutes 1998, section 256B.0625, subdivision 17.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3195, A bill for an act relating to state government; excepting the University of Minnesota from the selection process administered by the designer selection board; amending Minnesota Statutes 1998, section 16B.33, subdivisions 3, 3a, and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16A.633] [CAPITAL FUNDING CONTINGENT ON MAINTAINING DATA.]

Subdivision 1. [STATE AGENCIES.] Each state agency shall provide to the commissioner of administration the data necessary for the commissioner to maintain the department's database on the location, description, and condition of state-owned facilities. The data must be provided by December 15 each year. The commissioner of administration must maintain both the current inventory data and historical data. A state agency is not eligible to receive capital funding unless the agency has provided the data required.

Subd. 2. [MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The board of trustees of the Minnesota state colleges and universities shall establish and maintain data on the location, description, and condition of board-owned facilities that is comparable with the database established by the department of administration. The data must be updated annually and the board must maintain both current inventory data and historical data. The board is not eligible to receive capital funding unless the board has established and maintains the data required.

Subd. 3. [UNIVERSITY OF MINNESOTA.] The board of regents of the University of Minnesota is requested to establish and maintain data on the location, description, and condition of university-owned facilities that is comparable with the database established by the department of administration. The university is requested to update the data annually and maintain both current inventory data and historical data. The board of regents is not eligible to receive capital funding unless the board has established and maintains the data required.

Sec. 2. Minnesota Statutes 1998, section 16B.33, subdivision 3a, is amended to read:

Subd. 3a. [HIGHER EDUCATION PROJECTS.] (a) When the University of Minnesota or the Minnesota state colleges and universities undertakes a project involving construction or major remodeling, as defined in section 16B.335, subdivision 1, with an estimated cost greater than \$2,000,000 or a planning project with estimated fees greater than \$200,000, the system shall submit a written request for a primary designer to the commissioner, as provided in this subdivision and subdivision 3.

(b) When the University of Minnesota or the Minnesota state colleges and universities undertakes a project involving renovation, repair, replacement, or rehabilitation, the system office may submit a written request for a primary designer to the commissioner as provided in this subdivision and subdivision 3.

(c) Notwithstanding subdivision 2, paragraph (a), and in place of the agency representation under subdivision 2, paragraph (b), for higher education projects under this subdivision the designer review board must be increased by two members. The board of regents of the University of Minnesota must nominate a person for appointment by the commissioner to the board to select a designer for projects at the University of Minnesota and the state colleges and universities. The board of trustees of the Minnesota state colleges and universities must nominate a person for appointment by the commissioner to the board to select a designer for projects at the state colleges and universities and the University of Minnesota. For projects at the University of Minnesota or the state colleges and universities, the board must select at least two primary designers under subdivision 4 for recommendation to the board of regents or the board of trustees. The board of regents or the board of trustees must notify the commissioner of the designer selected from the recommendations."

Delete the title and insert:

"A bill for an act relating to state government; prohibiting capital funding if building data is not maintained; modifying designer review process for higher education projects; amending Minnesota Statutes 1998, section 16B.33, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 16A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3212, A bill for an act relating to human services; directing the commissioner of human services to study reimbursing home care and personal care providers for transportation expenses; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [HOME CARE TRANSPORTATION.]

By December 15, 2000, the Minnesota home care association, in collaboration with the commissioner of human services, may prepare a study and report to the legislature on reimbursing home care and personal care service providers receiving reimbursement under medical assistance, general assistance medical care, or home and community-based waiver services under Minnesota Statutes, chapter 256B, for worker transportation costs. The commissioner shall provide technical assistance to the home care association in conducting the study. The study shall include, but not be limited to:

(1) an analysis of the characteristics of home care provider worker transportation costs and needs;

(2) proposed methods of reimbursement, including, but not limited to:

(i) per mile reimbursement;

(ii) per visit reimbursement;

- (iii) countywide average per visit reimbursement;
- (iv) per visit reimbursement based on distance to the home care provider office; and
- (v) incorporating a transportation reimbursement amount into statewide home care services reimbursement rates;
- (3) options for funding transportation reimbursement;
- (4) options for obtaining federal matching funds for transportation reimbursement; and
- (5) methods for home care providers to compensate their workers for transportation expenses using the additional revenue."

Delete the title and insert:

"A bill for an act relating to human services; directing the Minnesota home care association to study reimbursing home care and personal care providers for transportation expenses."

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3311, A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Delete page 1, line 27, to page 12, line 8, and insert:

"Section 1. Minnesota Statutes 1998, section 518.003, is amended by adding a subdivision to read:

Subd. 5. [PARENTING TIME.] "Parenting time" means the time a parent spends with a child regardless of the custodial designation regarding the child.

Sec. 2. Minnesota Statutes 1998, section 518.131, is amended by adding a subdivision to read:

Subd. 11. [TEMPORARY SUPPORT AND MAINTENANCE.] Temporary support and maintenance may be ordered during the time a parenting plan is being developed under section 518.1705.

Sec. 3. [518.1705] [PARENTING PLANS.]

Subdivision 1. [DEFINITION.] "Domestic abuse" for the purposes of this section has the meaning given in section 518B.01, subdivision 2.

Subd. 2. [PLAN ELEMENTS.] (a) A parenting plan must include the following:

- (1) a schedule of the time each parent spends with the child;
- (2) a designation of decision-making responsibilities regarding the child; and
- (3) a method of dispute resolution.

(b) A parenting plan may include such other issues and matters as the parents may agree to regarding the child.

(c) Parents who agree to a parenting plan may agree on alternative terminology for the concepts "physical custody," "legal custody," and "parenting time." If the parents do not agree to a parenting plan and the court creates one on its own motion, then the court shall not use such alternative terminology.

Subd. 3. [CREATING PARENTING PLAN; ALTERNATIVE.] Upon the request of both parents, a parenting plan must be created in lieu of an order for child custody and parenting time, unless the court makes detailed findings that the proposed plan is not in the best interests of the child. In addition, on the court's own motion, a parenting plan may be created in lieu of an order for child custody and parenting time. If the parents do not agree to a parenting plan and the court does not create one on its own motion, orders for custody and parenting time must be entered under sections 518.17 and 518.175 or section 257.541.

Subd. 4. [CUSTODY DESIGNATION.] Any final judgment and decree that includes a parenting plan using alternate terms to designate decision-making responsibilities or allocation of residential time, or both, between the parents must designate whether the parents have joint legal custody or joint physical custody, or both, and if not, which parent has sole legal custody or sole physical custody, or both. This designation is solely for interstate or international enforcement of the final judgment and decree where such a designation is required for that enforcement and shall have no effect under the laws of this state or any other state which does not require such a designation.

Subd. 5. [ROLE OF COURT.] The court may require each parent to submit a proposed parenting plan at any time before entry of the final judgment and decree. If parents seek the court's assistance in deciding the schedule for each parent's time with the child or designation of decision-making responsibilities regarding the child, the court may order an evaluation and should consider the appointment of a guardian ad litem. Parenting plans entered following a contested hearing or reviewed by the court pursuant to a stipulation must be based on the best interests factors in section 518.17 or 257.025, as applicable.

Subd. 6. [RESTRICTIONS ON PREPARATION OF PARENTING PLAN.] (a) Dispute resolution processes other than the judicial process can not be required in the preparation of a parenting plan if a parent is alleged to have committed domestic abuse toward a parent or child who is a party to, or subject of, the matter before the court. In such cases, the court must consider the appointment of a guardian ad litem and a parenting plan evaluator.

(b) If a court makes a finding that domestic abuse has occurred between the parents in the matter before the court and if the parents do not agree to a parenting plan, the court must not create one on its own motion.

(c) A parenting plan must not provide for shared decision-making responsibilities or use of dispute resolution processes other than the judicial process if the court finds that section 518.179 applies.

Subd. 7. [MOVING THE CHILD TO ANOTHER STATE.] Parents may include in a parenting plan an agreement to use the factors in section 518.17 or 257.025, as applicable, to govern a decision concerning removal of a child's residence from this state.

Subd. 8. [ALLOCATION OF CERTAIN EXPENSES.] Parents creating a parenting plan are subject to the requirements of the child support guidelines under section 518.551. Parents may include in the parenting plan an allocation of any or all expenses for the child. The allocation is an enforceable contract between the parents.

Subd. 9. [MODIFICATION OF PARENTING PLANS.] (a) Parents may modify the schedule of the time each parent spends with the child or the decision-making provisions of a parenting plan by agreement. To be enforceable, modifications must be confirmed by court order. Unless a parenting plan provides otherwise, a motion to modify decision-making provisions or the time each parent spends with the child may be made only within the time limits provided by section 518.18.

(b) If the parties have not agreed to apply the best interests standard in section 518.17 or 257.025, as applicable, the court must use the standards in section 518.18, paragraph (d), when deciding a motion for modification that would change the parent with whom the child spends the most time.

Sec. 4. Minnesota Statutes 1998, section 518.175, subdivision 5, is amended to read:

Subd. 5. [MODIFICATION OF VISITATION PARENTING PLAN OR ORDER FOR PARENTING TIME.] If modification would serve the best interests of the child, the court shall modify the decision-making provisions of a parenting plan or an order granting or denying visitation rights whenever modification would serve the best interests of the child parenting time, if the modification would not change the parent with whom the child spends the most time. Except as provided in section 631.52, the court may not restrict visitation rights parenting time unless it finds that:

(1) the visitation parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development; or

(2) the noncustodial parent has chronically and unreasonably failed to comply with court-ordered visitation parenting time.

If the custodial parent makes specific allegations that visitation parenting time places the custodial parent or child in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights parenting time. Consistent with subdivision 1a, the court may require a third party, including the local social services agency, to supervise the visitation parenting time or may restrict a parent's visitation rights parenting time if necessary to protect the custodial parent or child from harm.

Sec. 5. Minnesota Statutes 1998, section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.]

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with visitation parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or the parenting plan provisions which specify the parent with whom the child spends the most time unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established visitation parenting

time schedule, that have arisen since the prior order or parenting plan or that were unknown to the court at the time of the prior order or parenting plan, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement established by the prior order or the parenting plan provisions which specify the parent with whom the child spends the most time unless:

(i) the parties have agreed, in a writing approved by a court, to apply the best interests standard in section 518.17 or 257.025, as applicable;

(ii) both parties agree to the modification;

(iii) (iii) the child has been integrated into the family of the petitioner with the consent of the other party; or

(iii) (iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

In addition, a court may modify a custody order or parenting plan under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a custodial parent has been granted sole physical custody of a minor and the child subsequently lives with the noncustodial parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the noncustodial parent's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

Sec. 6. [518.183] [REPLACING CERTAIN ORDERS.]

Upon request of one or both parties the court must consider a motion to modify an order entered under section 518.17 or 518.175 before the effective date of this act by entering a parenting plan that complies with section 518.1705. The court must apply the standards in section 518.18 when considering a motion to enter a parenting plan that would change the parent with whom the child spends the most time. The court must apply the standards in section 518.17 when considering a motion to enter a parenting plan that would:

(1) change decision-making responsibilities of the parents; or

(2) change the time each parent spends with the child, but not change the parent with whom the child spends the most time.

Sec. 7. Minnesota Statutes 1998, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

(1) restrain the abusing party from committing acts of domestic abuse;

(2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;

(4) award temporary custody or establish temporary visitation parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation parenting time, the court shall condition or restrict visitation parenting time as to time, place, duration, or supervision, or deny visitation parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and visitation parenting time shall in no way delay the issuance of an order for protection granting other reliefs relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;

(5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;

(6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;

(7) order the abusing party to participate in treatment or counseling services;

(8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;

(10) order the abusing party to pay restitution to the petitioner;

(11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff, constable, or other law enforcement or corrections officer as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 8. [EFFECTIVE DATE.]

Section 5 is effective retroactive to September 1, 1999, and applies to modifications sought on or after that date and to written agreements approved by a court before, on, or after that date."

Page 18, after line 24, insert:

"The proceedings shall be commenced by filing a certified copy of the recognition of parentage. An adjudication of parentage is not necessary."

Page 31, line 21, after the period, insert "If the noncustodial parent objects to the move, there must be a hearing on the matter." and before "purpose" insert "move would not be in the best interests of the child or the"

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "clarifying the procedure for obtaining custody and parenting time when a recognition of parentage has been executed;"

Page 1, line 3, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3342, A bill for an act relating to foster care; adding requirements for foster care agencies and foster care providers related to children who rely on medical equipment to sustain life or monitor a medical condition; proposing coding for new law in Minnesota Statutes, chapter 245A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [245A.155] [REQUIREMENTS FOR FOSTER CARE AGENCIES AND FOSTER CARE PROVIDERS RELATED TO INDIVIDUALS WHO RELY ON MEDICAL EQUIPMENT TO SUSTAIN LIFE OR MONITOR A MEDICAL CONDITION.]

Subdivision 1. [LICENSED FOSTER CARE AND RESPITE CARE.] This section applies to foster care agencies and licensed foster care providers who place, supervise, or care for individuals who rely on medical monitoring equipment to sustain life or monitor a medical condition in respite care or foster care.

Subd. 2. [FOSTER CARE AGENCY REQUIREMENTS.] In order for an agency to place an individual who relies on medical equipment to sustain life or monitor a medical condition with a foster care provider, the agency must ensure that the foster care provider has received the training to operate such equipment as observed and confirmed by a qualified source, and that the provider:

(1) is currently caring for an individual who is using the same equipment in the foster home;

(2) has written documentation that the foster care provider has cared for an individual who relied on such equipment within the past six months; or

(3) has successfully completed training with the individual being placed with the provider.

Subd. 3. [FOSTER CARE PROVIDER REQUIREMENTS.] A foster care provider shall not care for an individual who relies on medical equipment to sustain life or monitor a medical condition unless the provider has received the training to operate such equipment as observed and confirmed by a qualified source, and:

(1) is currently caring for an individual who is using the same equipment in the foster home;

(2) has written documentation that the foster care provider has cared for an individual who relied on such equipment within the past six months; or

(3) has successfully completed training with the individual being placed with the provider.

Subd. 4. [QUALIFIED SOURCE DEFINITION.] For purposes of this section, a "qualified source" includes a health care professional or an individual who provides training on such equipment.

