

15.24 **ARTICLE 2**15.25 **COURTS**

15.26 Section 1. Minnesota Statutes 2014, section 253B.08, subdivision 2a, is amended to  
15.27 read:

15.28 Subd. 2a. **Place of hearing.** The hearing shall be conducted in a manner consistent  
15.29 with orderly procedure. The hearing shall be held at a courtroom meeting standards  
15.30 prescribed by local court rule which may be at a treatment facility. The hearing may be  
16.1 conducted by interactive video conference under General Rules of Practice, rule 131, and  
16.2 Minnesota Rules of Civil Commitment, rule 14.

16.3 Sec. 2. Minnesota Statutes 2014, section 253B.12, subdivision 2a, is amended to read:

16.4 Subd. 2a. **Time and place for hearing.** (a) Unless the proceedings are terminated  
16.5 under subdivision 1, paragraph (e), a review hearing must be held within 14 days after  
16.6 receipt by the committing court of the report required under subdivision 1, paragraph (c)  
16.7 or (d), and before the time the commitment expires. For good cause shown, the court  
16.8 may continue the hearing for up to an additional 14 days and extend any orders until  
16.9 the review hearing is held.

16.10 (b) The patient, the patient's counsel, the petitioner, and other persons as the court  
16.11 directs must be given at least five days' notice of the time and place of the hearing.  
16.12 The hearing may be conducted by interactive video conference under General Rules of  
16.13 Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.

16.14 Sec. 3. Minnesota Statutes 2014, section 253D.28, subdivision 2, is amended to read:

16.15 Subd. 2. **Procedure.** (a) The Supreme Court shall refer a petition for rehearing and  
16.16 reconsideration to the chief judge of the judicial appeal panel. The chief judge shall notify  
16.17 the committed person, the county attorneys of the county of commitment and county of  
16.18 financial responsibility, the commissioner, the executive director, any interested person,  
16.19 and other persons the chief judge designates, of the time and place of the hearing on  
16.20 the petition. The notice shall be given at least 14 days prior to the date of the hearing.  
16.21 The hearing may be conducted by interactive video conference under General Rules of  
16.22 Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.

16.23 (b) Any person may oppose the petition. The committed person, the committed  
16.24 person's counsel, the county attorneys of the committing county and county of financial  
16.25 responsibility, and the commissioner shall participate as parties to the proceeding pending  
16.26 before the judicial appeal panel and shall, no later than 20 days before the hearing on the  
16.27 petition, inform the judicial appeal panel and the opposing party in writing whether they  
16.28 support or oppose the petition and provide a summary of facts in support of their position.

1.7 Section 1. Minnesota Statutes 2014, section 253B.08, subdivision 2a, is amended to  
1.8 read:

1.9 Subd. 2a. **Place of hearing.** The hearing shall be conducted in a manner consistent  
1.10 with orderly procedure. The hearing shall be held at a courtroom meeting standards  
1.11 prescribed by local court rule which may be at a treatment facility. The hearing may be  
1.12 conducted by interactive video conference under General Rules of Practice, rule 131, and  
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1.16 under subdivision 1, paragraph (e), a review hearing must be held within 14 days after  
1.17 receipt by the committing court of the report required under subdivision 1, paragraph (c)  
1.18 or (d), and before the time the commitment expires. For good cause shown, the court  
1.19 may continue the hearing for up to an additional 14 days and extend any orders until  
1.20 the review hearing is held.

1.21 (b) The patient, the patient's counsel, the petitioner, and other persons as the court  
1.22 directs must be given at least five days' notice of the time and place of the hearing.  
1.23 The hearing may be conducted by interactive video conference under General Rules of  
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2.3 reconsideration to the chief judge of the judicial appeal panel. The chief judge shall notify  
2.4 the committed person, the county attorneys of the county of commitment and county of  
2.5 financial responsibility, the commissioner, the executive director, any interested person,  
2.6 and other persons the chief judge designates, of the time and place of the hearing on  
2.7 the petition. The notice shall be given at least 14 days prior to the date of the hearing.  
2.8 The hearing may be conducted by interactive video conference under General Rules of  
2.9 Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.