Subd. 5. [FOSTER CARE PROVIDER TRAINING AND SKILLS FORM.] The agency supervising the foster care provider shall keep a training and skills form on file for each foster care provider and update the form annually. The agency placing the child shall obtain a copy of the training and skills form from the foster care provider or the agency supervising the foster care provider and shall keep it and any updated information on file for the duration of the placement. The form must be made available to the parents or the primary caregiver and social worker of the individual, or the individual, whichever is applicable, in order to make an informed placement decision. The agency shall use the training and skills form developed by the commissioner of human services.

Sec. 2. [TRAINING AND SKILLS FORM.]

The commissioner of human services shall create a training and skills form for foster care agencies that make foster care placements and supervise foster care providers. The form must allow for a comprehensive list of all the medical training and training on medical equipment that a foster care provider has completed, and when and where the training was completed."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3345, A bill for an act relating to family law; changing certain child support enforcement provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 270A.10; 518.64, subdivision 5; 518.68, subdivision 2; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821.

Reported the same back with the following amendments:

Page 2, line 10, strike "three" and insert "five"

Page 12, line 31, delete "three" and insert "five"

Page 13, line 19, delete "five calendar" and insert "two business"

Page 13, line 35, delete "Thirty" and insert "Sixty"

Page 16, line 8, delete "ten" and insert "30"

Page 16, line 24, delete "15" and insert "30"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 3402, A bill for an act relating to education; requiring a criminal background check for nonlicensed individuals paid to provide classroom instruction; amending Minnesota Statutes 1999 Supplement, section 123B.03, subdivision 1.

Reported the same back with the following amendments:

Page 3, line 20, delete everything after the comma and insert "an employee who provides classroom instruction prior to receiving a license from the board of teaching"

Page 3, delete lines 21 and 22

With the recommendation that when so amended the bill pass.

The report was adopted.

McElroy from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 3414, A bill for an act relating to labor; increasing penalties for violations of child labor laws; amending Minnesota Statutes 1998, section 181A.12, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3497, A bill for an act relating to state government; regulating the recovery of costs and attorney fees from the state of Minnesota; conforming certain provisions of state law to analogous federal law; clarifying existing law; establishing specific procedures for application of fees; correcting miscellaneous noncontroversial oversights, inconsistencies, ambiguities, and technical errors; amending Minnesota Statutes 1998, sections 15.471, subdivisions 4, 5, 6, and by adding subdivisions; and 15.472; repealing Minnesota Statutes 1998, section 15.471, subdivision 8.

Reported the same back with the following amendments:

Page 3, line 16, after "organization" insert "whose annual revenues did not exceed \$7,000,000"

Page 3, line 23, before the period, insert "whose annual revenues did not exceed \$7,000,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3512, A bill for an act relating to corrections; regulating telephone access of persons restrained in local and state correctional facilities; providing penalties; amending Minnesota Statutes 1998, section 481.10.

Reported the same back with the following amendments:

Page 1, lines 16 and 17, reinstate the stricken "as soon as practicable,"

Page 2, line 12, before "Telephone" insert "Reasonable"

Page 2, lines 12 and 13, delete "as soon as practicable"

With the recommendation that when so amended the bill pass.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 3555, A bill for an act relating to natural resources; providing for civil enforcement of metal traction device sticker requirements for snowmobiles; amending Minnesota Statutes 1999 Supplement, sections 84.8712, subdivisions 2, 3, 4, and 6; and 84.8713, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3577, A bill for an act relating to creditors' remedies; regulating garnishments, executions, and levies; revising forms; regulating service; defining terms; providing notification; increasing the dollar amount of attorneys' execution levies; making various housekeeping and technical changes; amending Minnesota Statutes 1998, sections 550.051, subdivision 1; 550.136, subdivision 6; 550.143, subdivisions 3, 7, and 8; 551.01; 551.04, subdivisions 4, 6, and 9; 551.05, subdivisions 1a and 5; 551.06, subdivisions 9 and 10; 571.72, subdivision 2; 571.74; 571.75, subdivision 2; 571.82, subdivision 1; 571.912; 571.914, subdivision 2; 571.921; and 571.925; proposing coding for new law in Minnesota Statutes, chapter 551.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 550.051, subdivision 1, is amended to read:

Subdivision 1. [TIME PERIODS.] The writ of execution expires 180 days after its issuance by the court administrator. A levy that is served with a writ of execution that has expired is void. If the officer or creditor's attorney having the writ levies upon property or earnings before the expiration of 180 days, the officer or creditor's

attorney may retain the writ until the officer sells the property or completes the levy upon earnings in the manner prescribed by law. Any levy properly served in accordance with this chapter or chapter 551 prior to the expiration of the writ shall be processed in accordance with the appropriate statutory section until completion, without regard for the date of expiration of the writ. Upon a demand of the judgment creditor or the creditor's attorney within 180 days, the officer shall pay to the judgment creditor or the judgment creditor's attorney all money collected upon execution after deducting the officer's fees. Upon expiration of the writ or full satisfaction of the judgment, if earlier, the officer shall make a full inventory of the property levied on and return it with the execution.

Sec. 2. Minnesota Statutes 1998, section 550.136, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(a) "earnings" means:

(1) compensation paid or payable to an employee for personal service whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program;

(2) compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2; or

(3) maintenance as defined in section 518.54, subdivision 3.

(b) "disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations;

(c) "employee" means an individual who performs services subject to the right of the employer to control both what is done and how it is done; and

(d) "employer" means a person for whom an individual performs services as an employee.

Sec. 3. Minnesota Statutes 1999 Supplement, section 550.136, subdivision 6, is amended to read:

Subd. 6. [EARNINGS EXEMPTION NOTICE.] Before the first levy on earnings under this chapter, the judgment creditor shall serve upon the judgment debtor no less than ten days before the service of the writ of execution, a notice that the writ of execution may be served on the judgment debtor's employer. The notice must: (1) be substantially in the form set forth below; (2) be served personally, in the manner of a summons and complaint, or by first class mail to the last known address of the judgment debtor; (3) inform the judgment debtor that an execution levy may be served on the judgment debtor's employer in ten days, and that the judgment debtor may, within that time, cause to be served on the judgment creditor a signed statement under penalties of perjury asserting an entitlement to an exemption from execution; (4) inform the judgment debtor of the earnings exemptions contained in section 550.37, subdivision 14; and (5) advise the judgment debtor of the relief set forth in this chapter to which the debtor may be entitled if a judgment creditor in bad faith disregards a valid claim and the fee, costs, and penalty that may be assessed against a judgment debtor who in bad faith falsely claims an exemption or in bad faith takes action to frustrate the execution process. The notice requirement of this subdivision does not apply to a levy on earnings being retained by an employer pursuant to a garnishment previously served in compliance with chapter 571.

The ten-day notice informing a judgment debtor that a writ of execution may be used to levy the earnings of an individual must be substantially in the following form:

STATE OF MINNESOTA
COUNTY OF
.....(Judgment Creditor)
against

DISTRICT COURT
..... JUDICIAL DISTRICT

.....(Judgment Debtor)
and

EXECUTION EXEMPTION
NOTICE AND NOTICE OF
INTENT TO LEVY ON EARNINGS
~~WITHIN TEN DAYS~~

.....(Third Party)

PLEASE TAKE NOTICE that a levy may be served upon your employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Your earnings are completely exempt from execution levy if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months.

Relief based on need includes Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the judgment creditor's attorney.

You may wish to contact the attorney for the judgment creditor in order to arrange for a settlement of the debt or contact an attorney to advise you about exemptions or other rights.

PENALTIES

- (1) Be advised that even if you claim an exemption, an execution levy may still be served on your employer. If your earnings are levied on after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the judgment creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.
- (2) HOWEVER, BE WARNED if you claim an exemption, the judgment creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.
- (3) If after receipt of this notice, you in bad faith take action to frustrate the execution levy, thus requiring the judgment creditor to petition the court to resolve the problem, you will be liable to the judgment creditor for costs and reasonable attorney's fees plus an amount not to exceed \$100.

DATED:

.....
(Attorney for Judgment Creditor)
.....
Address
.....
Telephone

JUDGMENT DEBTOR'S EXEMPTION CLAIM NOTICE

I hereby claim that my earnings are exempt from execution because:

- (1) I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received.)

.....
 Program Case Number (if known) County

(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)

.....
 Program Case Number (if known) County

(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)

.....
 Correctional Institution Location

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above-named judgment creditor or the judgment creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institution within the last six months. I have mailed or delivered a copy of this form to the judgment creditor or judgment creditor's attorney.

.....
 Debtor

 Address

Debtor Telephone Number

Sec. 4. Minnesota Statutes 1998, section 550.136, subdivision 9, is amended to read:

Subd. 9. [EXECUTION EARNINGS DISCLOSURE FORM AND WORKSHEET.] The judgment creditor shall provide to the sheriff for service upon the judgment debtor's employer an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA DISTRICT COURT
 COUNTY OF JUDICIAL DISTRICT

..... (Judgment Creditor)
 against FILE NO.
 (Judgment Debtor) EARNINGS
 and EXECUTION
 (Third Party) DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

.....
Yes

.....
No

(2) Does the judgment debtor earn more than \$. . . per week? (this amount is the federal minimum wage per week)

.....
Yes

.....
No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation below and return this disclosure to the sheriff within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column I on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

(3) COLUMN A. Enter the date of judgment debtor's payday.

(4) COLUMN B. Enter judgment debtor's gross earnings for each payday.

(5) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

(6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply column C by .25.)

(7) COLUMN E. Enter here 40 times the hourly federal minimum wage (\$. . .) times the number of work weeks included in each payday. (Note: if a payday includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)

(8) COLUMN F. Subtract the amount in column E from the amount in column C, and enter here.

(9) COLUMN G. Enter here the lesser of the amount in column D and the amount in column F.

(10) COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.

(11) COLUMN I. Subtract the amount in column H from the amount in column G and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....

Signature

.....

Title

.....

Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....

Debtor's Name

A	B	C
Payday	Gross	Disposable
Date	Earnings	Earnings
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.

Sec. 5. Minnesota Statutes 1999 Supplement, section 550.136, subdivision 10, is amended to read:

Subd. 10. [EXECUTION EARNINGS DISCLOSURE FORM AND WORKSHEET FOR CHILD SUPPORT JUDGMENTS.] The judgment creditor shall provide to the sheriff for service upon a child support judgment debtor's employer an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF JUDICIAL DISTRICT

FILE NO.
. (Judgment Creditor)
against
. (Judgment Debtor)
and
. (Third Party)
EARNINGS
EXECUTION
DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers' compensation, or reemployment compensation.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

. Yes No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to question 1 is "No," then you must sign the affirmation below and return this disclosure to the sheriff within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet. You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of judgment debtor's payday.

(3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

(4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column E if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(7) COLUMN F. Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature
.....
Title
.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....
Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.....	\$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.

D Either 50, 55, 60, or 65% of Column C	E Setoff, Lien, Adverse Interest, or Other Claims	F Column D minus Column E
1.	\$.....	\$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.

TOTAL OF COLUMN F \$.....

*If you entered any amount in column E for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....
.....
.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....
Signature

Dated:
Title

(. . .).....
Phone Number

Sec. 6. Minnesota Statutes 1999 Supplement, section 550.143, subdivision 3, is amended to read:

Subd. 3. [EXEMPTION NOTICE.] If the levy is on funds of a judgment debtor who is a natural person and if the funds to be levied are held on deposit at any financial institution, the judgment creditor or its attorney shall provide the sheriff with two copies of an exemption notice, which must be substantially in the form set forth below. The sheriff shall serve both copies of the exemption notice on the financial institution, along with the writ of execution. Failure of the sheriff to serve the exemption notices renders the levy void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds that have previously been garnished in compliance with section 571.71, the judgment creditor is not required to serve additional exemption notices. In that event, the execution levy shall only be effective as to the funds that were subject to the prior garnishment. Upon receipt of the writ of execution and exemption notices, the financial institution shall retain as much of the amount due under section 550.04 as the financial institution has on deposit owing to the judgment debtor, but not more than 110 percent of the amount remaining due on the judgment.

STATE OF MINNESOTA
COUNTY OF
..... (Judgment Creditor)
..... (Judgment Debtor)
TO: Debtor

DISTRICT COURT
..... JUDICIAL DISTRICT

EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (Bank or other financial institution where you have an account.)

Your account balance is \$.

The amount being held is \$.

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

- (1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance;
- (2) Social Security benefits (Old Age, Survivors, or Disability Insurance);
- (3) reemployment compensation, workers' compensation, or veterans' benefits;
- (4) an accident, disability, or retirement pension or annuity;
- (5) life insurance proceeds;

(6) the earnings of your minor child and any child support paid to you; or

(7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every debtor's after tax earnings; and

(11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. In the event that there is no attorney for the judgment creditor, then the notice shall be sent directly to the judgment creditor. The address for the judgment creditor's attorney or the judgment creditor is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If the financial institution does not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

(1) nonexempt money can be turned over to the judgment creditor or sheriff;

(2) the financial institution will keep holding the money claimed to be exempt; and

(3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

the institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
.....
.....
.....
Name and address of (Attorney
for) Judgment Creditor

EXEMPTION:

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$.

(b) Basis for exemption.

Of the 11 categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number: ;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named creditor or its attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

If you do not file a Request for Hearing within ten days of the date ~~you receive this objection~~ the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your creditor.

If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court.

.....
Judgment Creditor or Attorney

Sec. 8. Minnesota Statutes 1998, section 550.143, subdivision 8, is amended to read:

Subd. 8. [REQUEST FOR HEARING AND NOTICE FOR HEARING.] The request for hearing accompanying the objection notice must be in substantially the following form:

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF .....	..... JUDICIAL DISTRICT
..... (Judgment Creditor)	REQUEST FOR HEARING
..... (Judgment Debtor)	AND
..... (Third Party)	NOTICE FOR HEARING

I hereby request a hearing to resolve the exemption claim which has been made in this case regarding funds in the account of(Judgment Debtor) at the (Financial Institution).

I believe the property being held is exempt because
.....
Dated:

(JUDGMENT DEBTOR)
.....
(ADDRESS)
.....
(DEBTOR PHONE NUMBER)
.....
TIME:

HEARING DATE:
HEARING PLACE:

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim and objection. Failure to do so could delay the court's decision.)

Sec. 9. Minnesota Statutes 1998, section 551.01, is amended to read:

551.01 [ATTORNEY'S SUMMARY EXECUTION OF JUDGMENT DEBTS; WHEN AUTHORIZED.]

An attorney for a judgment creditor may execute on a money judgment by levying on indebtedness owed to the judgment debtor by a third party, pursuant to this chapter. The attorney for the judgment creditor must obtain a writ of execution issued under section 550.04 before the attorney can execute pursuant to this chapter. No more than ~~\$5,000~~ \$10,000 may be recovered by a single notice of execution levy pursuant to this section. No more than one execution may be served on a single third party by a judgment creditor each calendar day under this chapter.

Sec. 10. Minnesota Statutes 1998, section 551.04, subdivision 4, is amended to read:

Subd. 4. [SERVICE OF THIRD PARTY LEVY; NOTICE AND DISCLOSURE FORMS.] When levying upon money or earnings owed to the judgment debtor by a third party, the attorney for the judgment creditor shall serve a copy of the writ of execution upon the third party either by registered or certified mail, or by personal service. A third party levy served by registered or certified mail is effective if served at the third party's regular place of business. Along with a copy of the writ of execution, the attorney shall serve upon the third party a notice of third party levy and disclosure form that must be substantially in the form set forth below. If the levy is upon earnings, the attorney shall serve upon the third party the notice of third party levy and disclosure form as set forth in section 551.06, subdivision 9.

STATE OF MINNESOTA
County of

DISTRICT COURT
..... JUDICIAL DISTRICT
File No.

.....(Judgment Creditor)
against
..... (Judgment Debtor)
and
..... (Third Party)

NOTICE OF THIRD PARTY
LEVY AND DISCLOSURE
(OTHER THAN EARNINGS)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapter 551, the undersigned, as attorney for the judgment creditor, hereby makes demand and levies execution upon all money due and owing by you (up to ~~\$5,000~~ \$10,000) to the judgment debtor for the amount of the judgment specified below. A copy of the writ of execution issued by the court is enclosed. The unpaid judgment balance is \$

In responding to this levy, you are to complete the attached disclosure form and mail it to the undersigned attorney for the judgment creditor, together with your check payable to the above-named judgment creditor, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits set forth in chapter 551.

If you are a financial institution and the judgment debtor is a natural person, two exemption notices are also enclosed pursuant to Minnesota Statutes, section 551.02. Only natural persons are entitled to exemptions under this statute.

Attorney for the Judgment Creditor
Address
(.....)
Phone number

DISCLOSURE

On the day of,, the time of service of the execution levy herein, there was due and owing the judgment debtor from the third party the following:

(1) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the third party.

.....

(2) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the third party claims against the amount set forth on line (1). State the facts by which such setoff, defense, lien, or claim is claimed. (Any indebtedness to you incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt may not be claimed as a setoff, defense, lien, or claim against the amount set forth on line (1).)

.....

(3) Exemption. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(4) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property.

.....

(5) Enter on the line below the total of lines (2), (3), and (4).

.....

(6) Enter on the line below the difference obtained (never less than zero when line (5) is subtracted from the amount on line (1)).

.....

(7) Enter on the line below 100 percent of the amount of the judgment creditor's claim which remains unpaid.

.....

(8) Enter on the line below the lesser of line (6) and line (7). You are hereby instructed to remit this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this nonearnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

Sec. 11. Minnesota Statutes 1998, section 551.04, subdivision 6, is amended to read:

Subd. 6. [THIRD PARTY DISCLOSURE AND REMITTANCE.] Within 15 days after receipt of the writ of execution, unless governed by section 551.05 or 551.06, the third party shall disclose and remit to the judgment creditor's attorney as much of the amount due under section 550.04, but not more than ~~\$5,000~~ \$10,000, as the third party's own debt equals to the judgment debtor. The attorney for the judgment creditor shall proceed in all other respects like the sheriff making a similar execution levy. No more than ~~\$5,000~~ \$10,000 may be recovered by a single execution levy pursuant to this section.

Sec. 12. Minnesota Statutes 1998, section 551.04, subdivision 9, is amended to read:

Subd. 9. [JUDGMENT AGAINST THIRD PARTY UPON FAILURE TO DISCLOSE OR REMIT.] Judgment may be entered against a third party who has been served with a writ of execution and fails to disclose or remit the levied funds as required in this chapter. Upon order to show cause served on the third party and notice of motion supported by affidavit of facts and affidavit of service upon both the judgment debtor and third party, the court may render judgment against the third party for an amount not exceeding 100 percent of the amount claimed in the execution or \$5,000 \$10,000, whichever is less. Judgment against the third party pursuant to this section shall not bar the judgment creditor from further remedies under this chapter as a result of any subsequent defaults by the third party. The court upon good cause shown may remove the default and permit the third party to disclose or remit on just terms.

Sec. 13. [551.041] [ATTORNEY'S SUMMARY EXECUTION OF FUNDS BEING HELD PURSUANT TO GARNISHMENT SUMMONS.]

Pursuant to this section, an attorney for a judgment creditor may execute on funds retained by a garnishee under a garnishment summons served pursuant to chapter 571. No more than \$10,000 may be recovered by a single execution levy pursuant to this section. When levying upon money or earnings being retained by a garnishee pursuant to a garnishment summons, the attorney shall serve a copy of the writ of execution upon the garnishee by registered or certified mail, or by personal service. Along with a copy of the writ of execution, the attorney shall serve upon the garnishee a notice of levy on garnishee that must be substantially in the form set forth below. If the judgment creditor paid the garnishee the fee required by chapter 571, no additional fee must be paid to the garnishee for the levy. The notice of levy on garnishee may not be served until the judgment debtor's right to claim an exemption has expired under chapter 571.

STATE OF MINNESOTA
County of

DISTRICT COURT
..... JUDICIAL DISTRICT

File No.

..... (Judgment Creditor)
against

..... (Judgment Debtor)
and

..... (Garnishee)

NOTICE OF LEVY
ON GARNISHEE

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapter 551, the undersigned as attorney for the judgment creditor, hereby makes demand and levies execution upon all money or earnings being retained by you (up to \$10,000) pursuant to the judgment creditor's garnishment summons dated A copy of the writ of execution issued by the court is enclosed. Upon receipt of this levy, you shall remit to the judgment creditor's attorney all funds being held by you pursuant to the garnishment summons. The funds shall be remitted within 15 days after receipt of this levy.

Date:

Attorney for the Judgment Creditor

Address:

.....

Phone Number:

Attorney I.D. No.:

Sec. 14. [551.042] [MONEY DUE FROM STATE DEPARTMENTS.]

Money due or owing to any entity or person by the state on account of any employment, work, contract with, or services provided to any state department or agency is subject to attachment. The notice of third party levy and disclosure may be served upon the head of the department or agency in the same manner as other summons in that court of record, except that service may not be made by publication. Service of the notice may also be made by

- (2) Social Security benefits (Old Age, Survivors, or Disability Insurance);
- (3) reemployment compensation, workers' compensation, or veterans' benefits;
- (4) an accident, disability, or retirement pension or annuity;
- (5) life insurance proceeds;
- (6) the earnings of your minor child and any child support paid to you; or
- (7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

- (8) all earnings of a person in category (1);
- (9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;
- (10) 75 percent of every judgment debtor's after tax earnings; or
- (11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. The address for the judgment creditor's attorney is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If they do not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the attorney for the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

- (1) nonexempt money can be turned over to the judgment creditor or sheriff;

(2) the financial institution will keep holding the money claimed to be exempt; and

(3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

the institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed or given to you. You may wish to consult an attorney at once if the judgment creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
.....
.....
.....
Name and address of (Attorney
for) Judgment Creditor

EXEMPTION:

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$

(b) Basis for exemption.

Of the 11 categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number: ;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named judgment creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the judgment creditor's attorney at the address indicated above.

DEBTOR

DATED:

DEBTOR ADDRESS

DEBTOR TELEPHONE NUMBER

Sec. 17. Minnesota Statutes 1998, section 551.05, subdivision 5, is amended to read:

Subd. 5. [NOTICE OF OBJECTION.] (a) The written objection to the judgment debtor's claim of exemption must be in substantially the following form:

STATE OF MINNESOTA DISTRICT COURT
County of JUDICIAL DISTRICT

(Judgment Creditor) OBJECTION TO
(Judgment Debtor) EXEMPTION CLAIM
(Garnishee) (Third Party)

The judgment creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you should need to do so within ten days of your receipt of this objection from the date the objection was personally served on you, or within 13 days from the date the objection was mailed to you. You may request a hearing by completing the attached form and filing it with the court administrator.

- 1. The court administrator's office shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.
2. Upon the filing of a Request for Hearing, the court administrator shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.
3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.
4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.

If you do not file a Request for Hearing within ten days of the date you receive this the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your judgment creditor.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the judgment debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

1. Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

Yes No

2. Does the judgment debtor earn more than \$. . . per week? (This amount is the federal minimum wage per week.)

Yes No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation on page 2 and return this disclosure to the judgment creditor's attorney within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column I on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this Earnings Disclosure Form and the Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy to the judgment debtor within ten days after the last payday that falls within the 70-day period.

If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

- 3. COLUMN A. Enter the date of judgment debtor's payday.
- 4. COLUMN B. Enter judgment debtor's gross earnings for each payday.
- 5. COLUMN C. Enter judgment debtor's disposable earnings for each payday.

- 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply Column C by .25.)
- 7. COLUMN E. Enter here 40 times the hourly federal minimum wage (\$. . .) times the number of work weeks included in each payday. (Note:If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)
- 8. COLUMN F. Subtract the amount in Column E from the amount in Column C, and enter here.
- 9. COLUMN G. Enter here the lesser of the amount in Column D and the amount in Column F.
- 10. COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in Column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.
- 11. COLUMN I. Subtract the amount in Column H from the amount in Column G and enter here. This is the amount of earnings that you must retain for the payday for which the calculations were made. The total of all amounts entered in Column I is the amount to be remitted to the attorney for the judgment creditor.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature
.....
Title
.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....

Judgment Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.
D 25% of Column C	E 40 X Min. Wage	F Column C minus Column E
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.
G Lesser of Column D and Column F	H Setoff, Lien, Adverse Interest, or Other Claims	I Column G minus Column H
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.
TOTAL OF COLUMN I		\$.

*If you entered any amount in Column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of these persons, and the nature of their claim, if known.

.....

.....

AFFIRMATION

I,(person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....
Title

Dated: (.....)
Signature Phone Number

Sec. 19. Minnesota Statutes 1999 Supplement, section 551.06, subdivision 10, is amended to read:

Subd. 10. [NOTICE OF LEVY ON EARNINGS, DISCLOSURE, AND WORKSHEET FOR CHILD SUPPORT JUDGMENT.] The attorney for the judgment creditor shall serve upon the judgment debtor's employer a notice of levy on earnings and an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA
COUNTY OF

DISTRICT COURT
..... JUDICIAL DISTRICT

FILE NO.

.....(Judgment Creditor)
against

NOTICE OF LEVY ON
EARNINGS AND DISCLOSURE

..... (Judgment Debtor)
and

..... (Third Party)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and levies execution upon all earnings due and owing by you (up to ~~\$5,000~~ \$10,000) to the judgment debtor for the amount of the judgment specified below. A copy of the writ of execution issued by the court is enclosed. The unpaid judgment balance is \$

This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by you and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the 70 days after the service of this levy.

In responding to this levy, you are to complete the attached disclosure form and worksheet and mail it to the undersigned attorney for the judgment creditor, together with your check payable to the above-named judgment creditor, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits set forth in the aforementioned statutes.

.....
Attorney for the Judgment Creditor
.....
.....
.....
Address
(.....)
Phone Number

DISCLOSURE DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers' compensation, or reemployment compensation.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

.....
Yes

.....
No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to question 1 is "No," then you must sign the affirmation below and return this disclosure to the judgment creditor's attorney within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of judgment debtor's payday.

(3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

(4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column E if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(7) COLUMN F. Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I,(person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....
Debtor's Name

Sec. 20. Minnesota Statutes 1998, section 571.72, subdivision 2, is amended to read:

Subd. 2. [SERVICE OF A GARNISHMENT SUMMONS.] To enforce a claim asserted in a civil action venued in a court of record, a garnishment summons may be issued by a creditor and served upon the garnishee in the same manner as other summons in that court of record, except that service may not be made by publication. Service of a garnishment summons on the garnishee may also be made by certified mail, return receipt requested. A garnishment summons served by certified mail is effective if served at the garnishee's regular place of business. The effective date of service by certified mail is the time of receipt by the garnishee. A single garnishment summons may be addressed to two or more garnishees but must state whether each is summoned separately or jointly.

The garnishment summons must state:

(1) the full name of the debtor, the debtor's last known mailing address, and the amount of the claim that remains unpaid;

(2) the date of the entry of judgment against the debtor or that the debtor is in default pursuant to Rule 55.01 of the Minnesota Rules of Civil Procedure for the District Courts. Where there is a prejudgment garnishment pursuant to section 571.93, the garnishment summons must include a copy of the court order;

(3) if the garnishment is on any indebtedness, money, or property other than earnings, the garnishee shall serve upon the creditor and upon the debtor within 20 days after service of the garnishment summons, a written disclosure, of the garnishee's indebtedness, money, or other property owing to the debtor and answers to all written interrogatories that are served with the garnishment summons. The garnishment summons shall also state that if the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall serve the disclosure within ten days of the last payday to occur within the 70 days after the date of service of the garnishment summons;

(4) that the creditor shall not require disclosure of the disposable earnings, indebtedness, money, or property of debtor in the garnishee's possession or under the garnishee's control in excess of 110 percent of the amount of the claim that remains unpaid;

(5) that the garnishee shall retain disposable earnings, indebtedness, money, or property of the debtor in the garnishee's possession or under the garnishee's control not in excess of 110 percent of the amount of the claim that remains unpaid, until the creditor causes a writ of execution to be served upon the garnishee, until the debtor authorizes release to the creditor, until the creditor authorizes release to the debtor, upon court order, or by operation of law;

(6) that after the expiration of the period of time specified in section 571.79 from the date of service of the garnishment summons, the garnishee's retention obligation automatically expires;

(7) that an assignment of wages made by the debtor within ten days before the service of the first garnishment summons on a debt is void and that any indebtedness to the garnishee incurred with ten days before the service of the first garnishment summons on a debt may not be set off against amounts otherwise subject to the garnishment.