2.10 (b) Any person may oppose the petition. The committed person, the committed  
2.11 person's counsel, the county attorneys of the committing county and county of financial  
2.12 responsibility, and the commissioner shall participate as parties to the proceeding pending  
2.13 before the judicial appeal panel and shall, no later than 20 days before the hearing on the  
2.14 petition, inform the judicial appeal panel and the opposing party in writing whether they  
2.15 support or oppose the petition and provide a summary of facts in support of their position.

16.29 (c) The judicial appeal panel may appoint examiners and may adjourn the hearing  
 16.30 from time to time. It shall hear and receive all relevant testimony and evidence and make  
 16.31 a record of all proceedings. The committed person, the committed person's counsel, and  
 16.32 the county attorney of the committing county or the county of financial responsibility have  
 16.33 the right to be present and may present and cross-examine all witnesses and offer a factual  
 16.34 and legal basis in support of their positions.

17.1 (d) The petitioning party seeking discharge or provisional discharge bears the  
 17.2 burden of going forward with the evidence, which means presenting a prima facie case  
 17.3 with competent evidence to show that the person is entitled to the requested relief. If  
 17.4 the petitioning party has met this burden, the party opposing discharge or provisional  
 17.5 discharge bears the burden of proof by clear and convincing evidence that the discharge or  
 17.6 provisional discharge should be denied.

17.7 (e) A party seeking transfer under section 253D.29 must establish by a preponderance  
 17.8 of the evidence that the transfer is appropriate.

17.9 Sec. 4. Minnesota Statutes 2014, section 260.012, is amended to read:

17.10 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**  
 17.11 **REUNIFICATION; REASONABLE EFFORTS.**

17.12 (a) Once a child alleged to be in need of protection or services is under the court's  
 17.13 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate  
 17.14 services, by the social services agency are made to prevent placement or to eliminate the  
 17.15 need for removal and to reunite the child with the child's family at the earliest possible  
 17.16 time, and the court must ensure that the responsible social services agency makes  
 17.17 reasonable efforts to finalize an alternative permanent plan for the child as provided in  
 17.18 paragraph (e). In determining reasonable efforts to be made with respect to a child and in  
 17.19 making those reasonable efforts, the child's best interests, health, and safety must be of  
 17.20 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and  
 17.21 reunification are always required except upon a determination by the court that a petition  
 17.22 has been filed stating a prima facie case that:

17.23 (1) the parent has subjected a child to egregious harm as defined in section  
 17.24 260C.007, subdivision 14;

17.25 (2) the parental rights of the parent to another child have been terminated  
 17.26 involuntarily;

17.27 (3) the child is an abandoned infant under section 260C.301, subdivision 2,  
 17.28 paragraph (a), clause (2);

17.29 (4) the parent's custodial rights to another child have been involuntarily transferred  
 17.30 to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph  
 17.31 (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

2.16 (c) The judicial appeal panel may appoint examiners and may adjourn the hearing  
 2.17 from time to time. It shall hear and receive all relevant testimony and evidence and make  
 2.18 a record of all proceedings. The committed person, the committed person's counsel, and  
 2.19 the county attorney of the committing county or the county of financial responsibility have  
 2.20 the right to be present and may present and cross-examine all witnesses and offer a factual  
 2.21 and legal basis in support of their positions.

2.22 (d) The petitioning party seeking discharge or provisional discharge bears the  
 2.23 burden of going forward with the evidence, which means presenting a prima facie case  
 2.24 with competent evidence to show that the person is entitled to the requested relief. If  
 2.25 the petitioning party has met this burden, the party opposing discharge or provisional  
 2.26 discharge bears the burden of proof by clear and convincing evidence that the discharge or  
 2.27 provisional discharge should be denied.

2.28 (e) A party seeking transfer under section 253D.29 must establish by a preponderance  
 2.29 of the evidence that the transfer is appropriate.