Sec. 21. Minnesota Statutes 1998, section 571.74, is amended to read:

571.74 [GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.]

The garnishment summons and notice to debtor must be substantially in the following form. The notice to debtor must be in no smaller than 14-point type.

GARNISHMENT SUMMONS

STATE OF MINNESOTA
COUNTY OF

DISTRICT COURT
..... JUDICIAL DISTRICT

..... (Creditor)
 (Debtor)
 (Debtor's Address)
 (Garnishee)

UNPAID BALANCE.
Date of Entry
of Judgment (or) Subject
to Minnesota Statutes,
section 571.71, subd. 2

GARNISHMENT SUMMONS

The State of Minnesota

To the Garnishee named above:

You are hereby summoned and required to serve upon the creditor's attorney (or the creditor if not represented by an attorney) and on the debtor within 20 days after service of this garnishment summons upon you, a written disclosure, of the indebtedness, money, or other property that you owe to the debtor the nonexempt indebtedness, money, or other property due or belonging to the debtor and owing by you or in your possession or under your control and answers to all written interrogatories that are served with the garnishment summons. However, if the garnishment is on earnings and the debtor has garnishable earnings, you shall serve the completed disclosure form on the creditor's attorney, or the creditor if not represented by an attorney, within ten days of the last payday to occur within the 70 days after the date of the service of this garnishment summons. "Payday" means the day which you pay earnings in the ordinary course of business. If the debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

Your disclosure need not exceed 110 percent of the amount of the creditor's claim that remains unpaid.

You shall retain garnishable earnings, other indebtedness, money, or other property in your possession in an amount not to exceed 110 percent of the creditor's claim until such time as the creditor causes a writ of execution to be served upon you, until the debtor authorizes you in writing to release the property to the creditor, or until the expiration of days from the date of service of this garnishment summons upon you, at which time you shall return the disposable earnings, other indebtedness, money, or other property to the debtor.

EARNINGS

In the event you are summoned as a garnishee because you owe "earnings" (as defined on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the creditor if not represented by an attorney, a written earnings disclosure form within the time limit set forth above.

In the case of earnings you are further required to retain in your possession all unpaid nonexempt disposable earnings owed or to be owed by you and earned or to be earned to the debtor within the pay period in which this garnishment summons is served and within all subsequent pay periods whose paydays (defined above) occur within the 70 days after the date of service of this garnishment summons.

Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.

You are prohibited by law from discharging or disciplining the debtor because the debtor's earnings have been subject to garnishment.

This Garnishment Summons includes:

(check applicable box)
 Earnings garnishment
 (see attached Earnings Disclosure Form)

- Nonearnings garnishment
(see attached Nonearnings Disclosure Form)
- Both Earnings and Nonearnings garnishment
(see both attached Earnings and Nonearnings
Disclosure Form)

NOTICE TO DEBTOR

A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out if not applicable), copies of which are hereby served on you, were served upon the Garnishee by delivering copies to the Garnishee. The Garnishee was paid \$15.

Dated:

.
Attorney for Creditor
(or creditor)
.
.
.
Address
.
Telephone
.
Attorney I.D. No.

Sec. 22. Minnesota Statutes 1999 Supplement, section 571.75, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF DISCLOSURE.] The disclosure must state:

- (a) If an earnings garnishment disclosure, the amount of disposable earnings earned by the debtor within the debtor's pay periods as specified in section 571.921.
- (b) If a nonearnings garnishment disclosure, a description of any personal property or any instrument or papers relating to this property belonging to the judgment debtor or in which the debtor is interested or other indebtedness of the garnishee to the debtor.
- (c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings, other indebtedness, money, or property, the garnishee shall disclose the amount and the facts concerning the same.
- (d) Whether the debtor asserts any exemption, or any other objection, known to the garnishee against the right of the creditor to garnish the disposable earnings, other indebtedness, money, or property disclosed.
- (e) If other persons assert claims to any disposable earnings, other indebtedness, money, or property disclosed, the garnishee shall disclose the names and addresses of these claimants and, so far as known by the garnishee, the nature of their claims.
- (f) The garnishment disclosure forms and earnings disclosure worksheet must be the same or substantially similar to the following forms. If the garnishment affects earnings of the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment affects any indebtedness, money, or property of the debtor, other than earnings, the creditor shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

EARNINGS DISCLOSURE FORM AND WORKSHEET

STATE OF MINNESOTA
COUNTY OF
.....(Creditor)
.....(Debtor)
.....(Garnishee)

DISTRICT COURT
..... JUDICIAL DISTRICT
GARNISHMENT
EARNINGS DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of garnishment, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the debtor has no regular payday, payday(s) means the fifteenth and the last day of each month.

THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:

1. Do you now owe, or within 70 days from the date the garnishment summons was served on you, will you or do you expect to owe money to the debtor for earnings?

Yes No

2. Does the debtor earn more than \$. per week? (This amount is the federal minimum wage per week.)

Yes No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented by an attorney) within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the garnishment summons was served on you, YOU MUST calculate the amount of earnings to be retained by completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in Column I on the Earnings Disclosure Worksheet.

You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented by an attorney) and deliver a copy to the debtor within ten days after the last payday that falls within the 70-day period.

If the claim is wholly satisfied or if the debtor's employment ends before the expiration of the 70-day period, your disclosure should be made within ten days after the last payday for which earnings were attached.

For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

3. COLUMN A. Enter the date of debtor's payday.
4. COLUMN B. Enter debtor's gross earnings for each payday.
5. COLUMN C. Enter debtor's disposable earnings for each payday.
6. COLUMN D. Enter 25 percent of disposable earnings.
(Multiply Column C by .25.)
7. COLUMN E. Enter here 40 times the hourly federal minimum wage (\$. . .) times the number of work weeks included in each payday.
(Note: If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)
8. COLUMN F. Subtract the amount in Column E from the amount in Column C, and enter here.
9. COLUMN G. Enter here the lesser of the amount in Column D and the amount in Column F.
10. COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the debtor. (Note: Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment. Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in Column H if there are no claims by you or others which would reduce the amount of earnings owing to the debtor.
11. COLUMN I. Subtract the amount in Column H from the amount in Column G and enter here. This is the amount of earnings that you must retain for the payday for which the calculations were made.

AFFIRMATION

I,..... (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....

Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.....	\$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.
D 25% of Column C	E 40 X Min. Wage	F Column C minus Column E
1.	\$.....	\$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.
G Lesser of Column D and Column F	H Setoff, Lien, Adverse Interest, or Other Claims	I Column G minus Column H
1.	\$.....	\$.....
2.

3. ....	.....	.....
4. ....	.....	.....
5. ....	.....	.....
6. ....	.....	.....
7. ....	.....	.....
8. ....	.....	.....
9. ....	.....	.....
10. ....	.....	.....
	TOTAL OF COLUMN I	\$.

*If you entered any amount in Column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others you must both state the names and addresses of these persons, and the nature of their claim, if known.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

Dated:

Signature

Title

Telephone Number (. . .)

EARNINGS DISCLOSURE FORM AND WORKSHEET
 FOR CHILD SUPPORT DEBTOR

STATE OF MINNESOTA
 COUNTY OF
 (Creditor)
 (Debtor)
 (Garnishee)

DISTRICT COURT
 JUDICIAL DISTRICT
 GARNISHMENT
 EARNINGS DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers' compensation, or reemployment compensation.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the debtor for earnings?

.....
Yes

.....
No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to question 1 is "No," then you must sign the affirmation below and return this disclosure to the creditor's attorney (or the creditor if not represented by an attorney) within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the garnishment summons was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented by an attorney) and deliver a copy to the debtor within ten days after the last payday that falls within the 70-day period. If the claim is wholly satisfied or if the debtor's employment ends before the expiration of the 70-day period, your disclosure should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of debtor's payday.

(3) COLUMN B. Enter debtor's gross earnings for each payday.

(4) COLUMN C. Enter debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column E if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(7) COLUMN F. Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.
Signature
.
Title
.
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.
Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.

D Either 50, 55, 60, or 65% of Column C	E Setoff, Lien, Adverse Interest, or Other Claims	F Column D minus Column E
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.
	TOTAL OF COLUMN	F \$.

*If you entered any amount in column E for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....

Signature

Dated:

(...).....

Title:

Phone Number

NONEARNINGS DISCLOSURE FORM

STATE OF MINNESOTA
 COUNTY OF
 (Creditor)
 against
 (Debtor)
 and
 (Garnishee)

DISTRICT COURT
 JUDICIAL DISTRICT

NONEARNINGS DISCLOSURE

On the day of,, the time of service of garnishment summons herein, there was due and owing the debtor from the garnishee the following:

(1) Money. Enter on the line below any amounts due and owing the debtor, except earnings, from the garnishee.

.....

(2) Property. Describe on the line below any personal property, instruments, or papers belonging to the debtor and in the possession of the garnishee.

.....

(3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.)

.....

(4) Exemption. Enter on the line below any amounts or property claimed by the debtor to be exempt from execution.

.....

(5) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the debtor's property.

.....

(6) Enter on the line below the total of lines (3), (4), and (5).

.....

(7) Enter on the line below the difference obtained (never less than zero) when line (6) is subtracted from the sum of lines (1) and (2).

.....

(8) Enter on the line below 110 percent of the amount of the creditor's claim which remains unpaid.

.....

(9) Enter on the line below the lesser of line (7) and line (8). Retain this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this nonearnings garnishment disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature
.....
Title
.....
Telephone Number

Sec. 23. [571.771] [MONEY DUE FROM STATE DEPARTMENTS.]

Money due or owing to any entity or person by the state on account of any employment, work, contract with, or services provided to any state department or agency is subject to garnishment. The garnishment summons may be served upon the head of the department or agency in the same manner as other summons in that court of record except that service may not be made by publication. Service of the garnishment summons may also be made by certified mail, return receipt requested. The disclosure must be made by the head of the department or agency, or by some person designated by the head having knowledge of the facts. If payment is made pursuant to judgment against the state as garnishee, a certificate of satisfaction to the extent of the payment endorsed on it must be delivered to the head of the department or agency as a voucher for the payment.

Sec. 24. Minnesota Statutes 1998, section 571.79, is amended to read:

571.79 [DISCHARGE OF A GARNISHEE.]

Subject to sections 571.78 and 571.80 Except as provided in paragraph (h), the garnishee, after disclosure, shall be discharged of any further retention obligation to the creditor with respect to a specific garnishment summons when one of the following conditions are met:

(a) The garnishee discloses that the garnishee is not indebted to the debtor or does not possess any money or other property belonging to the debtor that is attachable as defined in section 571.73, subdivision 3. The disclosure is conclusive against the creditor and discharges the garnishee from any further obligation to the creditor other than to retain all nonexempt disposable earnings, indebtedness, money, and property of the debtor which was disclosed.

(b) The garnishee discloses that the garnishee is indebted to the debtor as indicated on the garnishment disclosure form. The disclosure is conclusive against the creditor and discharges the garnishee from any further obligation to the creditor other than to retain all nonexempt disposable earnings, indebtedness, money, and property of the debtor that was disclosed.

(c) If the garnishee was served with a garnishment summons before entry of judgment against the debtor by the creditor in the civil action and the garnishee has retained any disposable earnings, indebtedness, money, or property of the debtor, 270 days after the garnishment summons is served the garnishee is discharged and the garnishee shall return any disposable earnings, indebtedness, money, and property to the debtor.

(d) If the garnishee was served with a garnishment summons after entry of judgment against the debtor by the creditor in the civil action and the garnishee has retained any disposable earnings, indebtedness, money, or property of the debtor, 180 days after the garnishment summons is served the garnishee is discharged and the garnishee shall return any disposable earnings, other indebtedness, money, and property to the debtor.

(e) If the garnished indebtedness, money, or other property is destroyed without any negligence of the garnishee, the garnishee is discharged of any liability to the creditor for nondelivery of the garnished indebtedness, money, and other property.

(f) The court may, upon motion of an interested person, discharge the garnishee as to any disposable earnings, other indebtedness, money, and property in excess of the amount that may be required to satisfy the creditor's claim.

(g) The discharge of the garnishee pursuant to paragraph (a), (b), (c), or (d) is not determinative of the rights of the creditor, debtor, or garnishee with respect to any other garnishment summons, even another garnishment summons involving the same parties, unless and to the extent adjudicated pursuant to the procedures described in paragraph (h).

(h) The garnishee is not discharged if within 20 days of the service of the garnishee's disclosure or the return to the debtor of any disposable earnings, indebtedness money, or other property of the debtor, whichever is later, an interested person (1) serves a motion scheduled to be heard within 30 days of the service of the motion relating to the garnishment, or (2) serves a motion scheduled to be heard within 30 days of the service of the motion for leave to file a supplemental complaint against the garnishee, as provided under section 571.75, subdivision 4, and the court upon proper showing vacates the discharge of the garnishee.

Sec. 25. Minnesota Statutes 1998, section 571.82, subdivision 1, is amended to read:

Subdivision 1. [JUDGMENT UPON FAILURE TO DISCLOSE.] If a garnishee fails to serve a disclosure as required in this chapter, the court may render judgment against the garnishee, upon motion by the creditor, for an amount not exceeding ~~the creditor's claim against the debtor or~~ 110 percent of the amount claimed in the garnishment summons, ~~whichever is less.~~ The motion shall be supported by an affidavit of the facts and shall be served upon both the debtor and the garnishee. The court upon good cause shown may remove the default and permit the garnishee to disclose on just terms.

Sec. 26. Minnesota Statutes 1999 Supplement, section 571.912, is amended to read:

571.912 [FORM OF EXEMPTION NOTICE.]

The notice informing a debtor that an order for attachment, garnishment summons, or levy by execution has been used to attach funds of the debtor to satisfy a claim must be substantially in the following form:

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF .....	..... JUDICIAL DISTRICT
.....(Creditor)	
.....(Debtor)	
TO: Debtor	EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (bank or other financial institution) where you have an account.

Your account balance is \$.....

The amount being held is \$.....

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

- (1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance;
- (2) Social Security benefits (Old Age, Survivors, or Disability Insurance);
- (3) reemployment compensation, workers' compensation, or veterans' benefits;

- (4) an accident, disability, or retirement pension or annuity;
- (5) life insurance proceeds;
- (6) the earnings of your minor child and any child support paid to you; or
- (7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

- (8) all earnings of a person in category (1);
- (9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;
- (10) 75 percent of every debtor's after tax earnings; and
- (11) all of a debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the creditor's attorney. In the event that there is no attorney for the creditor, then such notice shall be sent directly to the creditor. The address for the creditor's attorney or the creditor is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If they do not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

- (1) nonexempt money can be turned over to the creditor or sheriff;
- (2) the financial institution will keep holding the money claimed to be exempt; and
- (3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

The institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
.....
.....
.....

Name and address of (Attorney for) Judgment Creditor

EXEMPTION:

(If you claim an exemption complete the following):

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$.....

(b) Basis for exemption.

Of the eleven categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number:;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named creditor or its attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the creditor's attorney at the address indicated above.

DATED:

.....
DEBTOR
.....
DEBTOR ADDRESS
.....
DEBTOR TELEPHONE NUMBER

Sec. 27. Minnesota Statutes 1998, section 571.914, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF OBJECTION.] (a) The written objection to the debtor must be in substantially the following form:

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF .....	..... JUDICIAL DISTRICT
..... (Creditor)	
..... (Debtor)	CREDITOR'S OBJECTION
..... (Garnishee)	TO EXEMPTION CLAIM

The creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you ~~should need to~~ do so within ten days of your receipt of this from the date the objection was personally served on you, or within 13 days of the date the objection was mailed to you. You may request a hearing by completing the attached form and filing it with the court administrator.

1. The court shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.
2. Upon the filing of a Request for Hearing, the clerk shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.
3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.
4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.

If you do not file a Request for Hearing within ten days of the date ~~you receive this objection~~ the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your creditor.

If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court, or until the garnishment lapses pursuant to Minnesota Statutes, section 571.79.

.....
(CREDITOR OR CREDITOR'S ATTORNEY.)

Sec. 28. Minnesota Statutes 1998, section 571.921, is amended to read:

571.921 [DEFINITIONS.]

For purposes of sections 571.921 to 571.926, the following terms have the meanings given them:

(a) "Earnings" means:

(1) compensation paid or payable to an employee for personal service whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program;

(2) compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2; or

(3) maintenance as defined in section 518.54, subdivision 3;

(b) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations.

(c) "Employee" means an individual who performs services subject to the right of the employer to control both what is done and how it is done.

(d) "Employer" means a person for whom an individual performs services as an employee.

Sec. 29. Minnesota Statutes 1999 Supplement, section 571.925, is amended to read:

571.925 [FORM OF NOTICE.]

The ten-day notice informing a debtor that a garnishment summons may be used to garnish the earnings of an individual must be substantially in the following form:

STATE OF MINNESOTA
COUNTY OF
.....(Creditor)
against

DISTRICT COURT
..... JUDICIAL DISTRICT

.....(Debtor)
and

GARNISHMENT EXEMPTION
NOTICE AND NOTICE OF
INTENT TO GARNISH EARNINGS
~~WITHIN TEN DAYS~~

..... (Garnishee)

PLEASE TAKE NOTICE that a garnishment summons or levy may be served upon your employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Some or all of your earnings are exempt from garnishment. If your earnings are garnished, your employer must show you how the amount that is garnished from your earnings was calculated. You have the right to request a hearing if you claim the garnishment is incorrect.

Your earnings are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months.

Relief based on need includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the creditor's attorney and the garnishee.

You may wish to contact the attorney for the creditor in order to arrange for a settlement of the debt or contact an attorney to advise you about exemptions or other rights.

PENALTIES

(1) Be advised that even if you claim an exemption, a garnishment summons may still be served on your employer. If your earnings are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

(2) HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

(3) If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney's fees plus an amount not to exceed \$100.

DATED:
.....
(Attorney for) Creditor
.....
Address
.....
Telephone

DEBTOR'S EXEMPTION CLAIM NOTICE

I hereby claim that my earnings are exempt from garnishment because:

(1) I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received.)

.....
Program Case Number (if known) County

(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)

.....
Program Case Number (if known) County

(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)

.....
Correctional Institution Location

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above-named creditor or the creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institution within the last six months. I have mailed or delivered a copy of this form to the creditor or creditor's attorney.

.....
Date Debtor
.....
Address
.....
Debtor Telephone Number

Sec. 30. [REPEALER.]

Minnesota Statutes 1998, section 571.80, is repealed."

Delete the title and insert:

"A bill for an act relating to creditors' remedies; regulating garnishments, executions, and levies; revising forms; regulating service; defining terms; providing notification; increasing the dollar amount of attorneys' execution levies; making various housekeeping and technical changes; amending Minnesota Statutes 1998, sections 550.051, subdivision 1; 550.136, subdivisions 2 and 9; 550.143, subdivisions 7 and 8; 551.01; 551.04, subdivisions 4, 6, and 9; 551.05, subdivision 5; 551.06, subdivision 9; 571.72, subdivision 2; 571.74; 571.79; 571.82, subdivision 1; 571.914, subdivision 2; and 571.921; Minnesota Statutes 1999 Supplement, sections 550.136, subdivisions 6 and 10; 550.143, subdivision 3; 551.05, subdivision 1a; 551.06, subdivision 10; 571.75, subdivision 2; 571.912; and 571.925; proposing coding for new law in Minnesota Statutes, chapters 551; and 571; repealing Minnesota Statutes 1998, section 571.80."

With the recommendation that when so amended the bill pass.

The report was adopted.

Lindner from the Committee on Jobs and Economic Development Policy to which was referred:

H. F. No. 3584, A bill for an act relating to manufactured homes; clarifying the requirements for a limited dealer license; amending Minnesota Statutes 1998, section 327B.04, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 327B.04, subdivision 8, is amended to read:

Subd. 8. [LIMITED DEALER'S LICENSE.] The commissioner shall issue a limited dealer's license to an owner of a manufactured home park authorizing the licensee as principal only to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park ~~as principal only~~. The licensee must be the title holder of the homes and may engage in no more than five sales annually. An owner may, upon payment of the applicable fee and compliance with this subdivision, obtain a separate license for each owned manufactured home park and is entitled to sell up to five homes per license provided that only one limited dealer license may be issued for each park. The license shall be issued ~~only~~ after:

(1) receipt of the an application described in section 327B.04, subdivision 3, on forms provided by the commissioner containing the following information:

(i) the identity of the applicant;

(ii) the name under which the applicant will be licensed and do business in this state;

(iii) the name and address of the owned manufactured home park, including a copy of the park license, serving as the basis for the issuance of the license; and

(iv) the name, home, and business address of the applicant;

(2) payment of the a \$100 annual fee prescribed in section 327B.04, subdivision 7,; and compliance with the license prerequisites contained in section 327B.04, subdivision 4, except that an applicant need only secure

(3) provision of a surety bond in the amount of \$5,000, and. A separate surety bond must be provided for each limited license.

The applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license. The commissioner may, upon application for a renewal of a license, require only a verification that copies of sales documents have been retained and payment of a \$100 renewal fee. "Sales documents" mean only the safety feature disclosure form defined in section 327C.07, subdivision 3a, title of the home, financing agreements, and purchase agreements.

~~The commissioner shall adopt rules under sections 14.22 to 14.28 to provide for issuing a limited dealer's license.~~

The license holder shall, upon request of the commissioner, make available for inspection during business hours sales documents required to be retained under this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. The commissioner must have application forms available and begin accepting license applications within 60 days of the effective date."

Delete the title and insert:

"A bill for an act relating to manufactured homes; clarifying the requirements for a limited dealer license; amending Minnesota Statutes 1998, section 327B.04, subdivision 8."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3597, A bill for an act relating to state government; regulating investments; eliminating the annual disclosure of expense reimbursements; modifying investment options for the medical education endowment fund and the tobacco use prevention and local public health endowment fund; amending Minnesota Statutes 1998, section 11A.24, subdivisions 5 and 6; Minnesota Statutes 1999 Supplement, sections 62J.694, subdivisions 1 and 2; and 144.395, subdivisions 1 and 2; repealing Minnesota Statutes 1998, section 11A.241.

Reported the same back with the following amendments:

Page 1, line 20, delete "a governmental agency" and insert "an agency of the United States or Canadian national government"

Page 2, lines 12 and 26, after "corporations" insert ", limited liability companies"

Page 3, line 20, strike ", are" and insert "is"

Page 5, delete lines 25 and 26

Page 5, line 27, delete "8" and insert "7"

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete everything before "modifying"

Page 1, line 10, delete everything after "2" and insert a period

Page 1, delete line 11

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3610, A bill for an act relating to health; providing patient protections; requiring coverage for medical clinical trials; amending Minnesota Statutes 1998, sections 62D.17, subdivision 1; 62J.38; 62Q.56; and 62Q.58; Minnesota Statutes 1999 Supplement, section 45.027, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 45.027, subdivision 6, is amended to read:

Subd. 6. [VIOLATIONS AND PENALTIES.] The commissioner may impose a civil penalty not to exceed \$10,000 per violation upon a person who violates any law, rule, or order related to the duties and responsibilities entrusted to the commissioner unless a different penalty is specified. If a civil penalty is imposed on a health carrier as defined in section 62A.011, the commissioner must divide 50 percent of the amount among any policy holder or certificate holder affected by the violation.

Sec. 2. Minnesota Statutes 1998, section 62D.17, subdivision 1, is amended to read:

Subdivision 1. The commissioner of health may, for any violation of statute or rule applicable to a health maintenance organization, or in lieu of suspension or revocation of a certificate of authority under section 62D.15, levy an administrative penalty in an amount up to \$25,000 for each violation. In the case of contracts or agreements made pursuant to section 62D.05, subdivisions 2 to 4, each contract or agreement entered into or implemented in a manner which violates sections 62D.01 to 62D.30 shall be considered a separate violation. In determining the level of an administrative penalty, the commissioner shall consider the following factors:

- (1) the number of enrollees affected by the violation;
- (2) the effect of the violation on enrollees' health and access to health services;
- (3) if only one enrollee is affected, the effect of the violation on that enrollee's health;
- (4) whether the violation is an isolated incident or part of a pattern of violations; and
- (5) the economic benefits derived by the health maintenance organization or a participating provider by virtue of the violation.

Reasonable notice in writing to the health maintenance organization shall be given of the intent to levy the penalty and the reasons therefor, and the health maintenance organization may have 15 days within which to file a written request for an administrative hearing and review of the commissioner of health's determination. Such administrative hearing shall be subject to judicial review pursuant to chapter 14. If an administrative penalty is levied, the commissioner must divide 50 percent of the amount among any enrollee affected by the violation.

Sec. 3. Minnesota Statutes 1998, section 62J.38, is amended to read:

62J.38 [COST CONTAINMENT DATA FROM GROUP PURCHASERS.]

(a) The commissioner shall require group purchasers to submit detailed data on total health care spending for each calendar year. Group purchasers shall submit data for the 1993 calendar year by April 1, 1994, and each April 1 thereafter shall submit data for the preceding calendar year.

(b) The commissioner shall require each group purchaser to submit data on revenue, expenses, and member months, as applicable. Revenue data must distinguish between premium revenue and revenue from other sources and must ~~also~~ include information on the amount of revenue in reserves and changes in reserves. Expenditure data, ~~including raw data from claims, may~~ must distinguish between expenses incurred for patient care and administrative costs. Expenditure data must be provided separately for the following categories ~~or~~ and for other categories required by the commissioner: physician services, dental services, other professional services, inpatient hospital services, outpatient hospital services, emergency, pharmacy services and other nondurable medical goods, mental health, and chemical dependency services, other expenditures, subscriber liability, and administrative costs. Administrative costs shall include costs for marketing; advertising; overhead; underwriting; lobbying; claims processing; provider contracting and credentialing; detection and prevention of payment for fraudulent or unjustified requests for reimbursement or services; concurrent or prospective utilization review as defined in section 62M.02; expenses incurred to acquire a hospital, clinic, health care facility, or the assets thereof; capital costs incurred on behalf of a hospital or clinic; lease payments; or any other expenses incurred to a hospital, clinic, or other health care provider pursuant to a partnership, joint venture, integration, or affiliation agreement. The commissioner may require each group purchaser to submit any other data, including data in unaggregated form, for the purposes of developing spending estimates, setting spending limits, and monitoring actual spending and costs.

(c) The commissioner may collect information on:

- (1) premiums, benefit levels, managed care procedures, and other features of health plan companies;

(2) prices, provider experience, and other information for services less commonly covered by insurance or for which patients commonly face significant out-of-pocket expenses; and

(3) information on health care services not provided through health plan companies, including information on prices, costs, expenditures, and utilization.

(d) All group purchasers shall provide the required data using a uniform format and uniform definitions, as prescribed by the commissioner.

Sec. 4. Minnesota Statutes 1998, section 62J.51, is amended by adding a subdivision to read:

Subd. 19a. [UNIFORM EXPLANATION OF BENEFITS DOCUMENT.] "Uniform explanation of benefits document" means the document associated with and explaining the details of a group purchaser's claim adjudication for services rendered, which is sent to a patient.

Sec. 5. Minnesota Statutes 1998, section 62J.51, is amended by adding a subdivision to read:

Subd. 19b. [UNIFORM REMITTANCE ADVICE REPORT.] "Uniform remittance advice report" means the document associated with and explaining the details of a group purchaser's claim adjudication for services rendered, which is sent to a provider.