17.32 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision  
17.33 2, against the child or another child of the parent;

17.34 (6) the parent has committed an offense that requires registration as a predatory  
17.35 offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

18.1 (7) the provision of services or further services for the purpose of reunification is  
18.2 futile and therefore unreasonable under the circumstances; or

18.3 (8) the child was conceived as the result of a parent committing an act of sexual  
18.4 assault against the mother that involved sexual penetration, as defined in section 609.341,  
18.5 subdivision 12, and the mother did not grant consent, as defined in section 609.341,  
18.6 subdivision 4, to the sexual penetration, or pursuant to a violation of a similar law  
18.7 of another state, territory, possession, or an Indian tribe where the offense occurred.  
18.8 However, reasonable efforts to prevent placement and for rehabilitation and reunification  
18.9 may be pursued when the conditions under section 260C.301, subdivision 1, paragraph  
18.10 (b), clause (10), item (iii) apply.

18.11 (b) When the court makes one of the prima facie determinations under paragraph (a),  
18.12 either permanency pleadings under section 260C.505, or a termination of parental rights  
18.13 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing  
18.14 under sections 260C.503 to 260C.521 must be held within 30 days of this determination.

18.15 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,  
18.16 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court  
18.17 must make findings and conclusions consistent with the Indian Child Welfare Act of  
18.18 1978, United States Code, title 25, section 1901 et seq., as to the provision of active  
18.19 efforts. In cases governed by the Indian Child Welfare Act of 1978, United States Code,  
18.20 title 25, section 1901, the responsible social services agency must provide active efforts as  
18.21 required under United States Code, title 25, section 1911(d).

18.22 (d) "Reasonable efforts to prevent placement" means:

18.23 (1) the agency has made reasonable efforts to prevent the placement of the child in  
18.24 foster care by working with the family to develop and implement a safety plan; or

18.25 (2) given the particular circumstances of the child and family at the time of the  
18.26 child's removal, there are no services or efforts available which could allow the child to  
18.27 safely remain in the home.

18.28 (e) "Reasonable efforts to finalize a permanent plan for the child" means due  
18.29 diligence by the responsible social services agency to:

18.30 (1) reunify the child with the parent or guardian from whom the child was removed;

18.31 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,  
18.32 where appropriate, provide services necessary to enable the noncustodial parent to safely  
18.33 provide the care, as required by section 260C.219;

18.34 (3) conduct a relative search to identify and provide notice to adult relatives as  
18.35 required under section 260C.221;

19.1 (4) place siblings removed from their home in the same home for foster care or  
19.2 adoption, or transfer permanent legal and physical custody to a relative. Visitation  
19.3 between siblings who are not in the same foster care, adoption, or custodial placement or  
19.4 facility shall be consistent with section 260C.212, subdivision 2; and

19.5 (5) when the child cannot return to the parent or guardian from whom the child was  
19.6 removed, to plan for and finalize a safe and legally permanent alternative home for the  
19.7 child, and considers permanent alternative homes for the child inside or outside of the  
19.8 state, preferably through adoption or transfer of permanent legal and physical custody of  
19.9 the child.

19.10 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible  
19.11 social services agency to use culturally appropriate and available services to meet the needs  
19.12 of the child and the child's family. Services may include those provided by the responsible  
19.13 social services agency and other culturally appropriate services available in the community.  
19.14 At each stage of the proceedings where the court is required to review the appropriateness  
19.15 of the responsible social services agency's reasonable efforts as described in paragraphs  
19.16 (a), (d), and (e), the social services agency has the burden of demonstrating that:

19.17 (1) it has made reasonable efforts to prevent placement of the child in foster care;

19.18 (2) it has made reasonable efforts to eliminate the need for removal of the child from  
19.19 the child's home and to reunify the child with the child's family at the earliest possible time;

19.20 (3) it has made reasonable efforts to finalize an alternative permanent home for  
19.21 the child, and considers permanent alternative homes for the child inside or outside of  
19.22 the state; or

19.23 (4) reasonable efforts to prevent placement and to reunify the child with the parent  
19.24 or guardian are not required. The agency may meet this burden by stating facts in a sworn  
19.25 petition filed under section 260C.141, by filing an affidavit summarizing the agency's  
19.26 reasonable efforts or facts the agency believes demonstrate there is no need for reasonable  
19.27 efforts to reunify the parent and child, or through testimony or a certified report required  
19.28 under juvenile court rules.