Sec. 6. Minnesota Statutes 1998, section 62J.52, subdivision 1, is amended to read:

Subdivision 1. [UNIFORM BILLING FORM HCFA 1450.] (a) On and after January 1, 1996, all institutional inpatient hospital services, ancillary services, ~~and~~ institutionally owned or operated outpatient services rendered by providers in Minnesota, and institutional or noninstitutional home health services that are not being billed using an equivalent electronic billing format, must be billed using the uniform billing form HCFA 1450, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1450 shall be in accordance with the uniform billing form manual specified by the commissioner. In promulgating these instructions, the commissioner may utilize the manual developed by the National Uniform Billing Committee, as adopted and finalized by the Minnesota uniform billing committee.

(c) Services to be billed using the uniform billing form HCFA 1450 include: institutional inpatient hospital services and distinct units in the hospital such as psychiatric unit services, physical therapy unit services, swing bed (SNF) services, inpatient state psychiatric hospital services, inpatient skilled nursing facility services, home health services (Medicare part A), and hospice services; ancillary services, where benefits are exhausted or patient has no Medicare part A, from hospitals, state psychiatric hospitals, skilled nursing facilities, and home health (Medicare part B); ~~and~~ institutionally owned or operated outpatient services such as waivered services, hospital outpatient services, including ambulatory surgical center services, hospital referred laboratory services, hospital-based ambulance services, and other hospital outpatient services, skilled nursing facilities, home health, including infusion therapy, freestanding renal dialysis centers, comprehensive outpatient rehabilitation facilities (CORF), outpatient rehabilitation facilities (ORF), rural health clinics, ~~and~~ community mental health centers; home health services such as home health intravenous therapy providers, waivered services, personal care attendants, and hospice; and any other health care provider certified by the Medicare program to use this form.

(d) On and after January 1, 1996, a mother and newborn child must be billed separately, and must not be combined on one claim form.

Sec. 7. Minnesota Statutes 1998, section 62J.52, subdivision 2, is amended to read:

Subd. 2. [UNIFORM BILLING FORM HCFA 1500.] (a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form HCFA 1500, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1500 shall be in accordance with the manual developed by the administrative uniformity committee entitled standards for the use of the HCFA 1500 form, dated February 1994, as further defined by the commissioner.

(c) Services to be billed using the uniform billing form HCFA 1500 include physician services and supplies, durable medical equipment, noninstitutional ambulance services, independent ancillary services including occupational therapy, physical therapy, speech therapy and audiology, podiatry services, optometry services, mental health licensed professional services, substance abuse licensed professional services, nursing practitioner professional services, certified registered nurse anesthetists, chiropractors, physician assistants, laboratories, medical suppliers, and other health care providers such as ~~home health intravenous therapy providers, personal care attendants, day activity centers, waived services, hospice, and other home health services~~, and freestanding ambulatory surgical centers.

Sec. 8. Minnesota Statutes 1998, section 62J.52, subdivision 5, is amended to read:

Subd. 5. [STATE AND FEDERAL HEALTH CARE PROGRAMS.] (a) Skilled nursing facilities and ICF/MR services billed to state and federal health care programs administered by the department of human services shall use the form designated by the department of human services.

(b) On and after July 1, 1996, state and federal health care programs administered by the department of human services shall accept the HCFA 1450 for community mental health center services and shall accept the HCFA 1500 for freestanding ambulatory surgical center services.

(c) State and federal health care programs administered by the department of human services shall be authorized to use the forms designated by the department of human services for pharmacy services ~~and for child and teen checkup services~~.

(d) State and federal health care programs administered by the department of human services shall accept the form designated by the department of human services, and the HCFA 1500 for supplies, medical supplies, or durable medical equipment. Health care providers may choose which form to submit.

(e) Personal care attendant and waived services billed on a fee-for-service basis directly to state and federal health care programs administered by the department of human services shall use either the HCFA 1450 or the HCFA 1500 form, as designated by the department of human services.

Sec. 9. [62J.581] [STANDARDS FOR MINNESOTA UNIFORM HEALTH CARE REIMBURSEMENT DOCUMENTS.]

Subdivision 1. [MINNESOTA UNIFORM REMITTANCE ADVICE REPORT.] All group purchasers and payers shall provide a uniform remittance advice report to health care providers when a claim is adjudicated. The uniform remittance advice report shall comply with the standards prescribed in this section.

Subd. 2. [MINNESOTA UNIFORM EXPLANATION OF BENEFITS DOCUMENT.] All group purchasers and payers shall provide a uniform explanation of benefits document to health care patients when a claim is adjudicated. The uniform explanation of benefits document shall comply with the standards prescribed in this section.

Subd. 3. [SCOPE.] For purposes of sections 62J.50 to 62J.61, the uniform remittance advice report and the uniform explanation of benefits document format specified in subdivision 4 shall apply to all health care services delivered by a health care provider or health care provider organization in Minnesota, regardless of the location of the payer. Health care services not paid on an individual claims basis, such as capitated payments, are not included in this section. A health plan company is excluded from the requirements in subdivisions 1 and 2 if they comply with section 62A.01, subdivisions 2 and 3.

Subd. 4. [SPECIFICATIONS.] The uniform remittance advice report and the uniform explanation of benefits document shall be provided by use of a paper document conforming to the specifications in this section or by use of the ANSI X12N 835 standard electronic format as established under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time for the remittance advice. The commissioner, after consulting with the administrative uniformity committee, shall specify the data elements and definitions for the uniform remittance advice report and the uniform explanation of benefits document.

Subd. 5. [EFFECTIVE DATE.] The requirements in subdivisions 1 and 2 are effective 12 months after the date of required compliance with the standards for the electronic remittance advice transaction under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time. The requirements in subdivisions 1 and 2 apply regardless of when the health care service was provided to the patient.

Sec. 10. Minnesota Statutes 1998, section 62J.60, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA HEALTH CARE IDENTIFICATION CARD.] All individuals with health care coverage shall be issued health care identification cards by group purchasers as of January 1, 1998, unless the requirements of section 62A.01, subdivisions 2 and 3, are met. The health care identification cards shall comply with the standards prescribed in this section.

Sec. 11. Minnesota Statutes 1998, section 62Q.56, is amended to read:

62Q.56 [CONTINUITY OF CARE.]

Subdivision 1. [CHANGE IN HEALTH CARE PROVIDER.] (a) If enrollees are required to access services through selected primary care providers for coverage, the health plan company shall prepare a written plan that provides for continuity of care in the event of contract termination between the health plan company and any of the contracted primary care providers or general hospital providers. The written plan must explain:

(1) how the health plan company will inform affected enrollees, ~~insureds, or beneficiaries~~ about termination at least 30 days before the termination is effective, if the health plan company or health care network cooperative has received at least 120 days' prior notice;

(2) how the health plan company will inform the affected enrollees about what other participating providers are available to assume care and how it will facilitate an orderly transfer of its enrollees from the terminating provider to the new provider to maintain continuity of care;

(3) the procedures by which enrollees will be transferred to other participating providers, when special medical needs, special risks, or other special circumstances, such as cultural or language barriers, require them to have a longer transition period or be transferred to nonparticipating providers;

(4) who will identify enrollees with special medical needs or at special risk and what criteria will be used for this determination; and

(5) how continuity of care will be provided for enrollees identified as having special needs or at special risk, and whether the health plan company has assigned this responsibility to its contracted primary care providers.

(b) If the contract termination was not for cause, ~~enrollees can request a referral to the terminating provider for up to 120 days if they have special medical needs or have other special circumstances, such as cultural or language barriers. health plans must provide, upon request, a referral to the terminating provider for up to 120 days if:~~

(1) they are engaged in a current episode of treatment for the following conditions:

(i) an acute condition;

- (ii) a life-threatening mental or physical illness;
- (iii) pregnancy beyond the first trimester of pregnancy; or
- (iv) a disabling or chronic condition that is in an acute phase; or
- (2) the enrollee:

(i) is receiving culturally appropriate services and the health plan company does not have a provider in its preferred provider network with special expertise in the delivery of these culturally appropriate services within the time and distance requirements of section 62D.124, subdivision 1; or

(ii) does not speak English and the health plan company does not have a provider or interpreter in its preferred provider network that speaks the language spoken by the enrollee within the time and distance requirements of section 62D.124, subdivision 1.

The health plan company must explain the criteria that it used to determine its decision on the request for referral. If a referral is granted, the health plan company must explain how the continuity of care will be provided.

The health plan company can require medical records and other supporting documentation in support of the requested referral. Each request for referral to a terminating provider shall be considered by the health plan company on a case-by-case basis.

(c) If the contract termination was for cause, enrollees must be notified of the change and transferred to participating providers in a timely manner so that health care services remain available and accessible to the affected enrollees. The health plan company is not required to refer an enrollee back to the terminating provider if the termination was for cause.

Subd. 2. [CHANGE IN HEALTH PLANS.] ~~(a) The health plan company shall prepare a written plan that provides a process for coverage determinations for continuity of care for new enrollees with special needs, special risks, or other special circumstances, such as cultural or language barriers, who request continuity of care with their former provider for up to 120 days. The written plan must explain the criteria that will be used for determining special needs cases, and how continuity of care will be provided. If enrollees are subject to a change in health plans, health plans must provide, upon request, a referral to their current provider for up to 120 days if:~~

- (1) they are engaged in a current episode of treatment for the following conditions:
 - (i) an acute condition;
 - (ii) a life-threatening mental or physical illness;
 - (iii) pregnancy beyond the first trimester of pregnancy; or
 - (iv) a disabling or chronic condition that is in an acute phase; or
- (2) the enrollee:

(i) is receiving culturally appropriate services and the health plan company does not have a provider in its preferred provider network with special expertise in the delivery of these culturally appropriate services within the time and distance requirements of section 62D.124, subdivision 1; or

(ii) does not speak English and the health plan company does not have a provider or interpreter in its preferred provider network that speaks the language spoken by the enrollee within the time and distance requirements of section 62D.124, subdivision 1.

The health plan company may require medical records and other supporting documentation to be submitted with the request for referral. Each request for referral to a current provider shall be considered by the health plan company on a case-by-case basis. The health plan company must explain the criteria it used to make its decision on the request for referral. If a referral is granted, the health plan company must explain how continuity of care will be provided.

(b) This subdivision applies only to group coverage and continuation and conversion coverage, and applies only to changes in health plans made by the employer.

Subd. 2a. [LIMITATIONS.] (a) Subdivisions 1 and 2 apply only if the enrollee's health care provider agrees to:

(1) accept as payment in full the health plan company's reimbursement rate for in-network providers for the same or similar service or, at the discretion of the health plan company, accept as payment in full the reimbursement rate specified in a fee schedule established by the health plan company;

(2) adhere to the health plan company's preauthorization requirements; and

(3) provide the health plan company with all necessary medical information related to the care provided to the enrollee.

(b) Nothing in this section requires a health plan company to provide coverage for a health care service or treatment that is not covered under the enrollee's health plan.

Subd. 3. [DISCLOSURES DISCLOSURE.] The written plans required under this section must be made available upon request to enrollees or prospective enrollees. Information regarding an enrollee's rights under this section must be included in member contracts or certificates of coverage and must be provided by a health plan company upon request of an enrollee or prospective enrollee.

Sec. 12. Minnesota Statutes 1998, section 62Q.58, is amended to read:

62Q.58 [ACCESS TO SPECIALTY CARE.]

Subdivision 1. [STANDING REFERRAL.] A health plan company shall establish a procedure by which an enrollee may apply for and, if appropriate, receive a standing referral to a health care provider who is a specialist if a referral to a specialist is required for coverage. This procedure for a standing referral must specify the necessary criteria and conditions, which must be met in order for an enrollee to obtain a standing referral managed care review and approval an enrollee must obtain before such a standing referral is permitted.

Subd. 1a. [MANDATORY STANDING REFERRAL.] An enrollee who requests a standing referral to a specialist qualified to treat the specific condition described in clauses (1) to (3) must be given a standing referral to such a specialist if benefits for such treatment are provided under the health plan and the enrollee meets any of the following conditions:

(1) an acute condition;

(2) a life-threatening mental or physical illness;

(3) pregnancy beyond the first trimester of pregnancy; or

(4) a disabling or chronic condition that is in an acute phase.

Subd. 2. [COORDINATION OF SERVICES.] A primary care provider or primary care group shall remain responsible for coordinating the care of an enrollee who has received a standing referral to a specialist. The specialist shall not make any secondary referrals related to primary care services without prior approval by the

~~primary care provider or primary care group. However, An enrollee with a standing referral to a specialist may request primary care services from that specialist that the specialist become the enrollee's primary care provider and manage all medical care appropriate to the enrollee. The specialist, in agreement with the enrollee and primary care provider or primary care group, may elect to provide primary care services to that the enrollee, authorize tests and services, and make secondary referrals according to procedures established by the health plan company.~~

Subd. 3. [DISCLOSURE.] Information regarding referral procedures under this section must be included in any direct marketing materials and in member contracts or certificates of coverage and must be provided to an enrollee or prospective enrollee by a health plan company upon request.

Sec. 13. [62Q.75] [MEDICAL CLINICAL TRIALS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, "patient cost" means the cost of a medically necessary health care service covered and provided by the health plan that would normally be provided to or be available to the patient, whether or not the patient participated in a clinical trial. Patient cost does not include:

- (1) the cost of an investigational drug or device;
- (2) the cost of a nonhealth care service that an enrollee may be required to receive as a result of treatment being provided for the purposes of a clinical trial;
- (3) costs associated with managing the research associated with a clinical trial; or
- (4) costs that would not be covered under the enrollee's health plan.

Subd. 2. [COVERAGE REQUIRED.] A health plan company shall provide coverage for patient costs incurred by an enrollee in a clinical trial for the treatment of a life-threatening condition or prevention, early detection, and treatment of cancer if:

- (1) the treatment is being provided or the studies are being conducted in a phase III or phase IV clinical trial for cancer, or the treatment is being provided in a phase III or phase IV clinical trial for any other life-threatening condition;
- (2) the treatment is being provided in a clinical trial approved by:
 - (i) the National Institute of Health;
 - (ii) a cooperative group or center of the National Institute of Health;
 - (iii) the federal Food and Drug Administration in the form of an investigational new drug application;
 - (iv) the federal Department of Veterans Affairs;
 - (v) the federal Department of Defense; or
 - (vi) a qualified research entity that meets the criteria for the center of the National Institute of Health support grant eligibility.
- (3) the proposed treatment has been reviewed and approved by a qualified institutional review board; and
- (4) the facility and personnel providing the treatment are providing treatment within their scope of practice, experience, and training.

Subd. 3. [PARTICIPATING PROVIDERS; COST SHARING.] A health plan company may require that a qualified individual participate in the trial through a participating provider if the provider will accept the individual as a participant. A health plan company may apply cost-sharing requirements and other limitations comparable to those applied to coverage for other health services under the plan.

Sec. 14. [QUALITY OF PATIENT CARE.]

The commissioner of health shall evaluate the feasibility of collecting data on the quality of patient care provided in hospitals, outpatient surgical centers, and other health care facilities. In this evaluation, the commissioner shall examine the appropriate roles of the public and private sectors and the need for risk adjusting data. The evaluation must consider mechanisms to identify the quality of nursing care provided to consumers by examining variables such as skin breakdown and patient injuries. Any plan developed to collect data must also address issues related to the release of this data in a useful form to the public.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 3 and 11 to 14 are effective for all new policies, contracts, or health benefit plans issued or renewed on or after January 1, 2001."

Delete the title and insert:

"A bill for an act relating to health; providing patient protections; modifying the Health Care Administrative Simplification Act; requiring coverage for medical clinical trials; amending Minnesota Statutes 1998, sections 62D.17, subdivision 1; 62J.38; 62J.51, by adding subdivisions; 62J.52, subdivisions 1, 2, and 5; 62J.60, subdivision 1; 62Q.56; and 62Q.58; Minnesota Statutes 1999 Supplement, section 45.027, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 62J; and 62Q."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3662, A bill for an act relating to commerce; requiring labeling of certain materials; providing remedies; proposing coding for new law as Minnesota Statutes, chapter 325L.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325L.01] [SHORT TITLE.]

This chapter may be cited as the Internet Parent Information Act.

Sec. 2. [325L.02] [PURPOSE; FINDINGS.]

The purpose of this chapter is to permit informed choice for parents regarding whether they or their children will access sexually explicit images or sounds. The legislature finds that traditional publication and broadcast methods afforded parents reasonable methods of determining whether a publication or broadcast contained sexually explicit imagery or sound before accessing the explicit images or sounds or allowing it to be accessed by their children. These methods have included television and movie listings, book jackets, magazine covers, and similar mechanisms.

Technological change has eliminated some of these methods of notice, and in certain cases the parent or children have no reliable method of ascertaining the nature of a communication until its full and sometimes damaging effect has already been felt.

The legislature finds that parents and their children are in need of Internet access protection and notice regarding sexually explicit images or sounds, because the nature of an image or sound about to be delivered often cannot be known until the entire image or sound has already been delivered and accessed. In order to facilitate use of new and emerging media by consumers who wish to make informed choices about the images and sounds they access and can be harmful to them, in order to preserve a parent's right to protect their home from harmful influence and control the images or sounds that enter the parent's home, and in order to protect minors from unwittingly accessing sexually explicit images or sounds, the legislature finds that it is necessary to provide for a degree of advance notice for parents regarding the content of material made available electronically.

Sec. 3. [325L.03] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of this section, the following terms have the definitions given them.

Subd. 2. [INTERNET.] "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the transmission control protocol/Internet protocol, or any predecessor or successor protocols to this protocol, to communicate information of all kinds by wire or radio.

Subd. 3. [CONTENT PROVIDER.] "Content provider" means any person residing in the state of Minnesota who makes sexually explicit images or sounds accessible over the Internet by any method, except that the following are not content providers:

(1) a person who provides Internet access or service to third parties primarily for the purpose of allowing those third parties to transmit content of their own choosing;

(2) a telecommunications carrier engaged in the provision of a telecommunications service;

(3) a person engaged in the business of providing an Internet information search tool; or

(4) a person similarly engaged in the transmission, storage, retrieval, hosting, formatting, or translation, or any combination thereof, of a communication made by another person, without selection or alteration of the content of the communication.

Subd. 4. [LABELING STATEMENT.] "Labeling statement" means a statement that provides notice to an Internet user that the user is about to view a sexually explicit image or hear a sexually explicit sound.

Subd. 5. [SEXUALLY EXPLICIT IMAGE.] "Sexually explicit image" means any image that is prohibited from being displayed to minors by section 617.293.

Subd. 6. [SEXUALLY EXPLICIT SOUND.] "Sexually explicit sound" means a sound that is prohibited from being played for minors by section 617.293.

Sec. 4. [325L.04] [LABELING OF SEXUALLY EXPLICIT IMAGES OR SOUNDS.]

Subdivision 1. [REQUIREMENT.] A content provider must label, in accordance with this section, any sexually explicit image or sound the provider makes accessible on the Internet.

Subd. 2. [FORMAT OF LABELING.] An image or sound is labeled only if all of the following conditions are met:

(1) before an Internet user views the image or hears the sound, a labeling statement is displayed. This statement may be displayed in any format that displays the text of the statement in a legible and easy-to-read format to the user without displaying or playing any part of the image or sound;

(2) the labeling statement clearly indicates that the user is about to access a sexually explicit image or sound and should proceed only if the user wishes to access that image or sound;

(3) after the labeling statement is displayed, the image or sound is not displayed or played unless the user takes at least two affirmative steps manifesting the user's decision to access the material. These steps should include at least selecting an option that is less than obvious to children marked "Yes" or "Continue";

(4) the labeling statement contains no text, that promotes or describes the image or sound, other than text directly related to meet the labeling requirement;

(5) when the labeling statement is displayed, the user is given the option that is obvious to children of declining to access the image or sound, using a method that is simpler or easier to execute than the method used to access the image or sound; and

(6) if the consumer declines to access the image or sound, no part of the image or sound is displayed or played.

Sec. 5. [325L.05] [REMEDIES.]

The public and private remedies in section 8.31 apply to violations of this chapter. In addition, a consumer who prevails or substantially prevails in an action brought under this section is entitled to a minimum of \$500 in damages, regardless of the amount of actual damage proved, plus costs, disbursements, and reasonable attorney fees. This chapter does not affect any rights or remedies available under other law."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3708, A bill for an act relating to local government; requiring a municipality to issue building permits once a special permit has been issued and an environmental assessment worksheet has been completed; proposing coding for new law in Minnesota Statutes, chapter 462.

Reported the same back with the following amendments:

Page 1, line 9, delete "BUILDING"

Page 1, line 17, delete "building"

Amend the title as follows:

Page 1, line 3, delete "building"

With the recommendation that when so amended the bill pass.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 3786, A bill for an act relating to local government; authorizing Wright county to convey certain county ditches to the cities of St. Michael and Albertville.

Reported the same back with the following amendments:

Page 2, line 6, after the semicolon, insert "and"

Page 2, delete lines 7 to 10

Page 2, line 11, delete "(4)" and insert "(3)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3811, A bill for an act relating to human services; allowing alternative rate-setting methodologies for day training and habilitation vendors; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Page 1, delete lines 9 to 21, and insert:

"(a) The commissioner may approve alternative rate-setting methodologies for identified day training and habilitation vendors recommended by the day training and habilitation task force established under Laws 1999, chapter 152, that are supported by all members of the task force. Any alternative rate-setting methodology approved under this section must sunset upon implementation of the new statewide payments rate structure recommended by the task force in its report to the legislature on January 15, 2001.

"(b) The commissioner may grant a variance to any of the provisions in sections 252.451, subdivision 5; 252.46, except subdivision 16; and Minnesota Rules, part 9525.1290, subpart 1, items A and B, necessary to implement the alternative rate-setting methodologies approved by the task force under paragraph (a)."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Leppik from the Committee on Higher Education Finance to which was referred:

H. F. No. 3892, A bill for an act relating to higher education; revenue bonds; increasing aggregate principal amount of revenue bonds issued by the board of trustees of the Minnesota state colleges and universities; clarifying bond requirements; amending Minnesota Statutes 1998, section 136F.98, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Capital Investment.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3986, A bill for an act relating to government data practices; restricting the use of certain public data on individuals held by state agencies or statewide systems; amending Minnesota Statutes 1998, sections 13.87, subdivision 2; 168.346; 171.12, subdivision 7; and 201.091, subdivisions 4 and 5; Minnesota Statutes 1999 Supplement, sections 10A.35; and 13.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Page 1, line 17, delete "or statewide system"

Page 1, line 20, delete "or statewide system" and delete "under the penalties of"

Page 1, line 21, delete "perjury"

Page 2, line 2, after "includes" insert "access to data reasonably necessary to respond to" and delete "or"

Page 2, line 3, delete "statewide system" and delete "bidding" and insert "to bid" and delete "carrying" and insert "to carry"

Page 2, line 4, delete "or statewide system"

Page 2, after line 4, insert:

"(d) A person who violates this section is subject to a civil penalty of up to \$5,000 for the first violation and up to \$10,000 for each subsequent violation."

Pages 5 and 6, delete section 1

Pages 8 and 9, delete sections 4 and 5

Renumber the sections in article 2 in sequence

Amend the title as follows:

Page 1, line 4, delete "or statewide systems" and after the semicolon, insert "providing civil penalties;"

Page 1, line 6, after the second semicolon, insert "and" and delete "and 201.091,"

Page 1, line 7, delete everything before "Minnesota"

Page 1, line 8, delete "sections 10A.35; and" and insert "section"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 4026, A bill for an act relating to natural resources; allowing the use of external sources of funding for certain drainage projects; amending Minnesota Statutes 1998, section 103E.011, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

S. F. No. 83, A bill for an act relating to natural resources; simplifying and consolidating wetland regulation; amending Minnesota Statutes 1998, sections 103G.005, subdivisions 15 and 19; 103G.201; 103G.2242, subdivision 2; 103G.2372; 103G.2373; and 645.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

S. F. No. 551, A bill for an act relating to domestic abuse; requiring battered women programs to coordinate services with child protection agencies; authorizing service of short form notification in lieu of personal service for orders for protection; expanding the definition of first degree murder in situations involving domestic abuse; providing enhanced penalties based upon a previous conviction or adjudication for malicious punishment of a child and other laws; adding assault in the fifth degree and domestic assault to definition of "crimes of violence"; increasing the cash bail for individuals charged with malicious punishment of a child; clarifying when evidence of similar prior conduct of an accused related to domestic abuse is admissible; changing a definition in the law related to the order of disposition of issues on a court's calendar; providing criminal penalties; amending Minnesota Statutes 1998, sections 260.133, subdivisions 1 and 2; 260.191, subdivision 1b; 518B.01, subdivisions 5, 8, and by adding subdivisions; 609.185; 609.224, subdivisions 2 and 4; 609.2242, subdivisions 2 and 4; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.377; 609.749, subdivisions 3 and 4; 611A.32, subdivision 2; 611A.34, subdivision 3; 624.712, subdivision 5; 626.556, subdivision 2; 626.558, subdivision 1; 629.471, subdivision 3; 630.36; and 634.20.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 518B.01, subdivision 5, is amended to read:

Subd. 5. [HEARING ON APPLICATION; NOTICE.] (a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order. If an ex parte order has been issued under subdivision 7 and a hearing requested, the time periods under subdivision 7 for holding a hearing apply. ~~Personal service shall be made upon the respondent not less than five days prior to the hearing, if the hearing was requested by the petitioner. If a hearing was requested by the petitioner, personal service of the ex parte order may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if served fewer than five days prior to the hearing.~~ If the hearing was requested by the respondent after issuance of an ex parte order under subdivision 7, service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The

court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the rules of civil procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding the provisions of paragraph (a), service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff or other law enforcement or corrections officer was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a).

Sec. 2. Minnesota Statutes 1998, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE; ALTERNATE SERVICE; PUBLICATION; NOTICE.] (a) The petition and any order issued under this section shall be served on the respondent personally. In lieu of personal service of an order for protection, a law enforcement officer may serve a person with a short form notification as provided in subdivision 8a.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section, including the short form notification, must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any visitation proceeding, the court shall consider the order for protection in making a decision regarding visitation.

Sec. 3. Minnesota Statutes 1998, section 518B.01, is amended by adding a subdivision to read:

Subd. 8a. [SHORT FORM NOTIFICATION.] (a) In lieu of personal service of an order for protection under subdivision 8, a law enforcement officer may serve a person with a short form notification. The short form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the

petitioner's name; the names of other protected parties; the date and county in which the ex parte order for protection or order for protection was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order.

The short form notification must be in bold print in the following form:

The order for protection is now enforceable. You must report to your nearest sheriff office or county court to obtain a copy of the order for protection. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the order for protection or this short form notification.

(b) Upon verification of the identity of the respondent and the existence of an unserved order for protection against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short form notification.

(c) When service is made by short form notification, it may be proved by the affidavit of the law enforcement officer making the service.

(d) For service under this section only, service upon an individual may occur at any time, including Sundays, and legal holidays.

(e) The superintendent of the bureau of criminal apprehension shall provide the short form to law enforcement agencies.

Sec. 4. Minnesota Statutes 1998, section 518B.01, is amended by adding a subdivision to read:

Subd. 22. [VIOLATION OF A DOMESTIC ABUSE NO CONTACT ORDER.] (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for domestic abuse. It includes pretrial orders before final disposition of the case and probationary orders after sentencing.

(b) A person who knows of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

Sec. 5. Minnesota Statutes 1998, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life; or

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life.

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

For purposes of clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

Sec. 6. Minnesota Statutes 1998, section 609.224, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous conviction or adjudication of delinquency under this section, sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous conviction or adjudication of delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who is an individual and who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 7. Minnesota Statutes 1998, section 609.224, subdivision 4, is amended to read:

Subd. 4. [FELONY.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of any combination of two or more previous convictions or adjudications of delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous convictions or adjudications of delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 8. Minnesota Statutes 1998, section 609.2242, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] Whoever violates subdivision 1 during the time period between a previous conviction or adjudication of delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, against a family or household member as defined in section 518B.01, subdivision 2, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 9. Minnesota Statutes 1998, section 609.2242, subdivision 4, is amended to read:

Subd. 4. [FELONY.] Whoever violates the provisions of this section or section 609.224, subdivision 1, against the same victim during the time period between the first of any combination of two or more previous convictions or adjudications of delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state and the end of the five years following discharge from sentence or disposition for that conviction or adjudication is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Sec. 10. Minnesota Statutes 1998, section 609.342, subdivision 3, is amended to read:

Subd. 3. [STAY.] Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 11. Minnesota Statutes 1998, section 609.343, subdivision 3, is amended to read:

Subd. 3. [STAY.] Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 12. Minnesota Statutes 1998, section 609.344, subdivision 3, is amended to read:

Subd. 3. [STAY.] Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 13. Minnesota Statutes 1998, section 609.345, subdivision 3, is amended to read:

Subd. 3. [STAY.] Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 14. Minnesota Statutes 1998, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

Subdivision 1. [MALICIOUS PUNISHMENT.] A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced ~~to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both~~ as provided in subdivisions 2 to 6.