19.29 (g) Once the court determines that reasonable efforts for reunification are not  
19.30 required because the court has made one of the prima facie determinations under paragraph  
19.31 (a), the court may only require reasonable efforts for reunification after a hearing  
19.32 according to section 260C.163, where the court finds there is not clear and convincing  
19.33 evidence of the facts upon which the court based its prima facie determination. In this  
19.34 case when there is clear and convincing evidence that the child is in need of protection or  
19.35 services, the court may find the child in need of protection or services and order any of  
20.1 the dispositions available under section 260C.201, subdivision 1. Reunification of a child  
20.2 with a parent is not required if the parent has been convicted of:

20.3 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections  
20.4 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the  
20.5 parent;

20.6 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

20.7 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States  
20.8 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;

20.9 (4) committing sexual abuse as defined in section 626.556, subdivision 2, against  
20.10 the child or another child of the parent; or

20.11 (5) an offense that requires registration as a predatory offender under section  
20.12 243.166, subdivision 1b, paragraph (a) or (b).

20.13 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178,  
20.14 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings  
20.15 and conclusions as to the provision of reasonable efforts. When determining whether  
20.16 reasonable efforts have been made, the court shall consider whether services to the child  
20.17 and family were:

20.18 (1) relevant to the safety and protection of the child;

20.19 (2) adequate to meet the needs of the child and family;

20.20 (3) culturally appropriate;

20.21 (4) available and accessible;

20.22 (5) consistent and timely; and

20.23 (6) realistic under the circumstances.

20.24 In the alternative, the court may determine that provision of services or further  
20.25 services for the purpose of rehabilitation is futile and therefore unreasonable under the  
20.26 circumstances or that reasonable efforts are not required as provided in paragraph (a).

20.27 (i) This section does not prevent out-of-home placement for treatment of a child with  
20.28 a mental disability when it is determined to be medically necessary as a result of the child's  
20.29 diagnostic assessment or individual treatment plan indicates that appropriate and necessary  
20.30 treatment cannot be effectively provided outside of a residential or inpatient treatment  
20.31 program and the level or intensity of supervision and treatment cannot be effectively and  
20.32 safely provided in the child's home or community and it is determined that a residential  
20.33 treatment setting is the least restrictive setting that is appropriate to the needs of the child.

20.34 (j) If continuation of reasonable efforts to prevent placement or reunify the child  
20.35 with the parent or guardian from whom the child was removed is determined by the court  
20.36 to be inconsistent with the permanent plan for the child or upon the court making one of  
21.1 the prima facie determinations under paragraph (a), reasonable efforts must be made to  
21.2 place the child in a timely manner in a safe and permanent home and to complete whatever  
21.3 steps are necessary to legally finalize the permanent placement of the child.

21.4 (k) Reasonable efforts to place a child for adoption or in another permanent  
21.5 placement may be made concurrently with reasonable efforts to prevent placement or to  
21.6 reunify the child with the parent or guardian from whom the child was removed. When  
21.7 the responsible social services agency decides to concurrently make reasonable efforts for  
21.8 both reunification and permanent placement away from the parent under paragraph (a), the  
21.9 agency shall disclose its decision and both plans for concurrent reasonable efforts to all  
21.10 parties and the court. When the agency discloses its decision to proceed on both plans for  
21.11 reunification and permanent placement away from the parent, the court's review of the  
21.12 agency's reasonable efforts shall include the agency's efforts under both plans.

21.13 Sec. 5. Minnesota Statutes 2014, section 260C.301, subdivision 1, is amended to read:

21.14 Subdivision 1. **Voluntary and involuntary.** The juvenile court may upon petition,  
21.15 terminate all rights of a parent to a child:

21.16 (a) with the written consent of a parent who for good cause desires to terminate  
21.17 parental rights; or

21.18 (b) if it finds that one or more of the following conditions exist:

21.19 (1) that the parent has abandoned the child;

21.20 (2) that the parent has substantially, continuously, or repeatedly refused or neglected  
21.21 to comply with the duties imposed upon that parent by the parent and child relationship,  
21.22 including but not limited to providing the child with necessary food, clothing, shelter,  
21.23 education, and other care and control necessary for the child's physical, mental, or  
21.24 emotional health and development, if the parent is physically and financially able, and  
21.25 either reasonable efforts by the social services agency have failed to correct the conditions  
21.26 that formed the basis of the petition or reasonable efforts would be futile and therefore  
21.27 unreasonable;

21.28 (3) that a parent has been ordered to contribute to the support of the child or  
21.29 financially aid in the child's birth and has continuously failed to do so without good cause.  
21.30 This clause shall not be construed to state a grounds for termination of parental rights of a  
21.31 noncustodial parent if that parent has not been ordered to or cannot financially contribute  
21.32 to the support of the child or aid in the child's birth;

21.33 (4) that a parent is palpably unfit to be a party to the parent and child relationship  
21.34 because of a consistent pattern of specific conduct before the child or of specific conditions  
21.35 directly relating to the parent and child relationship either of which are determined by  
22.1 the court to be of a duration or nature that renders the parent unable, for the reasonably  
22.2 foreseeable future, to care appropriately for the ongoing physical, mental, or emotional  
22.3 needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent  
22.4 and child relationship upon a showing that the parent's parental rights to one or more other  
22.5 children were involuntarily terminated or that the parent's custodial rights to another child  
22.6 have been involuntarily transferred to a relative under Minnesota Statutes 2010, section  
22.7 260C.201, subdivision 11, paragraph (e), clause (1), section 260C.515, subdivision 4, or a  
22.8 similar law of another jurisdiction;

22.9 (5) that following the child's placement out of the home, reasonable efforts, under the  
22.10 direction of the court, have failed to correct the conditions leading to the child's placement.  
22.11 It is presumed that reasonable efforts under this clause have failed upon a showing that:

22.12 (i) a child has resided out of the parental home under court order for a cumulative  
22.13 period of 12 months within the preceding 22 months. In the case of a child under age eight  
22.14 at the time the petition was filed alleging the child to be in need of protection or services,  
22.15 the presumption arises when the child has resided out of the parental home under court  
22.16 order for six months unless the parent has maintained regular contact with the child and  
22.17 the parent is complying with the out-of-home placement plan;

22.18 (ii) the court has approved the out-of-home placement plan required under section  
22.19 260C.212 and filed with the court under section 260C.178;

22.20 (iii) conditions leading to the out-of-home placement have not been corrected. It  
22.21 is presumed that conditions leading to a child's out-of-home placement have not been  
22.22 corrected upon a showing that the parent or parents have not substantially complied with  
22.23 the court's orders and a reasonable case plan; and

22.24 (iv) reasonable efforts have been made by the social services agency to rehabilitate  
22.25 the parent and reunite the family.

22.26 This clause does not prohibit the termination of parental rights prior to one year, or  
22.27 in the case of a child under age eight, prior to six months after a child has been placed  
22.28 out of the home.

22.29 It is also presumed that reasonable efforts have failed under this clause upon a  
22.30 showing that:

22.31 (A) the parent has been diagnosed as chemically dependent by a professional  
22.32 certified to make the diagnosis;

22.33 (B) the parent has been required by a case plan to participate in a chemical  
22.34 dependency treatment program;

- 22.35 (C) the treatment programs offered to the parent were culturally, linguistically,  
22.36 and clinically appropriate;
- 23.1 (D) the parent has either failed two or more times to successfully complete a  
23.2 treatment program or has refused at two or more separate meetings with a caseworker  
23.3 to participate in a treatment program; and
- 23.4 (E) the parent continues to abuse chemicals.
- 23.5 (6) that a child has experienced egregious harm in the parent's care which is of a  
23.6 nature, duration, or chronicity that indicates a lack of regard for the child's well-being,  
23.7 such that a reasonable person would believe it contrary to the best interest of the child  
23.8 or of any child to be in the parent's care;
- 23.9 (7) that in the case of a child born to a mother who was not married to the child's  
23.10 father when the child was conceived nor when the child was born the person is not entitled  
23.11 to notice of an adoption hearing under section 259.49 and the person has not registered  
23.12 with the fathers' adoption registry under section 259.52;
- 23.13 (8) that the child is neglected and in foster care; ~~or~~
- 23.14 (9) that the parent has been convicted of a crime listed in section 260.012, paragraph  
23.15 (g), clauses (1) to (5); or
- 23.16 (10) the court determines that the child was conceived as the result of the parent  
23.17 committing an act of sexual assault against the mother that involved sexual penetration, as  
23.18 defined in section 609.341, subdivision 12, and the mother did not grant consent, as defined  
23.19 in section 609.341, subdivision 4, to the sexual penetration, or pursuant to violation of a  
23.20 similar law of another state, territory, possession, or Indian tribe where the offense occurred.
- 23.21 (i) A guilty plea, conviction, or adjudication of the parent who committed an act  
23.22 of sexual assault as defined in this clause is not required.
- 23.23 (ii) It is presumed that the termination of parental rights of the parent who committed  
23.24 an act of sexual assault against the mother as defined in this clause is in the best interest of  
23.25 the child if the child was conceived as a result of that act.
- 23.26 (iii) It is not presumed that termination of parental rights is in the best interest of the  
23.27 child if the act involved sexual penetration as defined in section 609.344, subdivision 1,  
23.28 paragraph (b) when the actor was no more than 48 months but more the 24 months older  
23.29 than the complainant who was at least 13, but less than 16 years of age and there are no  
23.30 other factors that threaten the child's best interests, health, and safety.
- 23.31 (iv) A petition for termination of parental rights under this clause may be filed at  
23.32 any time.



23.33 In an action involving an American Indian child, sections 260.751 to 260.835 and  
23.34 the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control  
23.35 to the extent that the provisions of this section are inconsistent with those laws.

24.1 Sec. 6. Minnesota Statutes 2014, section 260C.301, subdivision 8, is amended to read:

24.2 Subd. 8. **Findings regarding reasonable efforts.** In any proceeding under this

24.3 section, the court shall make specific findings:

24.4 (1) that reasonable efforts to finalize the permanency plan to reunify the child and

24.5 the parent were made including individualized and explicit findings regarding the nature

24.6 and extent of efforts made by the social services agency to rehabilitate the parent and

24.7 reunite the family; ~~or~~

24.8 (2) that reasonable efforts for reunification are not required as provided under

24.9 section 260.012; or

24.10 (3) that reasonable efforts for reunification are not required because the termination

24.11 is based on the factors in subdivision 1, paragraph (b), clause (10), items (i) or (ii).

24.12 Sec. 7. Minnesota Statutes 2014, section 271.08, subdivision 1, is amended to read:

24.13 Subdivision 1. **Written order.** The Tax Court, except in Small Claims Division,

24.14 shall determine every appeal by written order containing findings of fact and the decision

24.15 of the tax court. A memorandum of the grounds of the decision shall be appended. Notice

24.16 of the entry of the order and of the substance of the decision shall be mailed to all parties.

24.17 A motion for rehearing, which includes a motion for amended findings of fact, conclusions

24.18 of law, or a new trial, must be served by the moving party within ~~15~~ 30 days after mailing

24.19 of the notice by the court as specified in this subdivision, and the motion must be heard

24.20 within ~~30~~ 60 days thereafter, unless the time for hearing is extended by the court within

24.21 the ~~30-day~~ 60-day period for good cause shown.

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

24.23 Sec. 8. Minnesota Statutes 2014, section 271.21, subdivision 2, is amended to read:

24.24 Subd. 2. **Jurisdiction.** At the election of the taxpayer, the Small Claims Division

24.25 shall have jurisdiction only in the following matters:

24.26 (a) cases involving valuation, assessment, or taxation of real or personal property, if:

24.27 (i) the issue is a denial of a current year application for the homestead classification

24.28 for the taxpayer's property;

24.29 (ii) only one parcel is included in the petition, the entire parcel is classified as

24.30 homestead class 1a or 1b under section 273.13, and the parcel contains no more than

24.31 one dwelling unit;

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**SEE SENATE TAX OMNIBUS**

24.32 (iii) the entire property is classified as agricultural homestead class 2a or 1b under  
24.33 section 273.13; or

25.1 (iv) the assessor's estimated market value of the property included in the petition  
25.2 is less than \$300,000; or

25.3 (b) any case not involving valuation, assessment, or taxation of real and personal  
25.4 property in which the amount in controversy does not exceed ~~\$5,000~~ \$15,000, including  
25.5 penalty and interest.

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

25.7 Sec. 9. Minnesota Statutes 2014, section 486.10, subdivision 2, is amended to read:

25.8 Subd. 2. **Disclosure; court reporter requirements; objections.** (a) The existence  
25.9 of a contract or an exclusive agreement with a court reporter or court reporting firm for  
25.10 court reporting services must be disclosed as provided by this paragraph. Written notice of  
25.11 a contract or agreement must be included in the notice of taking deposition or the notice of  
25.12 legal proceeding before commencement of a legal proceeding at which court reporting  
25.13 services are being provided. Oral disclosure of a contract or agreement must be made on  
25.14 the record by the court reporter at the commencement of the legal proceeding.

25.15 (b) A freelance court reporter or court reporting firm:

25.16 (1) shall treat all parties to an action equally, providing comparable services to  
25.17 all parties;

25.18 (2) shall charge the same rate for copies of the same transcript to all parties according  
25.19 to Minnesota Rules of Civil Procedure, rule 30.06;

25.20 ~~(2)~~ (3) may not act as an advocate for any party or act partially to any party to  
25.21 an action; and

25.22 ~~(3)~~ (4) shall comply with all state and federal court rules that govern the activities  
25.23 of court reporters.

25.24 (c) An attorney shall state the reason for the objection to the provision of court  
25.25 reporting services by a freelance court reporter or court reporting firm and shall note  
25.26 the objection and the reason on the record.

25.27 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to legal  
25.28 proceedings commencing on or after that date.

25.29 Sec. 10. Minnesota Statutes 2014, section 486.10, subdivision 3, is amended to read:

25.30 Subd. 3. **Remedies.** Through objection by a party to the proceedings and upon  
25.31 the court's or presiding officer's ~~learning~~ determination of a violation of subdivision 2,  
25.32 paragraph (a), the court or presiding officer may: (1) declare that the record for which the  
25.33 court reporting services were provided is void and may order that the legal proceeding be  
26.1 reconducted; or (2) impose sanctions against the party violating subdivision 2, paragraph  
26.2 (a), including civil contempt of court, costs, and reasonable attorney fees resulting from  
26.3 the violation. If the legal proceedings are reconducted, the parties who violate violated  
26.4 subdivision 2, paragraph (a), are jointly and severally liable for costs associated with  
26.5 reconducting the legal proceeding and preparing the new record. Costs include, but are not  
26.6 limited to, attorney, witness, and freelance court reporter appearance and transcript fees.

26.7 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to legal  
26.8 proceedings commencing on or after that date.

26.9 Sec. 11. Minnesota Statutes 2014, section 549.09, subdivision 1, is amended to read:

26.10 Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery  
26.11 of money, including a judgment for the recovery of taxes, interest from the time of the  
26.12 verdict, award, or report until judgment is finally entered shall be computed by the court  
26.13 administrator or arbitrator as provided in paragraph (c) and added to the judgment or award.

26.14 (b) Except as otherwise provided by contract or allowed by law, preverdict,  
26.15 preaward, or prereport interest on pecuniary damages shall be computed as provided in  
26.16 paragraph (c), clause (1), regardless of the amount, from the time of the commencement of  
26.17 the action or a demand for arbitration, or the time of a written notice of claim, whichever  
26.18 occurs first, except as provided herein. The action must be commenced within two years  
26.19 of a written notice of claim for interest to begin to accrue from the time of the notice of  
26.20 claim. If either party serves a written offer of settlement, the other party may serve a  
26.21 written acceptance or a written counteroffer within 30 days. After that time, interest on the  
26.22 judgment or award shall be calculated by the judge or arbitrator in the following manner.  
26.23 The prevailing party shall receive interest on any judgment or award from the time of  
26.24 commencement of the action or a demand for arbitration, or the time of a written notice  
26.25 of claim, or as to special damages from the time when special damages were incurred, if  
26.26 later, until the time of verdict, award, or report only if the amount of its offer is closer to  
26.27 the judgment or award than the amount of the opposing party's offer. If the amount of  
26.28 the losing party's offer was closer to the judgment or award than the prevailing party's  
26.29 offer, the prevailing party shall receive interest only on the amount of the settlement offer  
26.30 or the judgment or award, whichever is less, and only from the time of commencement  
26.31 of the action or a demand for arbitration, or the time of a written notice of claim, or as  
26.32 to special damages from when the special damages were incurred, if later, until the time  
26.33 the settlement offer was made. Subsequent offers and counteroffers supersede the legal  
26.34 effect of earlier offers and counteroffers. For the purposes of clause (2), the amount of  
26.35 settlement offer must be allocated between past and future damages in the same proportion  
27.1 as determined by the trier of fact. Except as otherwise provided by contract or allowed by

27.2 law, preverdict, preaward, or prereport interest shall not be awarded on the following:

27.3 (1) judgments, awards, or benefits in workers' compensation cases, but not including

27.4 third-party actions;

27.5 (2) judgments or awards for future damages;

27.6 (3) punitive damages, fines, or other damages that are noncompensatory in nature;

27.7 (4) judgments or awards not in excess of the amount specified in section 491A.01; and

27.8 (5) that portion of any verdict, award, or report which is founded upon interest, or

27.9 costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

27.10 (c)(1) For a judgment or award of \$50,000 or less or a judgment or award for

27.11 or against the state or a political subdivision of the state, regardless of the amount, the

27.12 interest shall be computed as simple interest per annum. The rate of interest shall be based

27.13 on the secondary market yield of one year United States Treasury bills, calculated on a

27.14 bank discount basis as provided in this section.

27.15 On or before the 20th day of December of each year the state court administrator

27.16 shall determine the rate from the one-year constant maturity treasury yield for the most

27.17 recent calendar month, reported on a monthly basis in the latest statistical release of the

27.18 board of governors of the Federal Reserve System. This yield, rounded to the nearest one

27.19 percent, or four percent, whichever is greater, shall be the annual interest rate during the

27.20 succeeding calendar year. The state court administrator shall communicate the interest

27.21 rates to the court administrators and sheriffs for use in computing the interest on verdicts

27.22 and shall make the interest rates available to arbitrators.

27.23 This clause applies to any section that references section 549.09 by citation for the

27.24 purposes of computing an interest rate on any amount owed to or by the state or a political

27.25 subdivision of the state, regardless of the amount.

27.26 (2) For a judgment or award over \$50,000, other than a judgment or award for or

27.27 against the state or a political subdivision of the state, the interest rate shall be ten percent

27.28 per year until paid.

27.29 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has

27.30 received a payment after entry of judgment, whether the payment is made voluntarily by

27.31 or on behalf of the judgment debtor, or is collected by legal process other than execution

27.32 levy where a proper return has been filed with the court administrator, the judgment

27.33 creditor, or the judgment creditor's attorney, before applying to the court administrator

27.34 for an execution shall file with the court administrator an affidavit of partial satisfaction.

27.35 The affidavit must state the dates and amounts of payments made upon the judgment after

27.36 the most recent affidavit of partial satisfaction filed, if any; the part of each payment that

28.1 is applied to taxable disbursements and to accrued interest and to the unpaid principal

28.2 balance of the judgment; and the accrued, but the unpaid interest owing, if any, after

28.3 application of each payment.

28.4 (d) This section does not apply to arbitrations between employers and employees  
28.5 under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from  
28.6 awarding interest under chapter 179 or under section 179A.16 for essential employees.

28.7 (e) For purposes of this subdivision:

28.8 (1) "state" includes a department, board, agency, commission, court, or other entity  
28.9 in the executive, legislative, or judicial branch of the state; and

28.10 (2) "political subdivision" includes a town, statutory or home rule charter city,  
28.11 county, school district, or any other political subdivision of the state.

28.12 (f) This section does not apply to a judgment or award upon which interest is entitled  
28.13 to be recovered under section 60A.0811.

28.14 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to

28.15 judgments and awards entered on or after that date.