Subd. 2. [GROSS MISDEMEANOR.] If the punishment results in less than substantial bodily harm, the person may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. [ENHANCEMENT TO A FELONY.] Whoever violates the provisions of subdivision 2 during the time period between a previous conviction or adjudication for delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.2242, 609.342 to 609.345, or 609.713, and the end of five years following discharge from sentence or disposition for that conviction or adjudication may be sentenced to imprisonment for not more than five years or a fine of \$10,000, or both.

Subd. 4. [FELONY; CHILD UNDER AGE FOUR.] If the punishment is to a child under the age of four and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or a fine of \$10,000, or both.

Subd. 5. [FELONY; SUBSTANTIAL BODILY HARM.] If the punishment results in substantial bodily harm, ~~that~~ the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 6. [FELONY; GREAT BODILY HARM.] If the punishment results in great bodily harm, ~~that~~ the person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

~~If the punishment is to a child under the age of four and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or a fine of \$10,000, or both.~~

Sec. 15. Minnesota Statutes 1998, section 609.749, subdivision 3, is amended to read:

Subd. 3. [AGGRAVATED VIOLATIONS.] A person who commits any of the following acts is guilty of a felony:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) ~~engages in harassing conduct~~ harasses another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

Sec. 16. Minnesota Statutes 1998, section 609.749, subdivision 4, is amended to read:

Subd. 4. [SECOND OR SUBSEQUENT VIOLATIONS; FELONY.] A person is guilty of a felony who violates any provision of subdivision 2 during the time period between a previous conviction or adjudication of delinquency under this section; sections 609.221 to 609.2242; 518B.01, subdivision 14; 609.748, subdivision 6; or 609.713, subdivision 1 or 3; or a similar law from another state and the end of the ten years following discharge from sentence or disposition for that conviction or adjudication.

Sec. 17. Minnesota Statutes 1998, section 629.471, subdivision 3, is amended to read:

Subd. 3. [SIX TIMES THE FINE.] For offenses under sections 518B.01, 609.224, ~~and~~ 609.2242, and 609.377, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is six times the highest cash fine that may be imposed for the offense.

Sec. 18. Minnesota Statutes 1998, section 630.36, is amended to read:

630.36 [ISSUES, HOW DISPOSED OF.]

Subdivision 1. [ORDER.] The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

- (1) indictments or complaints for felony, where the defendant is in custody;
- (2) indictments or complaints for misdemeanor, where the defendant is in custody;
- (3) indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;
- (4) indictments or complaints alleging domestic ~~assault~~ abuse, as defined in subdivision 3, where the defendant is on bail;
- (5) indictments or complaints for felony, where the defendant is on bail; and
- (6) indictments or complaints for misdemeanor, where the defendant is on bail.

After a plea, the defendant shall be entitled to at least four days to prepare for trial, if the defendant requires it.

Subd. 2. [CHILD ABUSE DEFINED.] As used in subdivision 1, "child abuse" means ~~any~~ an act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.2242, 609.255, 609.321, 609.322, 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, 617.246, or 609.224 if the minor victim is a family or household member of the defendant.

Subd. 3. [DOMESTIC ~~ASSAULT~~ ABUSE DEFINED.] As used in subdivision 1, "domestic ~~assault~~ abuse" ~~means an assault committed by the actor against a family or household member, as defined~~ has the meaning given in section 518B.01, subdivision 2.

Sec. 19. Minnesota Statutes 1998, section 634.20, is amended to read:

634.20 [EVIDENCE OF PRIOR CONDUCT.]

Evidence of similar prior conduct by the accused against the victim of domestic abuse, ~~as defined under section 518B.01, subdivision 2, including evidence of a violation against a family or household member of:~~

- ~~(1) an order for protection under section 518B.01;~~

~~(2) section 609.713, subdivision 1;~~

~~(3) a harassment restraining order under section 609.748; or~~

~~(4) section 609.79, subdivision 1;~~

or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Similar prior conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

Sec. 20. [EFFECTIVE DATES.]

Section 1 is effective the day following final enactment. Sections 2, 3, 18 and 19 are effective August 1, 2000. Sections 4 to 16 and 17 are effective August 1, 2000, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "agencies;"

Page 1, line 10, delete everything after the semicolon

Page 1, delete line 11

Page 1, line 12, delete "of violence";

Page 1, line 15, after "admissible;" insert "changing certain domestic abuse enforcement procedures;"

Page 1, line 19, delete everything after "sections"

Page 1, line 20, delete everything before "518B.01"

Page 1, line 25, delete "611A.32,"

Page 1, delete lines 26 and 27

Page 1, line 28, delete everything before "629.471"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

S. F. No. 2465, A bill for an act relating to elections; allowing party treasurers to sign certain political contribution refund receipt forms; amending Minnesota Statutes 1999 Supplement, section 290.06, subdivision 23.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1748, 2114, 2737, 2952, 2953, 3048, 3064, 3149, 3188, 3195, 3212, 3311, 3342, 3402, 3414, 3497, 3512, 3555, 3577, 3584, 3597, 3708 and 3786 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2569, 2570, 3257, 83, 551 and 2465 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Fuller introduced:

H. F. No. 4059, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing the board of trustees of the Minnesota state colleges and universities to make capital improvements at Northwest Technical College and Bemidji State University; authorizing issuance of bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

McCollum, Mares, Abeler and Entenza introduced:

H. F. No. 4060, A resolution memorializing the President and Congress of the United States to take whatever action is necessary to obtain the release of Americans being held against their will in North Korea, China, Russia, and Vietnam.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Solberg introduced:

H. F. No. 4061, A bill for an act relating to taxation; modifying the amount of casino tax revenues distributed to Itasca and Cass counties.

The bill was read for the first time and referred to the Committee on Taxes.

Paulsen; Clark, J.; Harder and Dorman introduced:

H. F. No. 4062, A bill for an act relating to health; crediting tobacco settlement revenues to the health care access fund; modifying provider premium tax; eliminating the MinnesotaCare provider taxes on a contingent basis; amending Minnesota Statutes 1998, sections 60A.15, subdivision 1; and 292.52, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 295.52, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Larsen, P., introduced:

H. F. No. 4063, A bill for an act relating to judiciary finance; appropriating money for the board of public defense.

The bill was read for the first time and referred to the Committee on Judiciary Finance.

Leppik, Kelliher, Dorman, Cassell and Kahn introduced:

H. F. No. 4064, A bill for an act relating to education; requiring the board of trustees of Minnesota state colleges and universities and board of regents of University of Minnesota to establish a joint pilot project in e-mentoring; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Rostberg and Jennings introduced:

H. F. No. 4065, A bill for an act relating to capital investment; providing for reimbursement for the extraordinary costs of connecting Cambridge community college to city sewer and water; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Abeler introduced:

H. F. No. 4066, A bill for an act relating to education; modifying the provision for trespasses on school property; amending Minnesota Statutes 1998, section 609.605, subdivision 4.

The bill was read for the first time and referred to the Committee on Education Policy.

Krinkie introduced:

H. F. No. 4067, A bill for an act relating to capital improvements; removing authority of the governor to control the sale of state bonds and certificates of indebtedness; amending Minnesota Statutes 1998, sections 16A.642, subdivision 1; 16A.67, subdivision 1; and 16A.671, subdivisions 1 and 2; Laws 1984, chapter 597, section 22; Laws 1987, chapter 400, section 25, subdivisions 1 and 5; Laws 1989, chapter 300, article 1, section 23, subdivision 1; Laws 1990, chapter 610, article 1, section 30; Laws 1991, chapter 354, article 11, section 2, subdivision 1; Laws 1992, chapter 558, section 28; Laws 1994, chapter 639, article 3, section 5; Laws 1994, chapter 643, section 31; Laws 1995, First Special Session chapter 2, article 1, section 14; Laws 1996, chapter 463, section 27; Laws 1997, chapter 246, section 10; Laws 1998, chapter 404, section 27; Laws 1999, chapter 240, article 1, section 13; and Laws 1999, chapter 240, article 2, section 16.

The bill was read for the first time and referred to the Committee on State Government Finance.

Otremba and Tomassoni introduced:

H. F. No. 4068, A bill for an act relating to education; providing for an alternative to the profile of learning for area learning centers; amending Minnesota Statutes 1998, section 123A.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education Policy.

Pugh, McCollum, Kelliher, Hausman and Kahn introduced:

H. F. No. 4069, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

The bill was read for the first time and referred to the Committee on Civil Law.

Pugh introduced:

H. F. No. 4070, A bill for an act relating to taxes; sales and use tax; exempting smoking cessation devices from the sales tax; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Molnau introduced:

H. F. No. 4071, A bill for an act relating to transportation; canceling bonding authority for light rail transit in the Hiawatha corridor; appropriating money to the commissioner of transportation for an exclusive bus transitway in the Hiawatha corridor; amending Laws 1998, chapter 404, sections 17, subdivision 3; and 27, subdivision 1; Laws 1999, chapter 240, article 1, section 9, subdivisions 1 and 5; repealing Laws 1999, chapter 240, article 1, section 9, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Molnau introduced:

H. F. No. 4072, A bill for an act relating to transportation; changing the purpose of a portion of bonding authority for light rail transit in the Hiawatha corridor to design and construction of an exclusive bus transitway in that corridor and canceling the remaining authority; reducing earlier appropriations; changing their purposes; amending Laws 1998, chapter 404, section 17, subdivision 3; and section 27, subdivision 1; Laws 1999, chapter 240, article 1, section 9, subdivisions 1 and 5; and section 13, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Abrams, Pawlenty, McElroy and Bishop introduced:

H. F. No. 4073, A bill for an act relating to the legislature; establishing a legislative budget office; appropriating money; amending Minnesota Statutes 1998, section 3.98, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Schumacher; Rhodes; Otremba; Clark, K.; Kubly; Wagenius; Erhardt; Jaros; Anderson, B., and Koskinen introduced:

H. F. No. 4074, A bill for an act relating to civil law; civil commitment; providing for notice to certain relatives of patients receiving or hospitalized for psychiatric or mental health care; modifying consent provisions for voluntary mental health treatment for certain minors; modifying provisions related to early intervention mental health

treatment and civil commitment; amending Minnesota Statutes 1998, sections 253B.065, by adding a subdivision; 253B.066, subdivision 1; and 253B.15, subdivision 8; Minnesota Statutes 1999 Supplement, sections 253B.04, subdivision 1; and 253B.065, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Civil Law.

Gray introduced:

H. F. No. 4075, A bill for an act relating to child care; creating a child care program for adolescent parents who are attending school; proposing coding for new law in Minnesota Statutes, chapter 119B.

The bill was read for the first time and referred to the Committee on Family and Early Childhood Education Finance.

Haake introduced:

H. F. No. 4076, A bill for an act relating to state government; requiring state agencies to provide grant information on the Internet; requiring the commissioner of administration to develop a uniform Internet application for grants; amending Minnesota Statutes 1998, section 16B.467; proposing coding for new law in Minnesota Statutes, chapter 15.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Howes, Fuller, Kuisle, McElroy and Bakk introduced:

H. F. No. 4077, A bill for an act relating to the taxation of forest land; requiring the commissioner of revenue to study the taxation of forest land and report to the legislature; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Knoblach, Kalis, Solberg, Dempsey and Molnau introduced:

H. F. No. 4078, A bill for an act relating to higher education; capital improvements; authorizing spending by the Minnesota state colleges and universities to acquire and improve public land and buildings; authorizing the lease of land at the Minnesota west community and technical college; amending Laws 1998, chapter 404, section 3, subdivision 24.

The bill was read for the first time and referred to the Committee on Capital Investment.

Solberg and Hasskamp introduced:

H. F. No. 4079, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing the board of trustees of the Minnesota state colleges and universities to make capital improvements at Northwest Technical College and Bemidji State University; authorizing issuance of bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2888, A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on certain rivers; amending Minnesota Statutes 1998, section 85.32, subdivision 1, and by adding a subdivision.

The Senate has appointed as such committee:

Senators Berg; Johnson, D. E., and Larson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONSENT CALENDAR

Pawlenty moved that the Consent Calendar be continued. The motion prevailed.

CALENDAR FOR THE DAY

Pawlenty moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Greenfield moved that the name of Sviggum be added as an author on H. F. No. 857. The motion prevailed.

Skoglund moved that the name of McCollum be added as an author on H. F. No. 1625. The motion prevailed.

Erhardt moved that the name of Paulsen be added as an author on H. F. No. 2586. The motion prevailed.

Luther moved that the name of Boudreau be added as an author on H. F. No. 2643. The motion prevailed.

Abeler moved that the names of Wagenius, McCollum, Greiling, Tingelstad and Swapinski be added as authors on H. F. No. 3386. The motion prevailed.

Bishop moved that the name of Abeler be added as an author on H. F. No. 3637. The motion prevailed.

Ozment moved that H. F. No. 849 be recalled from the Committee on Environment and Natural Resources Policy and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Pawlenty moved that H. F. No. 3380 be recalled from the Committee on Crime Prevention and be re-referred to the Committee on Judiciary Finance. The motion prevailed.

Tomassoni moved that H. F. No. 3447 be recalled from the Committee on Higher Education Finance and be re-referred to the Committee on Judiciary Finance. The motion prevailed.

Broecker moved that H. F. No. 3981 be recalled from the Committee on Crime Prevention and be re-referred to the Committee on Judiciary Finance. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 9, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, March 9, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives