

1 A bill for an act

2 relating to child protection; providing for a
3 background check of an individual being considered as
4 a custodian; modifying requirements for adoption
5 consents and placement resources for children who are
6 in the legal custody of a social services agency;
7 amending Minnesota Statutes 2004, sections 259.24,
8 subdivisions 1, 2a, 5, 6a; 260C.201, subdivision 11;
9 260C.212, subdivision 4; proposing coding for new law
10 in Minnesota Statutes, chapter 260C.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

12 Section 1. Minnesota Statutes 2004, section 259.24,
13 subdivision 1, is amended to read:

14 Subdivision 1. [EXCEPTIONS.] No child shall be adopted
15 without the consent of the child's parents and the child's
16 guardian, if there be one, except in the following instances:

17 (a) Consent shall not be required of a parent not entitled
18 to notice of the proceedings.

19 (b) Consent shall not be required of a parent who has
20 abandoned the child, or of a parent who has lost custody of the
21 child through a divorce decree or a decree of dissolution, and
22 upon whom notice has been served as required by section 259.49.

23 (c) Consent shall not be required of a parent whose
24 parental rights to the child have been terminated by a juvenile
25 court or who has lost custody of a child through a final
26 commitment of the juvenile court or through a decree in a prior
27 adoption proceeding.

28 (d) If there be no parent or guardian qualified to consent

1 to the adoption, the consent ~~may~~ shall be given by the
2 commissioner. After the court accepts a parent's consent to the
3 adoption under section 260C.201, subdivision 11, consent by the
4 commissioner or commissioner's delegate is also necessary.
5 Agreement to the identified prospective adoptive parent by the
6 responsible social services agency under section 260C.201,
7 subdivision 11, does not constitute the required consent.

8 (e) The commissioner or agency having authority to place a
9 child for adoption pursuant to section 259.25, subdivision 1,
10 shall have the exclusive right to consent to the adoption of
11 such child. The commissioner or agency shall make every effort
12 to place siblings together for adoption. Notwithstanding any
13 rule to the contrary, the commissioner may delegate the right to
14 consent to the adoption or separation of siblings, if it is in
15 the child's best interest, to a local social services agency.

16 Sec. 2. Minnesota Statutes 2004, section 259.24,
17 subdivision 2a, is amended to read:

18 Subd. 2a. [TIME OF CONSENT; NOTICE OF INTENT TO CONSENT TO
19 ADOPTION.] (a) Not sooner than 72 hours after the birth of a
20 child and not later than 60 days after the child's placement in
21 a prospective adoptive home, a person whose consent is required
22 under this section shall execute a consent.

23 (b) Unless all birth parents from whom consent is required
24 under this section are involved in making the adoptive placement
25 and intend to consent to the adoption, a birth parent who
26 intends to execute a consent to an adoption must give notice to
27 the child's other birth parent of the intent to consent to the
28 adoption prior to or within 72 hours following the placement of
29 the child, if the other birth parent's consent to the adoption
30 is required under subdivision 1. The birth parent who receives
31 notice shall have 60 days after the placement of the child to
32 either consent or refuse to consent to the adoption. If the
33 birth parent who receives notice fails to take either of these
34 actions, that parent shall be deemed to have irrevocably
35 consented to the child's adoption. The notice provisions of
36 chapter 260C and the rules of juvenile protection procedure

1 shall apply to both parents when the consent to adopt is
2 executed under section 260C.201, subdivision 11.

3 (c) When notice is required under this subdivision, it
4 shall be provided to the other birth parent according to the
5 Rules of Civil Procedure for service of a summons and complaint.

6 Sec. 3. Minnesota Statutes 2004, section 259.24,
7 subdivision 5, is amended to read:

8 Subd. 5. [EXECUTION.] All consents to an adoption shall be
9 in writing, executed before two competent witnesses, and
10 acknowledged by the consenting party. In addition, all consents
11 to an adoption, except those by the commissioner, the
12 commissioner's agent, a licensed child-placing agency, an adult
13 adoptee, or the child's parent in a petition for adoption by a
14 stepparent, shall be executed before a representative of the
15 commissioner, the commissioner's agent, or a licensed
16 child-placing agency. All consents by a parent:

17 (1) shall contain notice to the parent of the substance of
18 subdivision 6a, providing for the right to withdraw
19 consent unless the parent will not have the right to withdraw
20 consent because consent was executed under section 260C.201,
21 subdivision 11, following proper notice that consent given under
22 that provision is irrevocable upon acceptance by the court as
23 provided in section 259.24, subdivision 6a; and

24 (2) shall contain the following written notice in all
25 capital letters at least one-eighth inch high:

26 "This agency will submit your consent to adoption to the
27 court. The consent itself does not terminate your parental
28 rights. Parental rights to a child may be terminated only by an
29 adoption decree or by a court order terminating parental
30 rights. Unless the child is adopted or your parental rights are
31 terminated, you may be asked to support the child."

32 Consents shall be filed in the adoption proceedings at any
33 time before the matter is heard provided, however, that a
34 consent executed and acknowledged outside of this state, either
35 in accordance with the law of this state or in accordance with
36 the law of the place where executed, is valid.

1 Sec. 4. Minnesota Statutes 2004, section 259.24,
2 subdivision 6a, is amended to read:

3 Subd. 6a. [WITHDRAWAL OF CONSENT.] Except for consents
4 executed under section 260C.201, subdivision 11, a parent's
5 consent to adoption may be withdrawn for any reason within ten
6 working days after the consent is executed and acknowledged.
7 Written notification of withdrawal of consent must be received
8 by the agency to which the child was surrendered no later than
9 the tenth working day after the consent is executed and
10 acknowledged. On the day following the tenth working day after
11 execution and acknowledgment, the consent shall become
12 irrevocable, except upon order of a court of competent
13 jurisdiction after written findings that consent was obtained by
14 fraud. A consent to adopt executed under section 260C.201,
15 subdivision 11, is irrevocable upon proper notice to both
16 parents of the effect of a consent to adopt and acceptance by
17 the court, except upon order of the same court after written
18 findings that the consent was obtained by fraud. In proceedings
19 to determine the existence of fraud, the adoptive parents and
20 the child shall be made parties. The proceedings shall be
21 conducted to preserve the confidentiality of the adoption
22 process. There shall be no presumption in the proceedings
23 favoring the birth parents over the adoptive parents.

24 Sec. 5. Minnesota Statutes 2004, section 260C.201,
25 subdivision 11, is amended to read:

26 Subd. 11. [REVIEW OF COURT-ORDERED PLACEMENTS; PERMANENT
27 PLACEMENT DETERMINATION.] (a) This subdivision and subdivision
28 11a do not apply in cases where the child is in placement due
29 solely to the child's developmental disability or emotional
30 disturbance, where legal custody has not been transferred to the
31 responsible social services agency, and where the court finds
32 compelling reasons under section 260C.007, subdivision 8, to
33 continue the child in foster care past the time periods
34 specified in this subdivision. Foster care placements of
35 children due solely to their disability are governed by section
36 260C.141, subdivision 2b. In all other cases where the child is

1 in foster care or in the care of a noncustodial parent under
2 subdivision 1, the court shall conduct a hearing to determine
3 the permanent status of a child not later than 12 months after
4 the child is placed in foster care or in the care of a
5 noncustodial parent.

6 For purposes of this subdivision, the date of the child's
7 placement in foster care is the earlier of the first
8 court-ordered placement or 60 days after the date on which the
9 child has been voluntarily placed in foster care by the child's
10 parent or guardian. For purposes of this subdivision, time
11 spent by a child under the protective supervision of the
12 responsible social services agency in the home of a noncustodial
13 parent pursuant to an order under subdivision 1 counts towards
14 the requirement of a permanency hearing under this subdivision
15 or subdivision 11a.

16 For purposes of this subdivision, 12 months is calculated
17 as follows:

18 (1) during the pendency of a petition alleging that a child
19 is in need of protection or services, all time periods when a
20 child is placed in foster care or in the home of a noncustodial
21 parent are cumulated;

22 (2) if a child has been placed in foster care within the
23 previous five years under one or more previous petitions, the
24 lengths of all prior time periods when the child was placed in
25 foster care within the previous five years are cumulated. If a
26 child under this clause has been in foster care for 12 months or
27 more, the court, if it is in the best interests of the child and
28 for compelling reasons, may extend the total time the child may
29 continue out of the home under the current petition up to an
30 additional six months before making a permanency determination.

31 (b) Unless the responsible social services agency
32 recommends return of the child to the custodial parent or
33 parents, not later than 30 days prior to this hearing, the
34 responsible social services agency shall file pleadings in
35 juvenile court to establish the basis for the juvenile court to
36 order permanent placement of the child according to paragraph

1 (d). Notice of the hearing and copies of the pleadings must be
2 provided pursuant to section 260C.152. If a termination of
3 parental rights petition is filed before the date required for
4 the permanency planning determination and there is a trial under
5 section 260C.163 scheduled on that petition within 90 days of
6 the filing of the petition, no hearing need be conducted under
7 this subdivision.

8 (c) At the conclusion of the hearing, the court shall order
9 the child returned to the care of the parent or guardian from
10 whom the child was removed or order a permanent placement in the
11 child's best interests. The "best interests of the child" means
12 all relevant factors to be considered and evaluated. Transfer
13 of permanent legal and physical custody, termination of parental
14 rights, or guardianship and legal custody to the commissioner
15 through a consent to adopt are preferred permanency options for
16 a child who cannot return home.

17 (d) If the child is not returned to the home, the court
18 must order one of the following dispositions:

19 (1) permanent legal and physical custody to a relative in
20 the best interests of the child according to the following
21 conditions:

22 (i) an order for transfer of permanent legal and physical
23 custody to a relative shall only be made after the court has
24 reviewed the suitability of the prospective legal and physical
25 custodian;

26 (ii) in transferring permanent legal and physical custody
27 to a relative, the juvenile court shall follow the standards
28 applicable under this chapter and chapter 260, and the
29 procedures set out in the juvenile court rules;

30 (iii) an order establishing permanent legal and physical
31 custody under this subdivision must be filed with the family
32 court;

33 (iv) a transfer of legal and physical custody includes
34 responsibility for the protection, education, care, and control
35 of the child and decision making on behalf of the child;

36 (v) the social services agency may bring a petition or

1 motion naming a fit and willing relative as a proposed permanent
2 legal and physical custodian. The commissioner of human
3 services shall annually prepare for counties information that
4 must be given to proposed custodians about their legal rights
5 and obligations as custodians together with information on
6 financial and medical benefits for which the child is eligible;
7 and

8 (vi) the juvenile court may maintain jurisdiction over the
9 responsible social services agency, the parents or guardian of
10 the child, the child, and the permanent legal and physical
11 custodian for purposes of ensuring appropriate services are
12 delivered to the child and permanent legal custodian or for the
13 purpose of ensuring conditions ordered by the court related to
14 the care and custody of the child are met;

15 (2) termination of parental rights according to the
16 following conditions:

17 (i) unless the social services agency has already filed a
18 petition for termination of parental rights under section
19 260C.307, the court may order such a petition filed and all the
20 requirements of sections 260C.301 to 260C.328 remain applicable;
21 and

22 (ii) an adoption completed subsequent to a determination
23 under this subdivision may include an agreement for
24 communication or contact under section 259.58;

25 (3) long-term foster care according to the following
26 conditions:

27 (i) the court may order a child into long-term foster care
28 only if it finds compelling reasons that neither an award of
29 permanent legal and physical custody to a relative, nor
30 termination of parental rights is in the child's best interests;
31 and

32 (ii) further, the court may only order long-term foster
33 care for the child under this section if it finds the following:

34 (A) the child has reached age 12 and reasonable efforts by
35 the responsible social services agency have failed to locate an
36 adoptive family for the child; or

1 (B) the child is a sibling of a child described in subitem
2 (A) and the siblings have a significant positive relationship
3 and are ordered into the same long-term foster care home;

4 (4) foster care for a specified period of time according to
5 the following conditions:

6 (i) foster care for a specified period of time may be
7 ordered only if:

8 (A) the sole basis for an adjudication that the child is in
9 need of protection or services is the child's behavior;

10 (B) the court finds that foster care for a specified period
11 of time is in the best interests of the child; and

12 (C) the court finds compelling reasons that neither an
13 award of permanent legal and physical custody to a relative, nor
14 termination of parental rights is in the child's best interests;

15 (ii) the order does not specify that the child continue in
16 foster care for any period exceeding one year; or

17 (5) guardianship and legal custody to the commissioner of
18 human services under the following procedures and conditions:

19 (i) there is an identified prospective adoptive home that
20 has agreed to adopt the child, agreed to by the responsible
21 social services agency having legal custody of the child
22 pursuant to court order under this section, and the court
23 accepts the parent's voluntary consent to adopt under section
24 259.24;

25 (ii) if the court accepts a consent to adopt in lieu of
26 ordering one of the other enumerated permanency dispositions,
27 the court must review the matter at least every 90 days. The
28 review will address the reasonable efforts of the agency to
29 achieve a finalized adoption;

30 (iii) a consent to adopt under this clause vests all legal
31 authority regarding the child, including guardianship and legal
32 custody of the child, with the commissioner of human services as
33 if the child were a state ward after termination of parental
34 rights;

35 (iv) the court must forward a copy of the consent to adopt,
36 together with a certified copy of the order transferring

1 guardianship and legal custody to the commissioner, to the
2 commissioner; and

3 (v) if an adoption is not finalized by the identified
4 prospective adoptive parent within 12 months of the execution of
5 the consent to adopt under this clause, the commissioner of
6 human services or the commissioner's delegate shall pursue
7 adoptive placement in another home unless the commissioner
8 certifies that the failure to finalize is not due to either an
9 action or a failure to act by the prospective adoptive parent;
10 and

11 (vi) notwithstanding item (v), the commissioner of human
12 services or the commissioner's designee must pursue adoptive
13 placement in another home as soon as the commissioner or
14 commissioner's designee determines that finalization of the
15 adoption with the identified prospective adoptive parent is not
16 possible, that the identified prospective adoptive parent is not
17 willing to adopt the child, that the identified prospective
18 adoptive parent is not cooperative in completing the steps
19 necessary to finalize the adoption, or upon the commissioner's
20 determination to withhold consent to the adoption.

21 (e) In ordering a permanent placement of a child, the court
22 must be governed by the best interests of the child, including a
23 review of the relationship between the child and relatives and
24 the child and other important persons with whom the child has
25 resided or had significant contact.

26 (f) Once a permanent placement determination has been made
27 and permanent placement has been established, further court
28 reviews are necessary if:

29 (1) the placement is long-term foster care or foster care
30 for a specified period of time;

31 (2) the court orders further hearings because it has
32 retained jurisdiction of a transfer of permanent legal and
33 physical custody matter;

34 (3) an adoption has not yet been finalized; or

35 (4) there is a disruption of the permanent or long-term
36 placement.

1 (g) Court reviews of an order for long-term foster care,
2 whether under this section or section 260C.317, subdivision 3,
3 paragraph (d), or foster care for a specified period of time
4 must be conducted at least yearly and must review the child's
5 out-of-home placement plan and the reasonable efforts of the
6 agency to:

7 (1) identify a specific long-term foster home for the child
8 or a specific foster home for the time the child is specified to
9 be out of the care of the parent, if one has not already been
10 identified;

11 (2) support continued placement of the child in the
12 identified home, if one has been identified;

13 (3) ensure appropriate services are provided to the child
14 during the period of long-term foster care or foster care for a
15 specified period of time;

16 (4) plan for the child's independence upon the child's
17 leaving long-term foster care living as required under section
18 260C.212, subdivision 1; and

19 (5) where placement is for a specified period of time, a
20 plan for the safe return of the child to the care of the parent.

21 (h) An order under this subdivision must include the
22 following detailed findings:

23 (1) how the child's best interests are served by the order;

24 (2) the nature and extent of the responsible social service
25 agency's reasonable efforts, or, in the case of an Indian child,
26 active efforts to reunify the child with the parent or parents;

27 (3) the parent's or parents' efforts and ability to use
28 services to correct the conditions which led to the out-of-home
29 placement; and

30 (4) whether the conditions which led to the out-of-home
31 placement have been corrected so that the child can return home.

32 (i) An order for permanent legal and physical custody of a
33 child may be modified under sections 518.18 and 518.185. The
34 social services agency is a party to the proceeding and must
35 receive notice. A parent may only seek modification of an order
36 for long-term foster care upon motion and a showing by the

1 parent of a substantial change in the parent's circumstances
2 such that the parent could provide appropriate care for the
3 child and that removal of the child from the child's permanent
4 placement and the return to the parent's care would be in the
5 best interest of the child.

6 (j) The court shall issue an order required under this
7 section within 15 days of the close of the proceedings. The
8 court may extend issuing the order an additional 15 days when
9 necessary in the interests of justice and the best interests of
10 the child.

11 Sec. 6. [260C.209] [BACKGROUND CHECKS.]

12 Subdivision 1. [SUBJECTS.] (a) The responsible social
13 services agency must conduct a background check under this
14 section of the following:

15 (1) a noncustodial parent or nonadjudicated parent who is
16 being assessed for purposes of providing day-to-day care of a
17 child temporarily or permanently under section 260C.212,
18 subdivision 4, and any member of the parent's household who is
19 over the age of 13 when there is reasonable cause to believe
20 that the parent or household member over age 13 has a criminal
21 history or a history of maltreatment of a child or vulnerable
22 adult which would endanger the child's health, safety, or
23 welfare;

24 (2) an individual whose suitability for relative placement
25 under section 260C.212, subdivision 5, is being determined, and
26 any member of the relative's household who is over the age of 13
27 when:

28 (i) the relative must be licensed for foster care; or

29 (ii) the agency must conduct a background study under
30 section 259.53, subdivision 2; or

31 (iii) the agency has reasonable cause to believe the
32 relative or household member over the age of 13 has a criminal
33 history which would not make transfer of permanent legal and
34 physical custody to the relative under section 260C.201,
35 subdivision 11, in the child's best interest; and

36 (3) a parent, following an out-of-home placement:

1 (i) when the responsible social service agency has
2 reasonable cause to believe that the parent has been convicted
3 of a crime directly related to the parent's capacity to maintain
4 the child's health, safety, or welfare; or

5 (ii) the parent is the subject of an open investigation of,
6 or has been the subject of a substantiated allegation of, child
7 or vulnerable-adult maltreatment within the past ten years.

8 (b) "Reasonable cause" means that the agency has received
9 information or a report from the subject or a third person that
10 creates an articulable suspicion that the individual has a
11 history that may pose a risk to the health, safety, or welfare
12 of the child. The information or report must be specific to the
13 potential subject of the background check and shall not be based
14 on the race, religion, ethnic background, age, class, or
15 lifestyle of the potential subject.

16 Subd. 2. [GENERAL PROCEDURES.] (a) When conducting a
17 background check under subdivision 1, the agency may require the
18 individual being assessed to provide sufficient information to
19 ensure an accurate assessment under this section, including:

20 (1) the individual's first, middle, and last name and all
21 other names by which the individual has been known;

22 (2) home address, zip code, city, county, and state of
23 residence for the past ten years;

24 (3) sex;

25 (4) date of birth; and

26 (5) driver's license number or state identification number.

27 (b) When notified by the responsible social services agency
28 that it is conducting an assessment under this section, the
29 Bureau of Criminal Apprehension, commissioners of health and
30 human services, law enforcement, and county agencies must
31 provide the responsible social services agency or county
32 attorney with the following information on the individual being
33 assessed: criminal history data, reports about the maltreatment
34 of adults substantiated under section 626.557, and reports of
35 maltreatment of minors substantiated under section 626.556.

36 Subd. 3. [MULTISTATE INFORMATION.] (a) For any assessment

1 completed under this section, if the responsible social services
2 agency has reasonable cause to believe that the individual is a
3 multistate offender, the individual must provide the responsible
4 social services agency or the county attorney with a set of
5 classifiable fingerprints obtained from an authorized law
6 enforcement agency. The responsible social services agency or
7 county attorney may obtain criminal history data from the
8 National Criminal Records Repository by submitting the
9 fingerprints to the Bureau of Criminal Apprehension.

10 (b) For purposes of this subdivision, the responsible
11 social services agency has reasonable cause when, but not
12 limited to:

13 (1) information from the Bureau of Criminal Apprehension
14 indicates that the individual is a multistate offender;

15 (2) information from the Bureau of Criminal Apprehension
16 indicates that multistate offender status is undetermined;

17 (3) the social services agency has received a report from
18 the individual or a third party indicating that the individual
19 has a criminal history in a jurisdiction other than Minnesota;
20 or

21 (4) the individual is or has been a resident of a state
22 other than Minnesota at any time during the prior ten years.

23 Subd. 4. [NOTICE UPON RECEIPT.] The responsible social
24 services agency must provide the subject of the background study
25 with the results of the study under this section within 15
26 business days of receipt or at least 15 days prior to hearing at
27 which the results will be presented, whichever comes first. The
28 subject may provide written information to the agency that the
29 results are incorrect and may provide additional or clarifying
30 information to the agency and to the court through a party to
31 the proceeding. This provision does not apply to any background
32 study conducted under chapters 245A and 245C.

33 Sec. 7. Minnesota Statutes 2004, section 260C.212,
34 subdivision 4, is amended to read:

35 Subd. 4. [RESPONSIBLE SOCIAL SERVICE AGENCY'S DUTIES FOR
36 CHILDREN IN PLACEMENT.] (a) When a child is in placement, the

1 responsible social services agency shall make diligent efforts
2 to identify, locate, and, where appropriate, offer services to
3 both parents of the child.

4 (1) ~~If~~ The responsible social services agency shall assess
5 whether a noncustodial or nonadjudicated parent is willing and
6 capable of providing for the day-to-day care of the child
7 temporarily or permanently. An assessment under this clause may
8 include, but is not limited to, obtaining information under
9 section 260C.209. If after assessment, the responsible social
10 services agency determines that a noncustodial or nonadjudicated
11 parent is willing and capable of providing day-to-day care of
12 the child, the responsible social services agency may seek
13 authority from the custodial parent or the court to have that
14 parent assume day-to-day care of the child. If a parent is not
15 an adjudicated parent, the responsible social services agency
16 shall require the nonadjudicated parent to cooperate with
17 paternity establishment procedures as part of the case plan.

18 (2) If, after assessment, the responsible social services
19 agency determines that the child cannot be in the day-to-day
20 care of either parent₇:

21 (i) the agency shall prepare an out-of-home placement plan
22 addressing the conditions that each parent must meet before the
23 child can be in that parent's day-to-day care;

24 (ii) provide a parent who is the subject of a background
25 study under section 260C.209, 15 days' notice that it intends to
26 use the study to recommend against putting the child with that
27 parent, as well as the notice provided in section 260C.209,
28 subdivision 4, and the court shall afford the parent an
29 opportunity to be heard concerning the study; and

30 (iii) the results of a background study of a noncustodial
31 parent shall not be used by the agency to determine that the
32 parent is incapable of providing day-to-day care of the child
33 unless the agency reasonably believes that placement of the
34 child into the home of that parent would endanger the child's
35 health, safety, or welfare.

36 (3) If, after the provision of services following an

1 out-of-home placement plan under this section, the child cannot
2 return to the care of the parent from whom the child was removed
3 or who had legal custody at the time the child was placed in
4 foster care, the agency may petition on behalf of a noncustodial
5 parent to establish legal custody with that parent under section
6 260C.201, subdivision 11. If paternity has not already been
7 established, it may be established in the same proceeding in the
8 manner provided for under chapter 257.

9 (4) The responsible social services agency may be relieved
10 of the requirement to locate and offer services to both parents
11 by the juvenile court upon a finding of good cause after the
12 filing of a petition under section 260C.141.

13 (b) The responsible social services agency shall give
14 notice to the parent or parents or guardian of each child in a
15 residential facility, other than a child in placement due solely
16 to that child's developmental disability or emotional
17 disturbance, of the following information:

18 (1) that residential care of the child may result in
19 termination of parental rights or an order permanently placing
20 the child out of the custody of the parent, but only after
21 notice and a hearing as required under chapter 260C and the
22 juvenile court rules;

23 (2) time limits on the length of placement and of
24 reunification services, including the date on which the child is
25 expected to be returned to and safely maintained in the home of
26 the parent or parents or placed for adoption or otherwise
27 permanently removed from the care of the parent by court order;

28 (3) the nature of the services available to the parent;

29 (4) the consequences to the parent and the child if the
30 parent fails or is unable to use services to correct the
31 circumstances that led to the child's placement;

32 (5) the first consideration for placement with relatives;

33 (6) the benefit to the child in getting the child out of
34 residential care as soon as possible, preferably by returning
35 the child home, but if that is not possible, through a permanent
36 legal placement of the child away from the parent;

1 (7) when safe for the child, the benefits to the child and
2 the parent of maintaining visitation with the child as soon as
3 possible in the course of the case and, in any event, according
4 to the visitation plan under this section; and

5 (8) the financial responsibilities and obligations, if any,
6 of the parent or parents for the support of the child during the
7 period the child is in the residential facility.

8 (c) The responsible social services agency shall inform a
9 parent considering voluntary placement of a child who is not
10 developmentally disabled or emotionally disturbed of the
11 following information:

12 (1) the parent and the child each has a right to separate
13 legal counsel before signing a voluntary placement agreement,
14 but not to counsel appointed at public expense;

15 (2) the parent is not required to agree to the voluntary
16 placement, and a parent who enters a voluntary placement
17 agreement may at any time request that the agency return the
18 child. If the parent so requests, the child must be returned
19 within 24 hours of the receipt of the request;

20 (3) evidence gathered during the time the child is
21 voluntarily placed may be used at a later time as the basis for
22 a petition alleging that the child is in need of protection or
23 services or as the basis for a petition seeking termination of
24 parental rights or other permanent placement of the child away
25 from the parent;

26 (4) if the responsible social services agency files a
27 petition alleging that the child is in need of protection or
28 services or a petition seeking the termination of parental
29 rights or other permanent placement of the child away from the
30 parent, the parent would have the right to appointment of
31 separate legal counsel and the child would have a right to the
32 appointment of counsel and a guardian ad litem as provided by
33 law, and that counsel will be appointed at public expense if
34 they are unable to afford counsel; and

35 (5) the timelines and procedures for review of voluntary
36 placements under subdivision 3, and the effect the time spent in

1 voluntary placement on the scheduling of a permanent placement
2 determination hearing under section 260C.201, subdivision 11.

3 (d) When an agency accepts a child for placement, the
4 agency shall determine whether the child has had a physical
5 examination by or under the direction of a licensed physician
6 within the 12 months immediately preceding the date when the
7 child came into the agency's care. If there is documentation
8 that the child has had an examination within the last 12 months,
9 the agency is responsible for seeing that the child has another
10 physical examination within one year of the documented
11 examination and annually in subsequent years. If the agency
12 determines that the child has not had a physical examination
13 within the 12 months immediately preceding placement, the agency
14 shall ensure that the child has an examination within 30 days of
15 coming into the agency's care and once a year in subsequent
16 years.

Consolidated Fiscal Note – 2005-06 Session

Bill #: S1211-1E (R) Complete Date: 05/04/05

Chief Author: BETZOLD, DON

Title: CHILD CUSTODIANS BACKGROUND CHECKS

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

Agencies: Human Services Dept (05/04/05)
Public Safety Dept (04/18/05)

Supreme Court (04/21/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund	0	43	14	14	14
Human Services Dept	0	43	14	14	14
Misc Special Revenue Fund		12	12	12	12
Public Safety Dept		12	12	12	12
Revenues					
General Fund	0	20	6	6	6
Human Services Dept	0	20	6	6	6
Misc Special Revenue Fund		12	12	12	12
Public Safety Dept		12	12	12	12
Net Cost <Savings>					
General Fund	0	23	8	8	8
Human Services Dept	0	23	8	8	8
Misc Special Revenue Fund		0	0	0	0
Public Safety Dept		0	0	0	0
Total Cost <Savings> to the State	0	23	8	8	8

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund	0.00	0.25	0.25	0.25	0.25
Human Services Dept	0.00	0.25	0.25	0.25	0.25
Total FTE	0.00	0.25	0.25	0.25	0.25

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: DOUG GREEN
Date: 05/04/05 Phone: 286-5618

Fiscal Note – 2005-06 Session

Bill #: S1211-1E (R) Complete Date: 05/04/05

Chief Author: BETZOLD, DON

Title: CHILD CUSTODIANS BACKGROUND CHECKS

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Human Services Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund	0	43	14	14	14
Less Agency Can Absorb					
- No Impact -					
Net Expenditures					
General Fund	0	43	14	14	14
Revenues					
General Fund	0	20	6	6	6
Net Cost <Savings>					
General Fund	0	23	8	8	8
Total Cost <Savings> to the State	0	23	8	8	8

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund	0.00	0.25	0.25	0.25	0.25
Total FTE	0.00	0.25	0.25	0.25	0.25

Narrative: SF 1211-1E

Bill Description:

Only section 6 of SF1211-1E is expected to have a fiscal impact for DHS. See underlined text for amendments to SF1211.

Section 6 amends chapter 260C by adding a new section 260C.209 which requires the responsible social services agency to conduct a background study on the following individuals:

(1) a noncustodial parent or nonadjudicated parent who is being assessed for purposes of providing day-to-day care of a child temporarily or permanently under section 260C.212, subd. 4, and any member of the parent's household who is over the age of 13 when there is reasonable cause to believe that the parent or household member over age 13 has a criminal history or a history of maltreatment of a child or vulnerable adult which would endanger the child's health, safety or welfare;

(2) an individual whose suitability for relative placement under section 260C.212, subd. 5 is being determined, and any member of the relative's household who is over the age of 13 when (i) the relative must be licensed for foster care; or (ii) the agency must conduct a background study under section 259.53, subdivision 2; or (iii) the agency has reasonable cause to believe the relative or household member over the age of 13 has a criminal history which would not make transfer of permanent legal and physical custody to the relative under section 260C.201, subdivision 11, in the child's best interest; and

(3) a parent, following an out-of-home placement, ~~when the responsible social services agency has reasonable cause to believe that further pertinent information may exist on the custodial parent that may relate to the health, safety, or welfare of the child in that parent's care;~~ (i) when the responsible social service agency has reasonable cause to believe that the parent has been convicted of a crime directly related to the parent's capacity to maintain the child's health, safety, or welfare; or (ii) the parent is the subject of an open investigation of, or has been the subject of a substantiated allegation of, child or vulnerable-adult maltreatment within the past ten years.

When notified by the responsible social services agency that it is conducting an assessment under this section, the Bureau of Criminal Apprehension, commissioners of health and human services, law enforcement, and county agencies must provide the responsible social services agency or county attorney with the following information on the individual being assessed: criminal history data, reports about the maltreatment of adults substantiated under section 626.557, and reports of maltreatment of minors substantiated under section 626.556.

Assumptions

Licensing Division – Identifying Individuals & Notifying Counties

DHS does not know the number of background studies that will be initiated by the responsible social services agencies under this legislation. In 2002, both relative and non-relative foster parents provided temporary care to approximately 11,300 children in family foster care in Minnesota. Of the children in out-of-home care, approximately 78% were reunited with their birth parents or found permanency with relatives. (DHS Website on Foster care/out of home placement).

78% of 11,300 is 8,814 children who were reunited with their birth parents or found permanency with relatives. Some of these children would include siblings. For purposes of this fiscal note, it is estimated that background studies could be conducted on 8,000 potential placements or reunifications. However, background studies will only be conducted when there is "reasonable cause" to do so. It is estimated that social service agencies will have reasonable cause to initiate a background study for 25% of the placements (2,000 placements). For each placement, it is estimated that an average of two and one-half background studies will be completed on each placement or 5,000 background studies.

DHS will be requested to check maltreatment records to determine if any of the 5,000 individuals have a report of substantiated maltreatment. If the individual has a report of substantiated maltreatment, DHS will provide a copy of the investigation memorandum to the responsible social services agency. If DHS has information about a maltreatment substantiated by a county, DHS will refer the social services agency to that county for information regarding the substantiated maltreatment.

DHS estimates that 1% of the studies checked for the social services agencies to have a report of substantiated maltreatment, and will require DHS to send a copy of the investigation memorandum to the social services agency (5,000 checks times .01 = 50 reports).

DHS review of its records: (Staff time)

- 5 minutes per study to obtain identifying information and check database (5 minutes times 5,000 studies = 417 hours of staff time)
- 50 reports times 30 minutes per report to review file, copy investigation memorandum, and send report to the social services agency = 25 hours of staff time

Based on 2080 hours per FTE per year, 442 hours (417 plus 25) will require two-tenths of one FTE.

Social Service Information System – SSIS

SSIS is a state computer system which helps Minnesota’s county social service workers record case information, data necessary for state/federal reporting, information for performance measurement. SSIS also tracks children who have been maltreated and are in out-of-home placement awaiting adoption. SSIS would need to be updated to store as data the outcome of background checks.

Expenditure and/or Revenue Formula

Licensing Changes

FTE costs are based on DHS Licensor position (MAPE Range 10 – Step 6).

Salary \$43,159; Fringe (11.65%) \$5,028; Insurance (Family) \$12,420; Nonsalary 1st year \$22,790
 First year costs per FTE are \$83,397

Nonsalary costs 2nd year \$8,230
 Second year costs per FTE are \$68,837

Estimated cost .2 FTE x \$83,397 the first year and .2 FTE x \$68,837 the second year and subsequent years

2/10 FTE x \$83,397 = \$16,679 40% FFP = \$6,672
 2/10 FTE x \$68,837 = \$13,767 40% FFP = \$5,535

SSIS Changes

Analysis - 120 hrs @ \$40/hr =	\$ 4800
Design - 120 hrs @ \$40/hr =	\$ 4800
Programming - 80 hrs @ \$100/hr	\$ 8000
Testing - 80 hrs @ \$25/hr =	\$ 2000
Training (time, materials)	\$ 7000
TOTAL	\$26,600

\$26,600 reflects the total SSIS cost for implementing this change in FY '06. 50% of this cost will be from the General Fund with the remaining share from federal funds. Net cost to general fund is \$13,300.

Long-Term Fiscal Considerations

None

Local Government Costs

It is estimated that responsible social services agencies will conduct 5,000 additional background studies per year and will need to coordinate those studies with DHS to determine whether the subjects of the studies have reports of substantiated maltreatment. Assuming it will cost social services agencies \$25 per study, the additional studies will result in \$125,000 in new costs to the social services agencies.

References/Sources

- Children in out-of-home placement 2002 (DHS website)
- Human Services Licensor salary - MAPE contract 2004-2005
- Employee costs – DHS Guidelines for estimating administrative expenses for new staff FY2004-05

Agency Contact Name: Jerry Kerber 296-4473
FN Coord Signature: STEVE BARTA
Date: 05/04/05 Phone: 296-5685

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: DOUG GREEN
Date: 05/04/05 Phone: 286-5618

Fiscal Note – 2005-06 Session

Bill #: S1211-1E (R) Complete Date: 04/18/05

Chief Author: BETZOLD, DON

Title: CHILD CUSTODIANS BACKGROUND CHECKS

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
Misc Special Revenue Fund		12	12	12	12
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
Misc Special Revenue Fund		12	12	12	12
Revenues					
Misc Special Revenue Fund		12	12	12	12
Net Cost <Savings>					
Misc Special Revenue Fund		0	0	0	0
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

SF 1211-1E authorizes county attorneys and social services agencies to obtain state and national background checks on individuals with whom a child is being placed following an out of home placement. To obtain a national background check, the individual must supply a set of classifiable fingerprints which will be submitted to the BCA and forwarded to the FBI.

Assumptions

There is a \$29 fee for each national background check. An estimated 400 FBI record check will be made per year.

Expenditure and/or Revenue Formula

An estimate of 400 FBI record checks per year @ \$29.00 per record check equals \$11,600.

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

Agency Contact Name: Julie LeTourneau 651 793-2480
FN Coord Signature: FRANK AHRENS
Date: 04/14/05 Phone: 296-9484

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER
Date: 04/18/05 Phone: 215-0594

Fiscal Note – 2005-06 Session

Bill #: S1211-1E (R) **Complete Date:** 04/21/05

Chief Author: BETZOLD, DON

Title: CHILD CUSTODIANS BACKGROUND CHECKS

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK

Date: 04/21/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 04/21/05 Phone: 296-7964

1 Senator Cohen from the Committee on Finance, to which was
2 referred

3 H.F. No. 847: A bill for an act relating to game and fish;
4 modifying purchasing requirements; modifying certain
5 definitions; providing for special fish management tags;
6 specifying status of and regulating stands and blinds on public
7 lands; modifying authority to take animals causing damage;
8 modifying use of scopes and laser sights by visually impaired
9 hunters; modifying certain license requirements; modifying
10 restrictions on taking waterfowl and big game; authorizing
11 rulemaking; modifying requirements for field training hunting
12 dogs; modifying certain seasons; modifying trapping provisions;
13 modifying period for treeing raccoons; prohibiting
14 computer-assisted remote hunting; modifying restrictions on
15 decoys; modifying disposition of state hatchery products;
16 permitting use of silencers for wildlife control; modifying
17 fishing and commercial fishing provisions; repealing authority
18 for the Mississippi River Fish Refuge; repealing authority to
19 issue certain orders; amending Minnesota Statutes 2004, sections
20 84.025, subdivision 10; 84.027, subdivision 13; 97A.015,
21 subdivisions 29, 49; 97A.045, subdivision 1, by adding a
22 subdivision; 97A.401, subdivision 5; 97A.405, subdivision 4, by
23 adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441,
24 subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivisions
25 7, 16; 97A.485, subdivision 9; 97A.551, by adding a subdivision;
26 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5;
27 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655,
28 subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805,
29 subdivision 1; 97B.811, subdivisions 3, 4a; 97C.203; 97C.327;
30 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401,
31 subdivision 2; 97C.825, subdivision 5; 609.66, subdivisions 1h,
32 2; proposing coding for new law in Minnesota Statutes, chapter
33 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005,
34 subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions
35 6, 7, 8, 9.

36 Reports the same back with the recommendation that the bill
37 be amended as follows:

38 Delete everything after the enacting clause and insert:

39 "Section 1. Minnesota Statutes 2004, section 84.027,
40 subdivision 13, is amended to read:

41 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of
42 natural resources may adopt rules under sections 97A.0451 to
43 97A.0459 and this subdivision that are authorized under:

44 (1) chapters 97A, 97B, and 97C to set open seasons and
45 areas, to close seasons and areas, to select hunters for areas,
46 to provide for tagging and registration of game and fish, to
47 prohibit or allow taking of wild animals to protect a species,
48 to prevent or control wildlife disease, and to prohibit or allow
49 importation, transportation, or possession of a wild animal;

50 (2) sections 84.093, 84.15, and 84.152 to set seasons for
51 harvesting wild ginseng roots and wild rice and to restrict or
52 prohibit harvesting in designated areas; and

53 (3) section 84D.12 to designate prohibited invasive

1 species, regulated invasive species, unregulated nonnative
2 species, and infested waters.

3 (b) If conditions exist that do not allow the commissioner
4 to comply with sections 97A.0451 to 97A.0459, the commissioner
5 may adopt a rule under this subdivision by submitting the rule
6 to the attorney general for review under section 97A.0455,
7 publishing a notice in the State Register and filing the rule
8 with the secretary of state and the Legislative Coordinating
9 Commission, and complying with section 97A.0459, and including a
10 statement of the emergency conditions and a copy of the rule in
11 the notice. The notice may be published after it is received
12 from the attorney general or five business days after it is
13 submitted to the attorney general, whichever is earlier.

14 (c) Rules adopted under paragraph (b) are effective upon
15 publishing in the State Register and may be effective up to
16 seven days before publishing and filing under paragraph (b), if:

17 (1) the commissioner of natural resources determines that
18 an emergency exists;

19 (2) the attorney general approves the rule; and

20 (3) for a rule that affects more than three counties the
21 commissioner publishes the rule once in a legal newspaper
22 published in Minneapolis, St. Paul, and Duluth, or for a rule
23 that affects three or fewer counties the commissioner publishes
24 the rule once in a legal newspaper in each of the affected
25 counties.

26 (d) Except as provided in paragraph (e), a rule published
27 under paragraph (c), clause (3), may not be effective earlier
28 than seven days after publication.

29 (e) A rule published under paragraph (c), clause (3), may
30 be effective the day the rule is published if the commissioner
31 gives notice and holds a public hearing on the rule within 15
32 days before publication.

33 (f) The commissioner shall attempt to notify persons or
34 groups of persons affected by rules adopted under paragraphs (b)
35 and (c) by public announcements, posting, and other appropriate
36 means as determined by the commissioner.

1 (g) Notwithstanding section 97A.0458, a rule adopted under
2 this subdivision is effective for the period stated in the
3 notice but not longer than 18 months after the rule is adopted.

4 Sec. 2. Minnesota Statutes 2004, section 97A.015,
5 subdivision 29, is amended to read:

6 Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the
7 minnow family, Cyprinidae, except carp and goldfish; (2) members
8 of the mudminnow family, Umbridae; (3) members of the sucker
9 family, Catostomidae, not over 12 inches in length; (4)
10 bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not
11 over seven inches long; and (5) leeches; and (6) tadpole madtoms
12 (willow cats) and stonecats.

13 [EFFECTIVE DATE.] This section is effective the day
14 following final enactment.

15 Sec. 3. Minnesota Statutes 2004, section 97A.015,
16 subdivision 49, is amended to read:

17 Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

18 (1) a bird, excluding migratory waterfowl, pheasant,
19 Hungarian partridge, turkey, or grouse, with feet and feathered
20 head intact;

21 (2) a migratory waterfowl, excluding geese, with a fully
22 feathered wing and head attached;

23 (3) a pheasant, Hungarian partridge, turkey, or grouse with
24 one leg and foot or the fully feathered head or wing intact; or

25 (4) a goose with a fully feathered wing attached.

26 Sec. 4. Minnesota Statutes 2004, section 97A.045,
27 subdivision 1, is amended to read:

28 Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall
29 do all things the commissioner determines are necessary to
30 preserve, protect, and propagate desirable species of wild
31 animals. The commissioner shall make special provisions for the
32 management of fish and wildlife to ensure recreational
33 opportunities for anglers and hunters. The commissioner shall
34 acquire wild animals for breeding or stocking and may dispose of
35 or destroy undesirable or predatory wild animals and their dens,
36 nests, houses, or dams.

1 Sec. 5. Minnesota Statutes 2004, section 97A.401,
2 subdivision 5, is amended to read:

3 Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits
4 may be issued with or without a fee to take protected wild
5 animals that are damaging property or to remove or destroy their
6 dens, nests, houses, or dams. A special permit issued under
7 this subdivision to take beaver must state the number to be
8 taken.

9 Sec. 6. Minnesota Statutes 2004, section 97A.405,
10 subdivision 4, is amended to read:

11 Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may
12 permit licensed ~~firearms~~ deer hunters to change zone, license,
13 or season options ~~before-the-regular-firearms-deer-season~~
14 begins. The commissioner may issue a replacement license if the
15 applicant submits the original ~~firearms~~ deer license and unused
16 tags that ~~is~~ are being replaced and the applicant pays any
17 increase in cost between the original and the replacement
18 license. When a person submits both an archery and a firearms
19 license for replacement, the commissioner may apply the value of
20 both licenses towards the replacement license fee.

21 (b) A replacement license may be issued only if the
22 applicant has not used any tag from the original license and
23 meets the conditions of paragraph (c). The original license and
24 all unused tags for that license must be submitted to the
25 issuing agent at the time the replacement license is issued.

26 (c) A replacement license may be issued under the following
27 conditions, or as otherwise prescribed by rule of the
28 commissioner:

29 (1) when the season for the license being surrendered has
30 not yet opened; or

31 (2) when the person is upgrading from a regular firearms or
32 archery deer license to a deer license that is valid in multiple
33 zones.

34 (d) Notwithstanding section 97A.411, subdivision 3, a
35 replacement license is valid immediately upon issuance if the
36 license being surrendered is valid at that time.

1 Sec. 7. Minnesota Statutes 2004, section 97A.405, is
2 amended by adding a subdivision to read:

3 Subd. 5. [RESIDENT LICENSES.] To obtain a resident
4 license, a resident 21 years of age or older must:

5 (1) possess a current Minnesota driver's license;

6 (2) possess a current identification card issued by the
7 commissioner of public safety; or

8 (3) present evidence showing proof of residency in cases
9 when clause (1) or (2) would violate the Religious Freedom
10 Restoration Act of 1993, Public Law 103-141.

11 Sec. 8. Minnesota Statutes 2004, section 97A.435,
12 subdivision 2, is amended to read:

13 Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey
14 license shall be determined by this section and commissioner's
15 rule. A person is eligible for a turkey license only if the
16 person is at least age 16 before the season opens ~~er,~~ possesses
17 a firearms safety certificate, or, if under age 12, is
18 accompanied by a parent or guardian. Persons under age 12 must
19 be within arm's reach of their parent or guardian while hunting.

20 Sec. 9. Minnesota Statutes 2004, section 97A.441,
21 subdivision 7, is amended to read:

22 Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The
23 commissioner may issue, without a fee, a license to take an
24 antlerless deer to a person who is an owner or tenant and is
25 living and actively farming on at least 80 acres of agricultural
26 land, as defined in section 97B.001, in deer permit areas that
27 have deer archery licenses to take additional deer under section
28 97B.301, subdivision 4. A person may receive only one license
29 per year under this subdivision. For properties with co-owners
30 or cotenants, only one co-owner or cotenant may receive a
31 license under this subdivision per year. The license issued
32 under this subdivision is restricted to ~~the~~ land ~~owned-or~~ leased
33 for agricultural purposes or owned by the holder of the license
34 within the permit area where the qualifying land is located.
35 The holder of the license may transfer the license to the
36 holder's spouse or dependent. Notwithstanding sections 97A.415,

1 subdivision 1, and 97B.301, subdivision 2, the holder of the
2 license may purchase an additional license for taking deer and
3 may take an additional deer under that license.

4 (b) A person who obtains a license under paragraph (a) must
5 allow public deer hunting on their land during that deer hunting
6 season, with the exception of the first Saturday and Sunday
7 during the deer hunting season applicable to the license issued
8 under section 97A.475, subdivision 2, clauses (4) and (13).

9 Sec. 10. Minnesota Statutes 2004, section 97A.451,
10 subdivision 3, is amended to read:

11 Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A
12 resident under age 16 may not obtain a small game license but
13 may take small game by firearms or bow and arrow without a
14 license if the resident is:

15 (1) age 14 or 15 and possesses a firearms safety
16 certificate;

17 (2) age 13, possesses a firearms safety certificate, and is
18 accompanied by a parent or guardian; or

19 (3) age 12 or under and is accompanied by a parent or
20 guardian.

21 (b) A resident under age 16 may take small game by trapping
22 without a small game license, but a resident 13 years of age or
23 older must have a trapping license. A resident under age 13 may
24 trap without a trapping license, but may not trap fisher, otter,
25 bobcat, or pine marten unless the resident is at least age eight.

26 (c) A resident under age 12 may apply for a turkey license
27 and may take a turkey without a firearms safety certificate if
28 they are supervised by an adult parent or guardian who has a
29 firearms safety certificate and who is within arm's reach at all
30 times while hunting.

31 Sec. 11. Minnesota Statutes 2004, section 97A.465, is
32 amended by adding a subdivision to read:

33 Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes
34 of this subdivision:

35 (1) "qualified service member or veteran" means a Minnesota
36 resident who is currently serving, or has served at any time

1 during the past 24 months, in active service as a member of the
2 United States armed forces, including the National Guard or
3 other military reserves; and

4 (2) "active service" means service defined under section
5 190.05, subdivision 5b or 5c.

6 (b) Notwithstanding any other provision of this chapter,
7 chapter 97B or 97C, or administrative rules, the commissioner
8 may give first preference to qualified service members or
9 veterans in any drawing or lottery involving the selection of
10 applicants for hunting or fishing licenses, permits, and special
11 permits. This subdivision does not apply to licenses or permits
12 for taking moose, elk, or prairie chickens. Actions of the
13 commissioner under this subdivision are not rules under the
14 Administrative Procedures Act and section 14.386 does not apply.

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment.

17 Sec. 12. Minnesota Statutes 2004, section 97B.005,
18 subdivision 3, is amended to read:

19 Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE
20 GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special
21 permits, without a fee, ~~to organizations and individuals~~ to use
22 firearms and live ammunition on domesticated birds or banded
23 game birds from game farms.

24 (b) Permits for holding field trials and may be issued to
25 organizations. The permit shall specify the dates and locations
26 of the field trial. The commissioner may limit the number of
27 dates approved for any organization.

28 (c) Permits for training hunting dogs may be issued to an
29 individual.

30 (d) Domesticated birds, other than pigeons, and game farm
31 birds used for trials or training under this section must be
32 clearly marked with dye or a streamer attached to a leg in a
33 manner that makes them visually identifiable prior to being
34 taken.

35 Sec. 13. Minnesota Statutes 2004, section 97B.025, is
36 amended to read:

1 97B.025 [HUNTER AND TRAPPER EDUCATION.]

2 (a) The commissioner may establish education courses for
3 hunters ~~and trappers~~. The commissioner shall collect a fee from
4 each person attending a course. A fee shall be collected for
5 issuing a duplicate certificate. The commissioner shall
6 establish the fees in a manner that neither significantly
7 overrecovers nor underrecovers costs, including overhead costs,
8 involved in providing the services. The fees are not subject to
9 the rulemaking provisions of chapter 14 and section 14.386 does
10 not apply. The commissioner may establish the fees
11 notwithstanding section 16A.1283. The fees shall be deposited
12 in the game and fish fund and the amount thereof is appropriated
13 annually to the Enforcement Division of the Department of
14 Natural Resources for the administration of the program. In
15 addition to the fee established by the commissioner for each
16 course, instructors may charge each person up to the established
17 fee amount for class materials and expenses. School districts
18 may cooperate with the commissioner and volunteer instructors to
19 provide space for the classroom portion of the training.

20 (b) The commissioner shall enter into an agreement with a
21 statewide nonprofit trappers association to conduct a trapper
22 education program. At a minimum, the program must include at
23 least six hours of classroom, electronic, or correspondence
24 instruction and in the field training. The program must include
25 a review of state trapping laws and regulations, trapping
26 ethics, the setting and tending of traps and snares, tagging and
27 registration requirements, and the preparation of pelts. The
28 association shall issue a certificate to persons who complete
29 the program. The association shall be responsible for all costs
30 of conducting the education program, and shall not charge any
31 fee for attending the course.

32 Sec. 14. [97B.026] [TRAPPER EDUCATION CERTIFICATE
33 REQUIREMENT.]

34 A person born after December 31, 1989, and who has not been
35 issued a trapping license in a previous license year, may not
36 obtain a trapping license unless the person has been issued a

1 trapper education certificate under section 97B.025, paragraph
2 (b).

3 [EFFECTIVE DATE.] This section is effective March 1, 2007.

4 Sec. 15. Minnesota Statutes 2004, section 97B.031,
5 subdivision 5, is amended to read:

6 Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a)

7 Notwithstanding any other law to the contrary, the commissioner
8 may issue a special permit, without a fee, to use a muzzleloader
9 with a scope to take deer during the muzzleloader season to a
10 person who obtains the required licenses and who has a visual
11 impairment. The scope may not have magnification capabilities.

12 (b) The visual impairment must be to the extent that the
13 applicant is unable to identify targets and the rifle sights at
14 the same time without a scope. The visual impairment and
15 specific conditions must be established by medical evidence
16 verified in writing by a licensed physician, ophthalmologist, or
17 optometrist. The commissioner may request additional
18 information from the physician if needed to verify the
19 applicant's eligibility for the permit. ~~Notwithstanding-section~~
20 ~~97A.418,-the-commissioner-may,-in-consultation-with-appropriate~~
21 ~~advocacy-groups,-establish-reasonable-minimum-standards-for~~
22 ~~permits-to-be-issued-under-this-subdivision-~~

23 (c) A permit issued under this subdivision may be valid for
24 up to five years, based on the permanence of the visual
25 impairment as determined by the licensed physician,
26 ophthalmologist, or optometrist.

27 (d) The permit must be in the immediate possession of the
28 permittee when hunting under the special permit.

29 (e) The commissioner may deny, modify, suspend, or revoke a
30 permit issued under this subdivision for cause, including a
31 violation of the game and fish laws or rules.

32 (f) A person who knowingly makes a false application or
33 assists another in making a false application for a permit under
34 this subdivision is guilty of a misdemeanor. A physician,
35 ophthalmologist, or optometrist who fraudulently certifies to
36 the commissioner that a person is visually impaired as described

1 in this subdivision is guilty of a misdemeanor.

2 Sec. 16. Minnesota Statutes 2004, section 97B.111,
3 subdivision 2, is amended to read:

4 Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner
5 may issue a special permit without a fee to a nonprofit
6 organization to provide an assisted hunting opportunity to
7 physically disabled hunters. The assisted hunting opportunity
8 may take place:

9 (1) in areas designated by the commissioner under
10 subdivision 1; or

11 (2) on private property or a licensed shooting preserve.

12 (b) The sponsoring organization shall provide a physically
13 capable person to assist each disabled hunter with
14 safety-related aspects of hunting and, notwithstanding section
15 97B.081, a person with a physical disability who is totally
16 blind may use laser sights.

17 (c) The commissioner may impose reasonable permit
18 conditions.

19 Sec. 17. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING
20 PROHIBITION.]

21 No person shall operate, provide, sell, use or offer to
22 operate, provide, sell or use any computer software or service
23 that allows a person, not physically present at the site, to
24 remotely control a weapon that could be used to take any wild
25 animal by remote operation, including, but not limited to,
26 weapons or devices set up to fire through the use of the
27 Internet or through a remote control device.

28 Sec. 18. Minnesota Statutes 2004, section 97B.625,
29 subdivision 2, is amended to read:

30 Subd. 2. [~~PERMIT-REQUIRED-TO~~ USE OF A SNARE.] A person may
31 ~~not~~ use a snare to take lynx or bobcat ~~except-under-a-permit~~
32 ~~from~~, as prescribed by the commissioner, without a permit.

33 Sec. 19. Minnesota Statutes 2004, section 97B.631,
34 subdivision 2, is amended to read:

35 Subd. 2. [~~PERMIT-REQUIRED-TO~~ USE OF A SNARE.] A person may
36 ~~not~~ use a snare to take fox ~~except-under-a-permit-from~~, as

1 prescribed by the commissioner, without a permit.

2 Sec. 20. Minnesota Statutes 2004, section 97B.655,
3 subdivision 2, is amended to read:

4 Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD
5 ANIMALS.] The commissioner may issue special permits under
6 section 97A.401, subdivision 5, to take protected wild animals
7 that are damaging property or to remove or destroy their dens,
8 nests, houses, or dams.

9 Sec. 21. Minnesota Statutes 2004, section 97B.711,
10 subdivision 1, is amended to read:

11 Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.]
12 (a) The commissioner may, by rule, prescribe an open season in
13 designated areas between September 16 and ~~December 31~~ January 3
14 for:

- 15 (1) pheasant;
- 16 (2) ruffed grouse;
- 17 (3) sharp tailed grouse;
- 18 (4) Canada spruce grouse;
- 19 (5) prairie chicken;
- 20 (6) gray partridge;
- 21 (7) bob-white quail; and
- 22 (8) turkey.

23 (b) The commissioner may by rule prescribe an open season
24 for turkey in the spring.

25 Sec. 22. Minnesota Statutes 2004, section 97B.803, is
26 amended to read:

27 97B.803 [MIGRATORY WATERFOWL SEASONS AND LIMITS.]

28 (a) The commissioner shall prescribe seasons, limits, and
29 areas for taking migratory waterfowl in accordance with federal
30 law.

31 (b) The regular duck season may not open before the
32 Saturday closest to October 1.

33 Sec. 23. Minnesota Statutes 2004, section 97B.805,
34 subdivision 1, is amended to read:

35 Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person
36 may not take migratory waterfowl, coots, or rails in open water

1 unless the person is:

2 (1) within a natural growth of vegetation sufficient to
3 partially conceal the person or boat; or

4 (2) on a river or stream that is not more than 100 yards in
5 width; or

6 (3) pursuing or shooting wounded birds.

7 (b) A person may not take migratory waterfowl, coots, or
8 rails in public waters from a permanent artificial blind or sink
9 box.

10 Sec. 24. Minnesota Statutes 2004, section 97B.811,
11 subdivision 4a, is amended to read:

12 Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From
13 the opening day of the duck season through the Saturday nearest
14 October 8, a person may not use a motorized decoy ~~en-publie~~
15 ~~waters-with-visible,-moving-parts-that-are-above-the-water~~
16 ~~surfaee,~~ or other motorized device designed to attract migratory
17 birds, to take migratory waterfowl,-ether-than-geese. During
18 the remainder of the duck season, the commissioner may, by rule,
19 designate all or any portion of a wetland or lake closed to the
20 use of motorized decoys or motorized devices designed to attract
21 migratory birds. On water bodies and lands fully contained
22 within wildlife management area boundaries, a person may not use
23 motorized decoys or motorized devices designed to attract
24 migratory birds at any time during the duck season.

25 Sec. 25. Minnesota Statutes 2004, section 97C.203, is
26 amended to read:

27 97C.203 [DISPOSAL OF STATE HATCHERY EGGS-OR-FRY PRODUCTS.]

28 The commissioner shall dispose of ~~game-fish-eggs-and-fry~~
29 fish hatchery products according to the following order of
30 priorities:

31 (1) distribution of fish eggs and fry to state hatcheries
32 to hatch fry or raise fingerlings for stocking waters of the
33 state for recreational fishing;

34 (2) transfer to other government agencies in exchange for
35 fish or wildlife resources of equal value or private fish
36 hatcheries in exchange for fish to be stocked in waters of the

1 state for recreational fishing;

2 (3) ~~sale of fish-eggs-and-fry~~ to private fish hatcheries or
3 licensed aquatic farms at a price not less than the fair
4 wholesale market value, established as the average price charged
5 at the state's private hatcheries and contiguous states per
6 volume rates; and

7 (4) transfer to other government agencies, colleges, or
8 universities for cooperative fish management and research
9 purposes; and

10 (5) sale of not more than \$25 fair market value to any
11 school, museum, or commercial enterprise for curriculum
12 implementation, educational programs, public exhibition, or
13 cooperative displays.

14 [EFFECTIVE DATE.] This section is effective the day
15 following final enactment.

16 Sec. 26. Minnesota Statutes 2004, section 97C.327, is
17 amended to read:

18 97C.327 [MEASUREMENT OF FISH LENGTH.]

19 For the purpose of determining compliance with size limits
20 for fish in this chapter or in rules of the commissioner, the
21 length of a fish must be measured from the tip of the nose or
22 jaw, whichever is longer, to the farthest tip of the tail when
23 fully extended.

24 Sec. 27. Minnesota Statutes 2004, section 97C.345,
25 subdivision 2, is amended to read:

26 Subd. 2. [POSSESSION.] (a) Except as specifically
27 authorized, a person may not possess a spear, fish trap, net,
28 dip net, seine, or other device capable of taking fish on or
29 near any waters. Possession includes personal possession and in
30 a vehicle.

31 (b) A person may possess spears, dip nets, bows and arrows,
32 and spear guns allowed under section 97C.381 on or near waters
33 between sunrise and sunset from May 1 to the ~~third~~ last Sunday
34 in February, or as otherwise prescribed by the commissioner.

35 Sec. 28. Minnesota Statutes 2004, section 97C.395,
36 subdivision 1, is amended to read:

1 Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open
2 seasons to take fish by angling are as follows:

3 (1) for walleye, sauger, northern pike, muskellunge,
4 largemouth bass, and smallmouth bass, the Saturday two weeks
5 prior to the Saturday of Memorial Day weekend to the ~~third~~ last
6 Sunday in February;

7 (2) for lake trout, from January 1 to October 31;

8 (3) for brown trout, brook trout, rainbow trout, and
9 splake, between January 1 to October 31 as prescribed by the
10 commissioner by rule except as provided in section 97C.415,
11 subdivision 2; and

12 (4) for salmon, as prescribed by the commissioner by rule.

13 (b) The commissioner shall close the season in areas of the
14 state where fish are spawning and closing the season will
15 protect the resource.

16 Sec. 29. Minnesota Statutes 2004, section 97C.401,
17 subdivision 2, is amended to read:

18 Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided
19 in ~~paragraphs~~ paragraph (b) ~~and-(e)~~, a person may not take ~~no~~
20 more than one walleye larger than ~~24~~ 20 inches and one northern
21 pike larger than 30 inches daily.

22 (b) The restrictions in paragraph (a) do not apply to
23 boundary waters.

24 ~~(e)-On-Lake-of-the-Woods,-a-person-may-take-no-more-than~~
25 ~~one-walleye-larger-than-19.5-inches-and-one-northern-pike-larger~~
26 ~~than-36-inches-daily-~~

27 **[EFFECTIVE DATE.]** This section is effective March 1, 2006.

28 Sec. 30. Minnesota Statutes 2004, section 97C.825,
29 subdivision 5, is amended to read:

30 Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY
31 LAKE.] (a) The maximum amount of nets permitted to be licensed
32 shall be:

33 ~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000-feet-of~~
34 ~~gill-nets-or~~ 160 submerged trap nets, and 80 fyke or staked trap
35 ~~nets---Licenses-for-submerged-trap-nets-may-be-issued-instead-of~~
36 ~~licenses-for-gill-nets-in-the-ratio-of-not-more-than-one~~

1 ~~submerged-trap-net-per-500-feet-of-gill-net,--and-the-maximum~~
2 ~~permissible-amount-of-gill-nets-shall-be-reduced-by-500-feet-for~~
3 ~~each-submerged-trap-net-licensed; and~~

4 ~~(b) (2) in Rainy Lake, 20-pound nets and-20,000-feet-of~~
5 ~~gill-nets.~~

6 ~~(c)-When-a-licensee-has-had-a-license-revoked-or~~
7 ~~surrendered,--the-commissioner-shall-not-be-required-to-issue~~
8 ~~licenses-for-the-amount-of-netting-previously-authorized-under~~
9 ~~the-revoked-or-surrendered-license.~~

10 ~~(d) (b) Commercial fishing may be prohibited in the~~
11 ~~Minnesota portions of international waters when it is prohibited~~
12 ~~in the international waters by Canadian authorities.~~

13 ~~(e)-The-commissioner-may-adopt-rules-to-limit-the-total~~
14 ~~amount-of-game-fish-taken-by-commercial-fishing-operators-in~~
15 ~~Lake-of-the-Woods-in-any-one-season-and-shall-apportion-the~~
16 ~~amount-to-each-licensee-in-accordance-with-the-number-and-length~~
17 ~~of-nets-licensed.~~

18 Sec. 31. [CONFORMING CHANGES; RULES.]

19 The commissioner may use the good cause exemption under
20 Minnesota Statutes, section 14.388, subdivision 1, clause (3),
21 to amend rules to conform to sections 26 and 28. Minnesota
22 Statutes, section 14.386, does not apply to the rulemaking under
23 this section except to the extent provided under Minnesota
24 Statutes, section 14.388.

25 Sec. 32. [REPEALER.]

26 (a) Minnesota Statutes 2004, sections 88.27; 97B.005,
27 subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825,
28 subdivisions 6, 7, 8, and 9, are repealed.

29 (b) Minnesota Rules, part 6234.2300, subparts 2 and 3, are
30 repealed."

31 Delete the title and insert:

32 "A bill for an act relating to natural resources; modifying
33 game and fish law provisions; modifying authority to take
34 animals causing damage; modifying the use of scopes by visually
35 impaired hunters; modifying certain license requirements;
36 providing for trapper education requirements; providing
37 preference for military members who were on active service;
38 prohibiting computer-assisted remote hunting; eliminating the
39 permit requirement to take lynx, bobcat, and fox with a snare;
40 modifying certain seasons; modifying restrictions on taking

1 waterfowl; authorizing rulemaking; modifying requirements for
 2 field training hunting dogs; modifying restrictions on decoys;
 3 modifying disposition of state hatchery products; modifying
 4 fishing and commercial fishing provisions; repealing authority
 5 for the Mississippi River Fish Refuge; repealing authority to
 6 issue certain orders; amending Minnesota Statutes 2004, sections
 7 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045,
 8 subdivision 1; 97A.401, subdivision 5; 97A.405, subdivision 4,
 9 by adding a subdivision; 97A.435, subdivision 2; 97A.441,
 10 subdivision 7; 97A.451, subdivision 3; 97A.465, by adding a
 11 subdivision; 97B.005, subdivision 3; 97B.025; 97B.031,
 12 subdivision 5; 97B.111, subdivision 2; 97B.625, subdivision 2;
 13 97B.631, subdivision 2; 97B.655, subdivision 2; 97B.711,
 14 subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811,
 15 subdivision 4a; 97C.203; 97C.327; 97C.345, subdivision 2;
 16 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825,
 17 subdivision 5; proposing coding for new law in Minnesota
 18 Statutes, chapter 97B; repealing Minnesota Statutes 2004,
 19 sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015;
 20 97C.403; 97C.825, subdivisions 6, 7, 8, 9; Minnesota Rules, part
 21 6234.2300, subparts 2, 3."

22 And when so amended the bill do pass. Amendments adopted.
 23 Report adopted.

24
 25 (Committee Chair)

26
 27 May 4, 2005.....
 28 (Date of Committee recommendation)

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH
SESSION

HOUSE FILE No. 847

February 7, 2005

Authored by Hoppe, Hackbarth, Cornish, Ozment and Dill

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 9, 2005

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Agriculture, Environment and Natural Resources Finance

By motion, recalled and re-referred to the Committee on Governmental Operations and Veterans Affairs

March 14, 2005

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Agriculture, Environment and Natural Resources Finance

March 23, 2005

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

April 27, 2005

Calendar For The Day, Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Committee and Floor Amendments

1

A bill for an act

2 relating to game and fish; modifying purchasing
3 requirements; modifying certain definitions; providing
4 for special fish management tags; specifying status of
5 and regulating stands and blinds on public lands;
6 modifying authority to take animals causing damage;
7 modifying use of scopes and laser sights by visually
8 impaired hunters; modifying certain license
9 requirements; modifying restrictions on taking
10 waterfowl and big game; authorizing rulemaking;
11 modifying requirements for field training hunting
12 dogs; modifying certain seasons; modifying trapping
13 provisions; modifying period for treeing raccoons;
14 prohibiting computer-assisted remote hunting;
15 modifying restrictions on decoys; modifying
16 disposition of state hatchery products; permitting use
17 of silencers for wildlife control; modifying fishing
18 and commercial fishing provisions; repealing authority
19 for the Mississippi River Fish Refuge; repealing
20 authority to issue certain orders; amending Minnesota
21 Statutes 2004, sections 84.025, subdivision 10;
22 84.027, subdivision 13; 97A.015, subdivisions 29, 49;
23 97A.045, subdivision 1, by adding a subdivision;
24 97A.401, subdivision 5; 97A.405, subdivision 4, by
25 adding a subdivision; 97A.435, subdivisions 2, 4;
26 97A.441, subdivision 7; 97A.451, subdivisions 3, 5;
27 97A.475, subdivisions 7, 16; 97A.485, subdivision 9;
28 97A.551, by adding a subdivision; 97B.005,
29 subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1,
30 5; 97B.111, subdivision 2; 97B.621, subdivision 2;
31 97B.655, subdivision 2; 97B.711, subdivision 1;
32 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions
33 3, 4a; 97C.203; 97C.327; 97C.345, subdivision 2;
34 97C.395, subdivision 1; 97C.401, subdivision 2;
35 97C.825, subdivision 5; 609.66, subdivisions 1h, 2;
36 proposing coding for new law in Minnesota Statutes,
37 chapter 97B; repealing Minnesota Statutes 2004,
38 sections 88.27; 97B.005, subdivision 4; 97B.935;
39 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

40 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

41 Section 1. Minnesota Statutes 2004, section 84.025,
42 subdivision 10, is amended to read:

1 Subd. 10. [RECREATIONAL VEHICLES AND BOATS USED FOR PUBLIC
2 PURPOSES.] All snowmobiles and outboard motors that are
3 purchased by the commissioner of natural resources must be of
4 the four-stroke engine model, except that the commissioner may
5 purchase models with two-stroke engines that the commissioner
6 determines to be as environmentally efficient. The commissioner
7 shall give preference to engine models manufactured in the
8 United States. All all-terrain vehicles purchased by the
9 commissioner must be manufactured in the state of Minnesota.

10 Sec. 2. Minnesota Statutes 2004, section 84.027,
11 subdivision 13, is amended to read:

12 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of
13 natural resources may adopt rules under sections 97A.0451 to
14 97A.0459 and this subdivision that are authorized under:

15 (1) chapters 97A, 97B, and 97C to set open seasons and
16 areas, to close seasons and areas, to select hunters for areas,
17 to provide for tagging and registration of game and fish, to
18 prohibit or allow taking of wild animals to protect a species,
19 to prevent or control wildlife disease, and to prohibit or allow
20 importation, transportation, or possession of a wild animal;

21 (2) sections 84.093, 84.15, and 84.152 to set seasons for
22 harvesting wild ginseng roots and wild rice and to restrict or
23 prohibit harvesting in designated areas; and

24 (3) section 84D.12 to designate prohibited invasive
25 species, regulated invasive species, unregulated nonnative
26 species, and infested waters.

27 (b) If conditions exist that do not allow the commissioner
28 to comply with sections 97A.0451 to 97A.0459, the commissioner
29 may adopt a rule under this subdivision by submitting the rule
30 to the attorney general for review under section 97A.0455,
31 publishing a notice in the State Register and filing the rule
32 with the secretary of state and the Legislative Coordinating
33 Commission, and complying with section 97A.0459, and including a
34 statement of the emergency conditions and a copy of the rule in
35 the notice. The notice may be published after it is received
36 from the attorney general or five business days after it is

1 submitted to the attorney general, whichever is earlier.

2 (c) Rules adopted under paragraph (b) are effective upon
3 publishing in the State Register and may be effective up to
4 seven days before publishing and filing under paragraph (b), if:

5 (1) the commissioner of natural resources determines that
6 an emergency exists;

7 (2) the attorney general approves the rule; and

8 (3) for a rule that affects more than three counties the
9 commissioner publishes the rule once in a legal newspaper
10 published in Minneapolis, St. Paul, and Duluth, or for a rule
11 that affects three or fewer counties the commissioner publishes
12 the rule once in a legal newspaper in each of the affected
13 counties.

14 (d) Except as provided in paragraph (e), a rule published
15 under paragraph (c), clause (3), may not be effective earlier
16 than seven days after publication.

17 (e) A rule published under paragraph (c), clause (3), may
18 be effective the day the rule is published if the commissioner
19 gives notice and holds a public hearing on the rule within 15
20 days before publication.

21 (f) The commissioner shall attempt to notify persons or
22 groups of persons affected by rules adopted under paragraphs (b)
23 and (c) by public announcements, posting, and other appropriate
24 means as determined by the commissioner.

25 (g) Notwithstanding section 97A.0458, a rule adopted under
26 this subdivision is effective for the period stated in the
27 notice but not longer than 18 months after the rule is adopted.

28 Sec. 3. Minnesota Statutes 2004, section 97A.015,
29 subdivision 29, is amended to read:

30 Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the
31 minnow family, Cyprinidae, except carp and goldfish; (2) members
32 of the mudminnow family, Umbridae; (3) members of the sucker
33 family, Catostomidae, not over 12 inches in length; (4)
34 bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not
35 over seven inches long; and (5) leeches; and (6) tadpole madtoms
36 (willow cats) and stonecats.

1 [EFFECTIVE DATE.] This section is effective the day
2 following final enactment.

3 Sec. 4. Minnesota Statutes 2004, section 97A.015,
4 subdivision 49, is amended to read:

5 Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

6 (1) a bird, excluding migratory waterfowl, pheasant,
7 Hungarian partridge, turkey, or grouse, with feet and feathered
8 head intact;

9 (2) a migratory waterfowl, excluding geese, with a fully
10 feathered wing and head attached;

11 (3) a pheasant, Hungarian partridge, turkey, or grouse with
12 one leg and foot or the fully feathered head or wing intact; or

13 (4) a goose with a fully feathered wing attached.

14 Sec. 5. Minnesota Statutes 2004, section 97A.045,
15 subdivision 1, is amended to read:

16 Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall
17 do all things the commissioner determines are necessary to
18 preserve, protect, and propagate desirable species of wild
19 animals. The commissioner shall make special provisions for the
20 management of fish and wildlife to ensure recreational
21 opportunities for anglers and hunters. The commissioner shall
22 acquire wild animals for breeding or stocking and may dispose of
23 or destroy undesirable or predatory wild animals and their dens,
24 nests, houses, or dams.

25 Sec. 6. Minnesota Statutes 2004, section 97A.045, is
26 amended by adding a subdivision to read:

27 Subd. 12. [TERMINOLOGY.] The commissioner must not use the
28 word "privilege" on the game and fish licenses or permits
29 themselves.

30 [EFFECTIVE DATE.] This section is effective March 1, 2006.

31 Sec. 7. Minnesota Statutes 2004, section 97A.401,
32 ~~subdivision 5, is amended to read:~~

33 Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits
34 may be issued with or without a fee to take protected wild
35 animals that are damaging property or to remove or destroy their
36 dens, nests, houses, or dams. A special permit issued under

1 this subdivision to take beaver must state the number to be
2 taken.

3 Sec. 8. Minnesota Statutes 2004, section 97A.405,
4 subdivision 4, is amended to read:

5 Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may
6 permit licensed firearms deer hunters to change zone, license,
7 or season options before-the-regular-firearms-deer-season
8 begins. The commissioner may issue a replacement license if the
9 applicant submits the original firearms deer license and unused
10 tags that is are being replaced and the applicant pays any
11 increase in cost between the original and the replacement
12 license. When a person submits both an archery and a firearms
13 license for replacement, the commissioner may apply the value of
14 both licenses towards the replacement license fee.

15 (b) A replacement license may be issued only if the
16 applicant has not used any tag from the original license and
17 meets the conditions of paragraph (c). The original license and
18 all unused tags for that license must be submitted to the
19 issuing agent at the time the replacement license is issued.

20 (c) A replacement license may be issued under the following
21 conditions, or as otherwise prescribed by rule of the
22 commissioner:

23 (1) when the season for the license being surrendered has
24 not yet opened; or

25 (2) when the person is upgrading from a regular firearms or
26 archery deer license to a deer license that is valid in multiple
27 zones.

28 (d) Notwithstanding section 97A.411, subdivision 3, a
29 replacement license is valid immediately upon issuance if the
30 license being surrendered is valid at that time.

31 Sec. 9. Minnesota Statutes 2004, section 97A.405, is
32 amended by adding a subdivision to read:

33 Subd. 5. [RESIDENT LICENSES.] To obtain a resident
34 license, a resident 21 years of age or older must:

(1) possess a current Minnesota driver's license;

36 (2) possess a current identification card issued by the

1 commissioner of public safety; or

2 (3) present evidence showing proof of residency in cases
3 when clause (1) or (2) would violate the Religious Freedom
4 Restoration Act of 1993, Public Law 103-141.

5 Sec. 10. Minnesota Statutes 2004, section 97A.435,
6 subdivision 2, is amended to read:

7 Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey
8 license shall be determined by this section and commissioner's
9 rule. A person is eligible for a turkey license only if the
10 person is at least age 16 before the season opens ~~or~~, possesses
11 a firearms safety certificate, or, if under age 12, is
12 accompanied by a parent or guardian. Persons under age 12 must
13 be within arm's reach of their parent or guardian while hunting.

14 Sec. 11. Minnesota Statutes 2004, section 97A.435,
15 subdivision 4, is amended to read:

16 Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] (a)
17 The commissioner may conduct a separate selection for up to 20
18 percent of the turkey licenses to be issued for any area. Only
19 persons Minnesota residents who are owners or tenants of ~~and who~~
20 ~~live on~~ at least 40 acres of land in the area, and their family
21 members, are eligible applicants for turkey licenses for the
22 separate selection. The qualifying land may be noncontiguous.
23 Persons who are unsuccessful in a separate selection must be
24 included in the selection for the remaining licenses. Persons
25 who obtain a license in a separate selection must allow public
26 turkey hunting on their land during that turkey season. A
27 license issued under this subdivision is restricted to ~~the land~~
28 ~~owned or leased by the holder of the license within~~ the permit
29 area where the qualifying land is located.

30 (b) The commissioner may by rule establish criteria for
31 determining eligible family members under this subdivision.

32 Sec. 12. Minnesota Statutes 2004, section 97A.441,
33 subdivision 7, is amended to read:

34 Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The
35 commissioner may issue, without a fee, a license to take an
36 antlerless deer to a person Minnesota resident who is an owner

1 or tenant of and is ~~living~~ and actively farming on at least 80
2 acres of agricultural land, as defined in section 97B.001, in
3 deer permit areas that have deer archery licenses to take
4 additional deer under section 97B.301, subdivision 4. A person
5 may receive only one license per year under this subdivision.
6 For properties with co-owners or cotenants, only one co-owner or
7 cotenant may receive a license under this subdivision per year.
8 The license issued under this subdivision is restricted to the
9 land ~~owned or leased~~ for agricultural purposes or owned by the
10 holder of the license within the permit area where the
11 qualifying land is located. The holder of the license may
12 transfer the license to the holder's spouse or dependent.
13 Notwithstanding sections 97A.415, subdivision 1, and 97B.301,
14 subdivision 2, the holder of the license may purchase an
15 additional license for taking deer and may take an additional
16 deer under that license.

17 (b) A person who obtains a license under paragraph (a) must
18 allow public deer hunting on their land during that deer hunting
19 season, with the exception of the first Saturday and Sunday
20 during the deer hunting season applicable to the license issued
21 under section 97A.475, subdivision 2, clauses (4) and (13).

22 Sec. 13. Minnesota Statutes 2004, section 97A.451,
23 subdivision 3, is amended to read:

24 Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A
25 resident under age 16 may not obtain a small game license but
26 may take small game by firearms or bow and arrow without a
27 license if the resident is:

28 (1) age 14 or 15 and possesses a firearms safety
29 certificate;

30 (2) age 13, possesses a firearms safety certificate, and is
31 accompanied by a parent or guardian; or

32 (3) age 12 or under and is accompanied by a parent or
33 guardian.

34 (b) A resident under age 16 may take small game by trapping
35 without a small game license, but a resident 13 years of age or
36 older must have a trapping license. A resident under age 13 may

1 trap without a trapping license, but may not trap fisher, otter,
2 bobcat, or pine marten unless the resident is at least age 8.

3 (c) A resident under age 12 may apply for a turkey license
4 and may take a turkey without a firearms safety certificate if
5 they are supervised by an adult parent or guardian who has a
6 firearms safety certificate and who is within arm's reach at all
7 times while hunting.

8 Sec. 14. Minnesota Statutes 2004, section 97A.451,
9 subdivision 5, is amended to read:

10 Subd. 5. [NONRESIDENTS UNDER AGE 16.] (a) A nonresident
11 under the age of 16 may take fish by angling without a license
12 if a parent or guardian has a fishing license. Fish taken by a
13 nonresident under the age of 16 without a license must be
14 included in the limit of the parent or guardian.

15 (b) A nonresident under age 16 may purchase a nonresident
16 fishing license at the resident fee or be included under a
17 nonresident family license, take fish by angling, and possess a
18 limit of fish.

19 [EFFECTIVE DATE.] This section is effective March 1, 2006.

20 Sec. 15. Minnesota Statutes 2004, section 97A.475,
21 subdivision 7, is amended to read:

22 Subd. 7. [NONRESIDENT FISHING.] Fees for the following
23 licenses, to be issued to nonresidents, are:

24 (1) to take fish by angling, \$34;

25 (2) to take fish by angling limited to seven consecutive
26 days selected by the licensee, \$24;

27 (3) to take fish by angling for a 72-hour period selected
28 by the licensee, \$20;

29 (4) to take fish by angling for a combined license for a
30 family for one or both parents and dependent children under the
31 age of 16, \$46;

32 (5) to take fish by angling for a 24-hour period selected
33 by the licensee, \$8.50; and

34 (6) to take fish by angling for a combined license for a
35 married couple, limited to 14 consecutive days selected by one
36 of the licensees, \$35.

1 [EFFECTIVE DATE.] This section is effective March 1, 2006.

2 Sec. 16. Minnesota Statutes 2004, section 97A.475,
3 subdivision 16, is amended to read:

4 Subd. 16. [RESIDENT HUNTING GUIDES.] The fees fee for the
5 following a resident guide-licenses-are-

6 ~~(1) license to guide bear hunters,~~ is \$82.50, and

7 ~~(2) to guide turkey hunters,~~ \$22.

8 Sec. 17. Minnesota Statutes 2004, section 97A.485,
9 subdivision 9, is amended to read:

10 Subd. 9. [CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON
11 OPENS.] ~~The following licenses~~ A license to guide bear hunters
12 may not be issued after the day before the opening of the
13 related firearms season:

14 ~~(1) to guide bear hunters,~~ and

15 ~~(2) to guide turkey hunters.~~

16 Sec. 18. Minnesota Statutes 2004, section 97A.551, is
17 amended by adding a subdivision to read:

18 Subd. 6. [TAGGING AND REGISTRATION.] The commissioner may,
19 by rule, require persons taking, possessing, and transporting
20 certain species of fish to tag the fish with a special fish
21 management tag and may require registration of tagged fish. A
22 person may not possess or transport a fish species taken in the
23 state for which a special fish management tag is required unless
24 a tag is attached to the fish in a manner prescribed by the
25 commissioner. The commissioner shall prescribe the manner of
26 issuance and the type of tag as authorized under section
27 97C.087. The tag must be attached to the fish as prescribed by
28 the commissioner immediately upon reducing the fish to
29 possession and must remain attached to the fish until the fish
30 is processed or consumed. Species for which a special fish
31 management tag is required must be transported undressed.

32 Sec. 19. Minnesota Statutes 2004, section 97B.005,
33 subdivision 1, is amended to read:

34 Subdivision 1. [FIELD TRAINING, PERMIT-REQUIRED-FOR
35 CERTAIN-PERIOD.] A person may not train hunting dogs afield on
36 public lands from April 16 to July 14 ~~except by special permit.~~

~~1 The commissioner may issue a special permit, without a fee, to~~
~~2 train hunting dogs afield on land owned by the trainer or on~~
~~3 land that the owner provides written permission. The written~~
~~4 permission must be carried in personal possession of the trainer~~
~~5 while training the dogs.~~

6 Sec. 20. Minnesota Statutes 2004, section 97B.005,
7 subdivision 3, is amended to read:

8 Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE
9 GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special
10 permits, without a fee, to organizations and individuals to use
11 firearms and live ammunition on domesticated birds or banded
12 game birds from game farms.

13 (b) Permits for holding field trials and may be issued to
14 organizations. The permit shall specify the dates and locations
15 of the field trial. The commissioner may limit the number of
16 dates approved for any organization.

17 (c) Permits for training hunting dogs may be issued to an
18 individual.

19 (d) Domesticated birds, other than pigeons, and game farm
20 birds used for trials or training under this section must be
21 clearly marked with dye or a streamer attached to a leg in a
22 manner that makes them visually identifiable prior to being
23 taken.

24 Sec. 21. Minnesota Statutes 2004, section 97B.025, is
25 amended to read:

26 97B.025 [HUNTER AND TRAPPER EDUCATION.]

27 (a) The commissioner may establish education courses for
28 hunters and trappers. The commissioner shall collect a fee from
29 each person attending a course. A fee shall be collected for
30 issuing a duplicate certificate. The commissioner shall
31 establish the fees in a manner that neither significantly
32 overrecovers nor underrecovers costs, including overhead costs,
33 involved in providing the services. The fees are not subject to
34 the rulemaking provisions of chapter 14 and section 14.386 does
35 not apply. The commissioner may establish the fees
36 notwithstanding section 16A.1283. The fees shall be deposited

1 in the game and fish fund and the amount thereof is appropriated
2 annually to the Enforcement Division of the Department of
3 Natural Resources for the administration of the program. In
4 addition to the fee established by the commissioner for each
5 course, instructors may charge each person up to the established
6 fee amount for class materials and expenses. School districts
7 may cooperate with the commissioner and volunteer instructors to
8 provide space for the classroom portion of the training.

9 (b) The commissioner shall enter into an agreement with a
10 statewide nonprofit trappers association to conduct a trapper
11 education program. At a minimum, the program must include at
12 least six hours of classroom or correspondence instruction and
13 in the field training. The program must include a review of
14 state trapping laws and regulations, trapping ethics, the
15 setting and tending of traps and snares, tagging and
16 registration requirements, and the preparation of pelts. The
17 association shall issue a certificate to persons who complete
18 the program. The association shall be responsible for all costs
19 of conducting the education program, and shall not charge any
20 fee for attending the course.

21 Sec. 22. [97B.026] [TRAPPER EDUCATION CERTIFICATE
22 REQUIREMENT.]

23 A person born after December 31, 1989, and who has not had
24 a trapping license in a previous year may not obtain a trapping
25 license unless the person has been issued a trapper education
26 certificate under section 97B.025, paragraph (b).

27 [EFFECTIVE DATE.] This section is effective March 1, 2006.

28 Sec. 23. Minnesota Statutes 2004, section 97B.031,
29 subdivision 1, is amended to read:

30 Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED
31 TO TAKE BIG GAME.] (a) A person may take big game with a firearm
32 only if:

33 (1) the rifle, shotgun, and handgun used is a caliber of at
34 least .23 inches;

5 (2) the firearm is loaded only with single projectile
36 ammunition;

1 (3) a projectile used is a caliber of at least .23 inches
2 and has a soft point or is an expanding bullet type;

3 (4) the ammunition has a case length of at least 1.285
4 inches;

5 (5) the muzzle-loader used is incapable of being loaded at
6 the breech;

7 (6) the smooth-bore muzzle-loader used is a caliber of at
8 least .45 inches; and

9 (7) the rifled muzzle-loader used is a caliber of at least
10 .40 inches.

11 ~~(b) A person may not take big game with a .30-caliber M-1~~
12 ~~carbine cartridge.~~

13 ~~(c)~~ Notwithstanding paragraph (a), clause (4), a person may
14 take big game with a ten millimeter cartridge that is at least
15 0.95 inches in length, a .45 Winchester Magnum cartridge, or a
16 .50 A. E. (Action Express) handgun cartridge.

17 Sec. 24. Minnesota Statutes 2004, section 97B.031,
18 subdivision 5, is amended to read:

19 Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a)
20 Notwithstanding any other law to the contrary, the commissioner
21 may issue a special permit, without a fee, to use a muzzleloader
22 with a scope to take deer during the muzzleloader season to a
23 person who obtains the required licenses and who has a visual
24 impairment. The scope may not have magnification capabilities.

25 (b) The visual impairment must be such that the applicant
26 is unable to identify targets and the rifle sights at the same
27 time without a scope. The visual impairment and specific
28 conditions must be established by medical evidence verified in
29 writing by a licensed physician, ophthalmologist, or
30 optometrist. The commissioner may request additional
31 information from the physician if needed to verify the
32 applicant's eligibility for the permit. ~~Notwithstanding section~~
33 ~~97A.418, the commissioner may, in consultation with appropriate~~
34 ~~advocacy groups, establish reasonable minimum standards for~~
35 ~~permits to be issued under this subdivision.~~

36 (c) A permit issued under this subdivision may be valid for

1 up to five years, based on the permanence of the visual
2 impairment as determined by the licensed physician,
3 ophthalmologist, or optometrist.

4 (d) The permit must be in the immediate possession of the
5 permittee when hunting under the special permit.

6 (e) The commissioner may deny, modify, suspend, or revoke a
7 permit issued under this subdivision for cause, including a
8 violation of the game and fish laws or rules.

9 ~~(e)~~ (f) A person who knowingly makes a false application or
10 assists another in making a false application for a permit under
11 this subdivision is guilty of a misdemeanor. A physician,
12 ophthalmologist, or optometrist who fraudulently certifies to
13 the commissioner that a person is visually impaired as described
14 in this subdivision is guilty of a misdemeanor.

15 Sec. 25. Minnesota Statutes 2004, section 97B.111,
16 subdivision 2, is amended to read:

17 Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner
18 may issue a special permit without a fee to a nonprofit
19 organization to provide an assisted hunting opportunity to
20 physically disabled hunters. The assisted hunting opportunity
21 may take place:

22 (1) in areas designated by the commissioner under
23 subdivision 1; or

24 (2) on private property or a licensed shooting preserve.

25 (b) The sponsoring organization shall provide a physically
26 capable person to assist each disabled hunter with
27 safety-related aspects of hunting and, notwithstanding section
28 97B.081, a person with a physical disability who is totally
29 blind may use laser sights.

30 (c) The commissioner may impose reasonable permit
31 conditions.

32 Sec. 26. [97B.326] [STANDS AND BLINDS ON PUBLIC LANDS.]

33 (a) Any unoccupied permanent stand or blind on public land
34 is public and not the property of the person who constructed it.

35 (b) Any permanent stand or blind on public land must not
36 have a permanent roof or permanent walls.

1 [EFFECTIVE DATE.] This section is effective August 1, 2006.

2 Sec. 27. Minnesota Statutes 2004, section 97B.621,
3 subdivision 2, is amended to read:

4 Subd. 2. [PERIOD FOR TREEING RACCOONS.] Notwithstanding
5 subdivision 1 and section 97B.005, subdivision 1, a person may
6 use dogs to pursue and tree raccoons without killing or
7 capturing the raccoons:

8 ~~(1) from January 1 to April 15 and from July 15 to October~~
9 ~~14, and~~

10 ~~(2) from April 16 to July 14 in raccoon dog field trials~~
11 ~~under special permit issued by the commissioner under section~~
12 ~~97B.005, subdivision 1~~ during the closed season and a license is
13 not required.

14 Sec. 28. Minnesota Statutes 2004, section 97B.655,
15 subdivision 2, is amended to read:

16 Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD
17 ANIMALS.] The commissioner may issue special permits under
18 section 97A.401, subdivision 5, to take protected wild animals
19 that are damaging property or to remove or destroy their dens,
20 nests, houses, or dams.

21 Sec. 29. Minnesota Statutes 2004, section 97B.711,
22 subdivision 1, is amended to read:

23 Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.]

24 (a) The commissioner may, by rule, prescribe an open season in
25 designated areas between September 16 and December 31 for:

26 (1) ~~pheasant;~~

27 ~~(2) ruffed grouse;~~

28 ~~(3) sharp tailed grouse;~~

29 ~~(4) Canada spruce grouse;~~

30 ~~(5) prairie chicken;~~

31 ~~(6) gray partridge;~~

32 ~~(7) bob-white quail; and~~

33 ~~(8) turkey.~~

34 (b) The commissioner may by rule prescribe an open season
35 for turkey in the spring.

36 (c) The commissioner may, by rule, prescribe an open season

1 for pheasant in designated areas between September 16 and
2 January 3.

3 Sec. 30. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING
4 PROHIBITION.]

5 No person shall operate, provide, sell, use, or offer to
6 operate, provide, sell, or use any computer software or service
7 that allows a person not physically present at the hunt site to
8 remotely control a weapon that could be used to take a wild
9 animal by remote operation, including, but not limited to,
10 weapons or devices set up to fire through the use of the
11 Internet or through a remote control device.

12 [EFFECTIVE DATE.] This section is effective the day
13 following final enactment.

14 Sec. 31. Minnesota Statutes 2004, section 97B.803, is
15 amended to read:

16 97B.803 [MIGRATORY WATERFOWL SEASONS AND LIMITS.]

17 (a) The commissioner shall prescribe seasons, limits, and
18 areas for taking migratory waterfowl in accordance with federal
19 law.

20 (b) The regular duck season may not open before the
21 Saturday closest to October 1.

22 Sec. 32. Minnesota Statutes 2004, section 97B.805,
23 subdivision 1, is amended to read:

24 Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person
25 may not take migratory waterfowl, coots, or rails in open water
26 unless the person is:

27 (1) within a natural growth of vegetation sufficient to
28 partially conceal the person or boat; or

29 (2) on a river or stream that is not more than 100 yards in
30 width; or

31 (3) pursuing or shooting wounded birds.

32 (b) A person may not take migratory waterfowl, coots, or
33 rails in public waters from a permanent artificial blind or sink
34 box.

35 Sec. 33. Minnesota Statutes 2004, section 97B.811,
36 subdivision 3, is amended to read:

1 Subd. 3. [RESTRICTIONS ON LEAVING DECOYS
 2 ~~OVERNIGHT UNATTENDED.~~] During the open season for waterfowl, a
 3 person may not leave decoys in public waters between sunset and
 4 one hour before lawful shooting hours or leave decoys unattended
 5 during other times for more than two consecutive hours unless:

6 (1) the decoys are in waters adjacent to private land under
 7 the control of the hunter; and

8 (2) there is not natural vegetation growing in water
 9 sufficient to partially conceal a hunter.

10 Sec. 34. Minnesota Statutes 2004, section 97B.811,
 11 subdivision 4a, is amended to read:

12 Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] ~~From~~
 13 ~~the-opening-day-of-the-duck-season-through-the-Saturday-nearest~~
 14 ~~October-8,~~ A person may not use a motorized decoy on public
 15 ~~waters-with-visible,-moving-parts-that-are-above-the-water~~
 16 ~~surface~~ to take migratory waterfowl ~~other-than-geese.~~

17 Sec. 35. Minnesota Statutes 2004, section 97C.203, is
 18 amended to read:

19 97C.203 [DISPOSAL OF STATE HATCHERY EGGS-OR-FRY PRODUCTS.]

20 The commissioner shall dispose of ~~game-fish-eggs-and-fry~~
 21 fish hatchery products according to the following order of
 22 priorities:

23 (1) distribution of fish eggs and fry to state hatcheries
 24 to hatch fry or raise fingerlings for stocking waters of the
 25 state for recreational fishing;

26 (2) transfer to other government agencies in exchange for
 27 fish or wildlife resources of equal value or private fish
 28 hatcheries in exchange for fish to be stocked in waters of the
 29 state for recreational fishing;

30 (3) ~~sale of-fish-eggs-and-fry~~ to private fish hatcheries or
 31 licensed aquatic farms at a price not less than the fair
 32 wholesale market value, established as the average price charged
 33 at the state's private hatcheries and contiguous states per
 34 volume rates; and

35 (4) transfer to other government agencies, colleges, or
 36 universities for cooperative fish management and research

1 purposes; and

2 (5) sale of not more than \$25 fair market value to any
3 school, museum, or commercial enterprise for curriculum
4 implementation, educational programs, public exhibition, or
5 cooperative displays.

6 [EFFECTIVE DATE.] This section is effective the day
7 following final enactment.

8 Sec. 36. Minnesota Statutes 2004, section 97C.327, is
9 amended to read:

10 97C.327 [MEASUREMENT OF FISH LENGTH.]

11 For the purpose of determining compliance with size limits
12 for fish in this chapter or in rules of the commissioner, the
13 length of a fish must be measured from the tip of the nose or
14 jaw, whichever is longer, to the farthest tip of the tail when
15 fully extended.

16 Sec. 37. Minnesota Statutes 2004, section 97C.345,
17 subdivision 2, is amended to read:

18 Subd. 2. [POSSESSION.] (a) Except as specifically
19 authorized, a person may not possess a spear, fish trap, net,
20 dip net, seine, or other device capable of taking fish on or
21 near any waters. Possession includes personal possession and in
22 a vehicle.

23 (b) A person may possess spears, dip nets, bows and arrows,
24 and spear guns allowed under section 97C.381 on or near waters
25 between sunrise and sunset from May 1 to the third last Sunday
26 in February, or as otherwise prescribed by the commissioner.

27 Sec. 38. Minnesota Statutes 2004, section 97C.395,
28 subdivision 1, is amended to read:

29 Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open
30 seasons to take fish by angling are as follows:

31 (1) for walleye, sauger, northern pike, muskellunge,
32 largemouth bass, and smallmouth bass, the Saturday two weeks
33 prior to the Saturday of Memorial Day weekend to the third last
34 Sunday in February;

5 (2) for lake trout, from January 1 to October 31;

36 (3) for brown trout, brook trout, rainbow trout, and

1 splake, between January 1 to October 31 as prescribed by the
2 commissioner by rule except as provided in section 97C.415,
3 subdivision 2; and

4 (4) for salmon, as prescribed by the commissioner by rule.

5 (b) The commissioner shall close the season in areas of the
6 state where fish are spawning and closing the season will
7 protect the resource.

8 Sec. 39. Minnesota Statutes 2004, section 97C.401,
9 subdivision 2, is amended to read:

10 Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided
11 in paragraphs paragraph (b) and ~~(c)~~, a person may take no more
12 than one walleye larger than ~~24~~ 20 inches and one northern pike
13 larger than 30 inches daily.

14 (b) The restrictions in paragraph (a) do not apply to
15 boundary waters.

16 ~~(c) On Lake of the Woods, a person may take no more than
17 one walleye larger than 19.5 inches and one northern pike larger
18 than 36 inches daily.~~

19 [EFFECTIVE DATE.] This section is effective March 1, 2006.

20 Sec. 40. Minnesota Statutes 2004, section 97C.825,
21 subdivision 5, is amended to read:

22 Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY
23 LAKE.] (a) The maximum amount of nets permitted to be licensed
24 shall be:

25 ~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000-feet-of
26 gill-nets-or 160 submerged trap nets, and 80 fyke or staked trap
27 nets,--licenses-for-submerged-trap-nets-may-be-issued-instead-of
28 licenses-for-gill-nets-in-the-ratio-of-not-more-than-one
29 submerged-trap-net-per-500-feet-of-gill-net,--and-the-maximum
30 permissible-amount-of-gill-nets-shall-be-reduced-by-500-feet-for
31 each-submerged-trap-net-licensed; and~~

32 ~~(b) (2) in Rainy Lake, 20-pound nets and 20,000-feet-of
33 gill-nets.~~

34 ~~(c) When a licensee has had a license revoked or
35 surrendered, the commissioner shall not be required to issue
36 licenses for the amount of netting previously authorized under~~

1 ~~the-revoked-or-surrendered-license-~~

2 ~~(d)~~ (b) Commercial fishing may be prohibited in the
3 Minnesota portions of international waters when it is prohibited
4 in the international waters by Canadian authorities.

5 ~~(e)-The-commissioner-may-adopt-rules-to-limit-the-total~~
6 ~~amount-of-game-fish-taken-by-commercial-fishing-operators-in~~
7 ~~lake-of-the-Woods-in-any-one-season-and-shall-apportion-the~~
8 ~~amount-to-each-licensee-in-accordance-with-the-number-and-length~~
9 ~~of-nets-licensed-~~

10 Sec. 41. Minnesota Statutes 2004, section 609.66,
11 subdivision 1h, is amended to read:

12 Subd. 1h. [SILENCERS; AUTHORIZED FOR LAW ENFORCEMENT AND
13 NATURAL RESOURCE WILDLIFE CONTROL PURPOSES.] Notwithstanding
14 subdivision 1a, paragraph (a), clause (1), licensed peace
15 officers may use devices designed to silence or muffle the
16 discharge of a firearm for wildlife control operations under
17 subdivision 2 or for tactical emergency response operations.
18 Tactical emergency response operations include execution of high
19 risk search and arrest warrants, incidents of terrorism, hostage
20 rescue, and any other tactical deployments involving high risk
21 circumstances. The chief law enforcement officer of a law
22 enforcement agency that has the need to use silencing devices
23 must establish and enforce a written policy governing the use of
24 the devices.

25 Sec. 42. Minnesota Statutes 2004, section 609.66,
26 subdivision 2, is amended to read:

27 Subd. 2. [EXCEPTIONS.] Nothing in this section prohibits:
28 (1) the possession of the articles mentioned by museums or
29 collectors of art or for other lawful purposes of public
30 exhibition; and
31 (2) the possession, use, and transportation of a silencer
32 by a federal, state, local, or tribal government agency for the
33 purpose of wildlife control. The chief enforcement officer of
34 each government agency that has a need to use silencing devices
35 must establish and enforce a written policy governing the use of
36 the devices.

1 Sec. 43. [CONFORMING CHANGES; RULES.]

2 The commissioner may use the good cause exemption under
3 Minnesota Statutes, section 14.388, subdivision 1, clause (3),
4 to amend rules to conform to sections 31 and 32. Minnesota
5 Statutes, section 14.386, does not apply to the rulemaking under
6 this section except to the extent provided under Minnesota
7 Statutes, section 14.388.

8 Sec. 44. [REPEALER.]

9 Minnesota Statutes 2004, sections 88.27; 97B.005,
10 subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825,
11 subdivisions 6, 7, 8, and 9, are repealed.

APPENDIX
Repealed Minnesota Statutes for H0847-4

88.27 FISHING RESTRICTIONS; BROOK TROUT.

When after investigation the director shall determine that conditions conducive to forest fire hazards exist at any place in the forest areas of the state in the vicinity of any waters frequented by persons taking or attempting to take brook trout and that the presence of persons attracted by the opportunities for taking brook trout in such vicinity tends to aggravate fire hazards the director may by written order with the approval of the director of game and fish, prohibit or restrict, upon such conditions as the director of lands and forestry and the director of game and fish may prescribe, the taking of brook trout in such waters during such period in any year as they may deem necessary for the purpose of reducing such fire hazards.

Every such order, together with the written approval of the director of game and fish appended thereto, shall be filed in the office of the director of lands and forestry and a duplicate thereof filed in the office of the director of game and fish. The director of lands and forestry shall cause a copy of the order and approval to be published at least once in a qualified legal newspaper published at the county seat of each county affected by the order, or in some other legal newspaper of the county, if there be none published at the county seat, and the order shall take effect and be in force in each such county from and after the date of publication therein.

After the taking effect of any such order it shall be unlawful to take or attempt to take brook trout in violation thereof and any person who shall do so shall be guilty of a misdemeanor.

Any such order may be modified or rescinded at any time.

This section shall not be deemed to supersede or repeal any existing law relating to the taking of brook trout, but shall be construed as supplementary thereto. No law relating to the taking of brook trout hereafter enacted shall be construed as inconsistent herewith unless it is expressly provided therein that this section shall be superseded, amended, modified, or repealed, in whole or in part, or unless the future law specifically relates to the subject matter of this section.

97B.005 TRAINING DOGS.

Subd. 4. Use of raccoons. The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting.

97B.935 USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.

Subdivision 1. General prohibition. Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts.

Subd. 2. Allowed in designated counties. The commissioner may, by rule, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts.

Subd. 3. Special permit for disabled. The commissioner may issue a special permit, in the manner provided in section 97B.055, subdivision 3, to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts to a licensed trapper physically unable to walk as specified in section

APPENDIX

Repealed Minnesota Statutes for H0847-4

97B.055, subdivision 3.

97C.015 MISSISSIPPI RIVER FISH REFUGE.

Subdivision 1. Establishment. The portion of the Mississippi River described in subdivision 3 is a fish refuge when the commissioner concludes a fish refuge agreement with the appropriate state authority in Wisconsin. The agreement must require that a similar fish refuge is established in the Wisconsin waters of the Mississippi River described in subdivision 3.

Subd. 2. Fishing restriction. A person may not take fish from a fish refuge after it is established under this section.

Subd. 3. Location. The location of the fish refuge is the portion of the Mississippi River downstream from lock and dam No. 3 located at milepost 796.9 above the mouth of the Ohio River, to the downstream end of Diamond Island located at milepost 794.8.

97C.403 RAINY RIVER WALLEYE RESTRICTIONS.

Subdivision 1. Possession limit. The possession limit for walleyes taken from the Rainy River is six per day.

Subd. 2. Size limit. (a) Except as provided in paragraph (b), only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.

(b) From March 1 until April 14, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches.

Subd. 3. Open season. The open season for walleye in the Rainy River is from May 15 until April 14.

Subd. 4. Commissioner's restrictions. The commissioner shall attempt to negotiate an agreement with the province of Ontario for walleye seasons and limits that substantially comply with subdivisions 1, 2, and 3, and make every effort to bilaterally close the Rainy River during the spawning season between March 1 and April 14. If an agreement is made, the commissioner may, by rule, set different limits and seasons for taking walleyes from the Rainy River in accordance with the agreement, provided the size limits in subdivision 2 are not exceeded.

97C.825 LAKE OF THE WOODS AND RAINY LAKE FISHING.

Subd. 6. Walleye limits; Lake of the Woods. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Lake of the Woods in any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	164,000
1985	150,000
1986	135,000
1987	120,000
1988	100,000
1989	80,000
1990	60,000
1991	30,000
1992	0

The allocation of walleye poundage among the licensees shall be determined by rule of the commissioner.

Subd. 7. Walleye limits; Rainy Lake. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in

APPENDIX
Repealed Minnesota Statutes for H0847-4

any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	14,500
1985	12,500
1986	10,500
1987	8,500
1988	6,500
1989	4,500
1990	2,500
1991	1,000
1992	0

The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by rule of the commissioner.

Subd. 8. Gill nets; Lake of the Woods and Rainy Lake. Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a pound or trap net license for the netting of game fish in accordance with the quota of the licensee.

Subd. 9. Walleye quotas; sale, transfer. An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:

(1) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; and

(2) a walleye wholesale price in the round of \$1.15 per pound. A licensee may elect to receive payment for a sale to the state in a lump sum or in up to four annual installments. A quota sold to the state cancels and is not available for reallocation to another licensee. When a walleye quota is sold to the state and canceled, the gill net license of the licensee is canceled.

Fiscal Note – 2005-06 Session

Bill #: H0847-3E **Complete Date:** 04/07/05

Chief Author: HOPPE, JOE

Title: GAME AND FISH REGULATIONS MODIFIED

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Natural Resources Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
– No Impact –					
Less Agency Can Absorb					
– No Impact –					
Net Expenditures					
– No Impact –					
Revenues					
– No Impact –					
Net Cost <Savings>					
– No Impact –					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
– No Impact –					
Total FTE					

Bill Description

Omnibus game and fish bill, modifying certain definitions; providing for special fish management tags; modifying authority to take animals causing damage; specifying status of stands and blinds on public waters; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders.

This bill has no fiscal impact on the agency.

Agency Contact Name: Lori Caspers, Fish & Wildlife (651) 297- 2424
FN Coord Signature: BRUCE NASLUND
Date: 04/06/05 Phone: 297-4909

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS
Date: 04/07/05 Phone: 296-8510

1

A bill for an act

2 relating to natural resources; modifying game and fish
3 law provisions; modifying authority to take animals
4 causing damage; modifying the use of scopes by
5 visually impaired hunters; modifying certain license
6 requirements; providing for fishing restrictions on
7 residents from certain states; establishing a boat
8 access fee for residents of certain states; providing
9 for trapper education requirements; providing
10 preference for military members who were on active
11 service; prohibiting computer-assisted remote hunting;
12 eliminating the permit requirement to take lynx,
13 bobcat, and fox with a snare; modifying certain
14 seasons; modifying restrictions on taking waterfowl;
15 authorizing rulemaking; modifying requirements for
16 field training hunting dogs; modifying trapping
17 provisions; modifying restrictions on decoys;
18 modifying disposition of state hatchery products;
19 modifying fishing and commercial fishing provisions;
20 repealing authority for the Mississippi River Fish
21 Refuge; repealing authority to issue certain orders;
22 amending Minnesota Statutes 2004, sections 84.027,
23 subdivision 13; 97A.015, subdivisions 29, 49; 97A.045,
24 subdivision 1; 97A.401, subdivision 5; 97A.405,
25 subdivision 4, by adding a subdivision; 97A.411,
26 subdivision 1; 97A.435, subdivision 2; 97A.441,
27 subdivision 7; 97A.451, subdivision 3; 97A.465, by
28 adding a subdivision; 97A.475, subdivision 7, by
29 adding a subdivision; 97B.005, subdivision 3; 97B.025;
30 97B.031, subdivision 5; 97B.111, subdivision 2;
31 97B.625, subdivision 2; 97B.631, subdivision 2;
32 97B.655, subdivision 2; 97B.711, subdivision 1;
33 97B.803; 97B.805, subdivision 1; 97B.811, subdivision
34 4a; 97B.931, subdivision 2; 97C.203; 97C.327; 97C.345,
35 subdivision 2; 97C.395, subdivision 1; 97C.401,
36 subdivision 2; 97C.825, subdivision 5; proposing
37 coding for new law in Minnesota Statutes, chapter 97B;
38 repealing Minnesota Statutes 2004, sections 88.27;
39 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403;
40 97C.825, subdivisions 6, 7, 8, 9; Minnesota Rules,
41 part 6234.2300, subparts 2, 3.

42 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

43 Section 1. Minnesota Statutes 2004, section 84.027,

1 subdivision 13, is amended to read:

2 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of
3 natural resources may adopt rules under sections 97A.0451 to
4 97A.0459 and this subdivision that are authorized under:

5 (1) chapters 97A, 97B, and 97C to set open seasons and
6 areas, to close seasons and areas, to select hunters for areas,
7 to provide for tagging and registration of game and fish, to
8 prohibit or allow taking of wild animals to protect a species,
9 to prevent or control wildlife disease, and to prohibit or allow
10 importation, transportation, or possession of a wild animal;

11 (2) sections 84.093, 84.15, and 84.152 to set seasons for
12 harvesting wild ginseng roots and wild rice and to restrict or
13 prohibit harvesting in designated areas; and

14 (3) section 84D.12 to designate prohibited invasive
15 species, regulated invasive species, unregulated nonnative
16 species, and infested waters.

17 (b) If conditions exist that do not allow the commissioner
18 to comply with sections 97A.0451 to 97A.0459, the commissioner
19 may adopt a rule under this subdivision by submitting the rule
20 to the attorney general for review under section 97A.0455,
21 publishing a notice in the State Register and filing the rule
22 with the secretary of state and the Legislative Coordinating
23 Commission, and complying with section 97A.0459, and including a
24 statement of the emergency conditions and a copy of the rule in
25 the notice. The notice may be published after it is received
26 from the attorney general or five business days after it is
27 submitted to the attorney general, whichever is earlier.

28 (c) Rules adopted under paragraph (b) are effective upon
29 publishing in the State Register and may be effective up to
30 seven days before publishing and filing under paragraph (b), if:

31 (1) the commissioner of natural resources determines that
32 an emergency exists;

33 (2) the attorney general approves the rule; and

34 (3) for a rule that affects more than three counties the
35 commissioner publishes the rule once in a legal newspaper
36 published in Minneapolis, St. Paul, and Duluth, or for a rule

1 that affects three or fewer counties the commissioner publishes
2 the rule once in a legal newspaper in each of the affected
3 counties.

4 (d) Except as provided in paragraph (e), a rule published
5 under paragraph (c), clause (3), may not be effective earlier
6 than seven days after publication.

7 (e) A rule published under paragraph (c), clause (3), may
8 be effective the day the rule is published if the commissioner
9 gives notice and holds a public hearing on the rule within 15
10 days before publication.

11 (f) The commissioner shall attempt to notify persons or
12 groups of persons affected by rules adopted under paragraphs (b)
13 and (c) by public announcements, posting, and other appropriate
14 means as determined by the commissioner.

15 (g) Notwithstanding section 97A.0458, a rule adopted under
16 this subdivision is effective for the period stated in the
17 notice but not longer than 18 months after the rule is adopted.

18 Sec. 2. Minnesota Statutes 2004, section 97A.015,
19 subdivision 29, is amended to read:

20 Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the
21 minnow family, Cyprinidae, except carp and goldfish; (2) members
22 of the mudminnow family, Umbridae; (3) members of the sucker
23 family, Catostomidae, not over 12 inches in length; (4)
24 bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not
25 over seven inches long; and (5) leeches; and (6) tadpole madtoms
26 (willow cats) and stonecats.

27 [EFFECTIVE DATE.] This section is effective the day
28 following final enactment.

29 Sec. 3. Minnesota Statutes 2004, section 97A.015,
30 subdivision 49, is amended to read:

31 Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

32 (1) a bird, excluding migratory waterfowl, pheasant,
33 Hungarian partridge, turkey, or grouse, with feet and feathered
34 head intact;

35 (2) a migratory waterfowl, excluding geese, with a fully
36 feathered wing and head attached;

1 (3) a pheasant, Hungarian partridge, turkey, or grouse with
2 one leg and foot or the fully feathered head or wing intact; or

3 (4) a goose with a fully feathered wing attached.

4 Sec. 4. Minnesota Statutes 2004, section 97A.045,
5 subdivision 1, is amended to read:

6 Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall
7 do all things the commissioner determines are necessary to
8 preserve, protect, and propagate desirable species of wild
9 animals. The commissioner shall make special provisions for the
10 management of fish and wildlife to ensure recreational
11 opportunities for anglers and hunters. The commissioner shall
12 acquire wild animals for breeding or stocking and may dispose of
13 or destroy undesirable or predatory wild animals and their dens,
14 nests, houses, or dams.

15 Sec. 5. Minnesota Statutes 2004, section 97A.401,
16 subdivision 5, is amended to read:

17 Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits
18 may be issued with or without a fee to take protected wild
19 animals that are damaging property or to remove or destroy their
20 dens, nests, houses, or dams. A special permit issued under
21 this subdivision to take beaver must state the number to be
22 taken.

23 Sec. 6. Minnesota Statutes 2004, section 97A.405,
24 subdivision 4, is amended to read:

25 Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may
26 permit licensed ~~firearms~~ deer hunters to change zone, license,
27 or season options ~~before-the-regular-firearms-deer-season~~
28 begins. The commissioner may issue a replacement license if the
29 applicant submits the original ~~firearms~~ deer license and unused
30 tags that ~~is~~ are being replaced and the applicant pays any
31 increase in cost between the original and the replacement
32 license. When a person submits both an archery and a firearms
33 license for replacement, the commissioner may apply the value of
34 both licenses towards the replacement license fee.

35 (b) A replacement license may be issued only if the
36 applicant has not used any tag from the original license and

1 meets the conditions of paragraph (c). The original license and
2 all unused tags for that license must be submitted to the
3 issuing agent at the time the replacement license is issued.

4 (c) A replacement license may be issued under the following
5 conditions, or as otherwise prescribed by rule of the
6 commissioner:

7 (1) when the season for the license being surrendered has
8 not yet opened; or

9 (2) when the person is upgrading from a regular firearms or
10 archery deer license to a deer license that is valid in multiple
11 zones.

12 (d) Notwithstanding section 97A.411, subdivision 3, a
13 replacement license is valid immediately upon issuance if the
14 license being surrendered is valid at that time.

15 Sec. 7. Minnesota Statutes 2004, section 97A.405, is
16 amended by adding a subdivision to read:

17 Subd. 5. [RESIDENT LICENSES.] To obtain a resident
18 license, a resident 21 years of age or older must:

19 (1) possess a current Minnesota driver's license;

20 (2) possess a current identification card issued by the
21 commissioner of public safety; or

22 (3) present evidence showing proof of residency in cases
23 when clause (1) or (2) would violate the Religious Freedom
24 Restoration Act of 1993, Public Law 103-141.

25 Sec. 8. Minnesota Statutes 2004, section 97A.411,
26 subdivision 1, is amended to read:

27 Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in
28 paragraphs (b), (c), and (d), and (e), a license is valid during
29 the lawful time within the license year that the licensed
30 activity may be performed. A license year begins on the first
31 day of March and ends on the last day of February.

32 (b) A license issued under section 97A.475, subdivision 6,
33 clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or
34 (6), or 97A.475, subdivision 12, clause (2), is valid for the
35 full license period even if this period extends into the next
36 license year, provided that the license period selected by the

1 licensee begins at the time of issuance.

2 (c) When the last day of February falls on a Saturday, an
3 annual resident or nonresident fish house or dark house license,
4 including a rental fish house or dark house license, obtained
5 for the license year covering the last day of February, is valid
6 through Sunday, March 1 and the angling license of the fish
7 house licensee is extended through March 1.

8 (d) A lifetime license issued under section 97A.473 or
9 97A.474 is valid during the lawful time within the license year
10 that the licensed activity may be performed for the lifetime of
11 the licensee.

12 (e) A license issued under section 97A.474, subdivision 2,
13 or 97A.475, subdivision 7, to a person who is domiciled in a
14 state or province that prohibits Minnesota residents from taking
15 game fish or small game during a part of the season that is open
16 to residents of that state is not valid for taking game fish
17 during the first 14 days of the season prescribed under section
18 97C.395, subdivision 1, paragraph (a), clause (1). This
19 paragraph does not apply to a licensee who is a currently
20 registered guest at a hotel, motel, or resort located in
21 Minnesota.

22 (f) The commissioner shall specify various fishing zones
23 for which nonresident fishing licenses will be available, and
24 may specify the number of nonresident licenses that may be
25 issued in each zone and the manner in which the licenses are to
26 be issued. The commissioner shall designate no more than three
27 zones under this paragraph.

28 [EFFECTIVE DATE.] This section is effective the day
29 following final enactment.

30 Sec. 9. Minnesota Statutes 2004, section 97A.435,
31 subdivision 2, is amended to read:

32 Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey
33 license shall be determined by this section and commissioner's
34 rule. A person is eligible for a turkey license only if the
35 person is at least age 16 before the season opens or, possesses
36 a firearms safety certificate, or, if under age 12, is

1 accompanied by a parent or guardian. Persons under age 12 must
2 be within arm's reach of their parent or guardian while hunting.

3 Sec. 10. Minnesota Statutes 2004, section 97A.441,
4 subdivision 7, is amended to read:

5 Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The
6 commissioner may issue, without a fee, a license to take an
7 antlerless deer to a person who is an owner or tenant and is
8 living and actively farming on at least 80 acres of agricultural
9 land, as defined in section 97B.001, in deer permit areas that
10 have deer archery licenses to take additional deer under section
11 97B.301, subdivision 4. A person may receive only one license
12 per year under this subdivision. For properties with co-owners
13 or cotenants, only one co-owner or cotenant may receive a
14 license under this subdivision per year. The license issued
15 under this subdivision is restricted to the land ~~owned or~~ leased
16 for agricultural purposes or owned by the holder of the license
17 within the permit area where the qualifying land is located.
18 The holder of the license may transfer the license to the
19 holder's spouse or dependent. Notwithstanding sections 97A.415,
20 subdivision 1, and 97B.301, subdivision 2, the holder of the
21 license may purchase an additional license for taking deer and
22 may take an additional deer under that license.

23 (b) A person who obtains a license under paragraph (a) must
24 allow public deer hunting on their land during that deer hunting
25 season, with the exception of the first Saturday and Sunday
26 during the deer hunting season applicable to the license issued
27 under section 97A.475, subdivision 2, clauses (4) and (13).

28 Sec. 11. Minnesota Statutes 2004, section 97A.451,
29 subdivision 3, is amended to read:

30 Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A
31 resident under age 16 may not obtain a small game license but
32 may take small game by firearms or bow and arrow without a
33 license if the resident is:

34 (1) age 14 or 15 and possesses a firearms safety
35 certificate;

36 (2) age 13, possesses a firearms safety certificate, and is

1 accompanied by a parent or guardian; or

2 (3) age 12 or under and is accompanied by a parent or
3 guardian.

4 (b) A resident under age 16 may take small game by trapping
5 without a small game license, but a resident 13 years of age or
6 older must have a trapping license. A resident under age 13 may
7 trap without a trapping license, but may not trap fisher, otter,
8 bobcat, or pine marten unless the resident is at least age 8.

9 (c) A resident under age 12 may apply for a turkey license
10 and may take a turkey without a firearms safety certificate if
11 they are supervised by an adult parent or guardian who has a
12 firearms safety certificate and who is within arm's reach at all
13 times while hunting.

14 Sec. 12. Minnesota Statutes 2004, section 97A.465, is
15 amended by adding a subdivision to read:

16 Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes
17 of this subdivision:

18 (1) "qualified service member or veteran" means a Minnesota
19 resident who is currently serving, or has served at any time
20 during the past 24 months, in active service as a member of the
21 United States armed forces, including the National Guard or
22 other military reserves; and

23 (2) "active service" means service defined under section
24 190.05, subdivision 5b or 5c.

25 (b) Notwithstanding any other provision of this chapter,
26 chapter 97B or 97C, or administrative rules, the commissioner
27 may give first preference to qualified service members or
28 veterans in any drawing or lottery involving the selection of
29 applicants for hunting or fishing licenses, permits, and special
30 permits. This subdivision does not apply to licenses or permits
31 for taking moose, elk, or prairie chickens. Actions of the
32 commissioner under this subdivision are not rules under the
33 Administrative Procedures Act and section 14.386 does not apply.

34 [EFFECTIVE DATE.] This section is effective the day
35 following final enactment.

36 Sec. 13. Minnesota Statutes 2004, section 97A.475,

1 subdivision 7, is amended to read:

2 Subd. 7. [NONRESIDENT FISHING.] (a) Fees for the following
3 licenses, to be issued to nonresidents, are:

4 (1) to take fish by angling, \$34;

5 (2) to take fish by angling limited to seven consecutive
6 days selected by the licensee, \$24;

7 (3) to take fish by angling for a 72-hour period selected
8 by the licensee, \$20;

9 (4) to take fish by angling for a combined license for a
10 family, \$46;

11 (5) to take fish by angling for a 24-hour period selected
12 by the licensee, \$8.50; and

13 (6) to take fish by angling for a combined license for a
14 married couple, limited to 14 consecutive days selected by one
15 of the licensees, \$35.

16 (b) A nonresident who is domiciled in a state or province
17 that prohibits Minnesota residents from taking game fish or
18 small game during a part of the season that is open to residents
19 of that state is prohibited from purchasing a license under
20 paragraph (a), clauses (1), (3), (4), (5), and (6), and must
21 purchase a license under paragraph (a), clause (2), to take fish
22 in the state for a seven-day period. This paragraph does not
23 apply to a person who is a currently registered guest at a
24 hotel, motel, or resort located in Minnesota.

25 Sec. 14. Minnesota Statutes 2004, section 97A.475, is
26 amended by adding a subdivision to read:

27 Subd. 7a. [NONRESIDENT FISHING BOATS.] A boat that is
28 registered in a state or province that prohibits Minnesota
29 residents from taking game fish or small game during a part of
30 the season that is open to residents of that state and used for
31 fishing on inland waters of Minnesota must be licensed for use
32 on Minnesota inland waters. The license fee under this
33 subdivision is \$250 and is valid for seven consecutive days.
34 The license may be renewed for additional seven-day periods
35 after payment of an additional \$250 fee. This subdivision does
36 not apply to a person who is a currently registered guest at a

1 hotel, motel, or resort located in Minnesota.

2 Sec. 15. Minnesota Statutes 2004, section 97B.005,
3 subdivision 3, is amended to read:

4 Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE
5 GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special
6 permits, without a fee, to-organizations-and-individuals to use
7 firearms and live ammunition on domesticated birds or banded
8 game birds from game farms.

9 (b) Permits for holding field trials and may be issued to
10 organizations. The permit shall specify the dates and locations
11 of the field trial. The commissioner may limit the number of
12 dates approved for any organization.

13 (c) Permits for training hunting dogs may be issued to an
14 individual.

15 (d) Domesticated birds, other than pigeons, and game farm
16 birds used for trials or training under this section must be
17 clearly marked with dye or a streamer attached to a leg in a
18 manner that makes them visually identifiable prior to being
19 taken.

20 Sec. 16. Minnesota Statutes 2004, section 97B.025, is
21 amended to read:

22 97B.025 [HUNTER AND TRAPPER EDUCATION.]

23 (a) The commissioner may establish education courses for
24 hunters and-trappers. The commissioner shall collect a fee from
25 each person attending a course. A fee shall be collected for
26 issuing a duplicate certificate. The commissioner shall
27 establish the fees in a manner that neither significantly
28 overrecovers nor underrecovers costs, including overhead costs,
29 involved in providing the services. The fees are not subject to
30 the rulemaking provisions of chapter 14 and section 14.386 does
31 not apply. The commissioner may establish the fees
32 notwithstanding section 16A.1283. The fees shall be deposited
33 in the game and fish fund and the amount thereof is appropriated
34 annually to the Enforcement Division of the Department of
35 Natural Resources for the administration of the program. In
36 addition to the fee established by the commissioner for each

1 course, instructors may charge each person up to the established
2 fee amount for class materials and expenses. School districts
3 may cooperate with the commissioner and volunteer instructors to
4 provide space for the classroom portion of the training.

5 (b) The commissioner shall enter into an agreement with a
6 statewide nonprofit trappers association to conduct a trapper
7 education program. At a minimum, the program must include at
8 least six hours of classroom, electronic, or correspondence
9 instruction and in the field training. The program must include
10 a review of state trapping laws and regulations, trapping
11 ethics, the setting and tending of traps and snares, tagging and
12 registration requirements, and the preparation of pelts. The
13 association shall issue a certificate to persons who complete
14 the program. The association shall be responsible for all costs
15 of conducting the education program, and shall not charge any
16 fee for attending the course.

17 Sec. 17. [97B.026] [TRAPPER EDUCATION CERTIFICATE
18 REQUIREMENT.]

19 A person born after December 31, 1989, and who has not been
20 issued a trapping license in a previous license year, may not
21 obtain a trapping license unless the person has been issued a
22 trapper education certificate under section 97B.025, paragraph
23 (b).

24 [EFFECTIVE DATE.] This section is effective March 1, 2007.

25 Sec. 18. Minnesota Statutes 2004, section 97B.031,
26 subdivision 5, is amended to read:

27 Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a)
28 Notwithstanding any other law to the contrary, the commissioner
29 may issue a special permit, without a fee, to use a muzzleloader
30 with a scope to take deer during the muzzleloader season to a
31 person who obtains the required licenses and who has a visual
32 impairment. The scope may not have magnification capabilities.

33 (b) The visual impairment must be to the extent that the
34 applicant is unable to identify targets and the rifle sights at
35 the same time without a scope. The visual impairment and
36 specific conditions must be established by medical evidence

1 verified in writing by a licensed physician, ophthalmologist, or
2 optometrist. The commissioner may request additional
3 information from the physician if needed to verify the
4 applicant's eligibility for the permit. ~~Notwithstanding section~~
5 ~~97A.418, the commissioner may, in consultation with appropriate~~
6 ~~advocacy groups, establish reasonable minimum standards for~~
7 ~~permits to be issued under this subdivision.~~

8 (c) A permit issued under this subdivision may be valid for
9 up to five years, based on the permanence of the visual
10 impairment as determined by the licensed physician,
11 ophthalmologist, or optometrist.

12 (d) The permit must be in the immediate possession of the
13 permittee when hunting under the special permit.

14 (e) The commissioner may deny, modify, suspend, or revoke a
15 permit issued under this subdivision for cause, including a
16 violation of the game and fish laws or rules.

17 (f) A person who knowingly makes a false application or
18 assists another in making a false application for a permit under
19 this subdivision is guilty of a misdemeanor. A physician,
20 ophthalmologist, or optometrist who fraudulently certifies to
21 the commissioner that a person is visually impaired as described
22 in this subdivision is guilty of a misdemeanor.

23 Sec. 19. Minnesota Statutes 2004, section 97B.111,
24 subdivision 2, is amended to read:

25 Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner
26 may issue a special permit without a fee to a nonprofit
27 organization to provide an assisted hunting opportunity to
28 physically disabled hunters. The assisted hunting opportunity
29 may take place:

30 (1) in areas designated by the commissioner under
31 subdivision 1; or

32 (2) on private property or a licensed shooting preserve.

33 (b) The sponsoring organization shall provide a physically
34 capable person to assist each disabled hunter with
35 safety-related aspects of hunting and, notwithstanding section
36 97B.081, a person with a physical disability who is totally

1 blind may use laser sights.

2 (c) The commissioner may impose reasonable permit
3 conditions.

4 Sec. 20. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING
5 PROHIBITION.]

6 No person shall operate, provide, sell, use or offer to
7 operate, provide, sell or use any computer software or service
8 that allows a person, not physically present at the site, to
9 remotely control a weapon that could be used to take any wild
10 animal by remote operation, including, but not limited to,
11 weapons or devices set up to fire through the use of the
12 Internet or through a remote control device.

13 Sec. 21. Minnesota Statutes 2004, section 97B.625,
14 subdivision 2, is amended to read:

15 Subd. 2. [~~PERMIT-REQUIRED-TO~~ USE OF A SNARE.] A person may
16 ~~not use a snare to take lynx or bobcat except-under-a-permit~~
17 ~~from,~~ as prescribed by the commissioner, without a permit.

18 Sec. 22. Minnesota Statutes 2004, section 97B.631,
19 subdivision 2, is amended to read:

20 Subd. 2. [~~PERMIT-REQUIRED-TO~~ USE OF A SNARE.] A person may
21 ~~not use a snare to take fox except-under-a-permit-from,~~ as
22 prescribed by the commissioner, without a permit.

23 Sec. 23. Minnesota Statutes 2004, section 97B.655,
24 subdivision 2, is amended to read:

25 Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD
26 ANIMALS.] The commissioner may issue special permits under
27 section 97A.401, subdivision 5, to take protected wild animals
28 that are damaging property or to remove or destroy their dens,
29 nests, houses, or dams.

30 Sec. 24. Minnesota Statutes 2004, section 97B.711,
31 subdivision 1, is amended to read:

32 Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.]

33 (a) The commissioner may, by rule, prescribe an open season in
34 designated areas between September 16 and ~~December-31~~ January 3
35 for:

36 (1) pheasant;

- 1 (2) ruffed grouse;
- 2 (3) sharp tailed grouse;
- 3 (4) Canada spruce grouse;
- 4 (5) prairie chicken;
- 5 (6) gray partridge;
- 6 (7) bob-white quail; and
- 7 (8) turkey.

8 (b) The commissioner may by rule prescribe an open season
9 for turkey in the spring.

10 Sec. 25. Minnesota Statutes 2004, section 97B.803, is
11 amended to read:

12 97B.803 [MIGRATORY WATERFOWL SEASONS AND LIMITS.]

13 (a) The commissioner shall prescribe seasons, limits, and
14 areas for taking migratory waterfowl in accordance with federal
15 law.

16 (b) The regular duck season may not open before the
17 Saturday closest to October 1.

18 Sec. 26. Minnesota Statutes 2004, section 97B.805,
19 subdivision 1, is amended to read:

20 Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person
21 may not take migratory waterfowl, coots, or rails in open water
22 unless the person is:

23 (1) within a natural growth of vegetation sufficient to
24 partially conceal the person or boat; or

25 (2) on a river or stream that is not more than 100 yards in
26 width; or

27 (3) pursuing or shooting wounded birds.

28 (b) A person may not take migratory waterfowl, coots, or
29 rails in public waters from a permanent artificial blind or sink
30 box.

31 Sec. 27. Minnesota Statutes 2004, section 97B.811,
32 subdivision 4a, is amended to read:

33 Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From
34 the opening day of the duck season through the Saturday nearest
35 October 8, a person may not use a motorized decoy ~~on public~~
36 ~~waters-with-visible, moving parts that are above the water~~

1 surface, or other motorized device designed to attract migratory
2 birds, to take migratory waterfowl, ~~other than geese.~~ During
3 the remainder of the duck season, the commissioner may, by rule,
4 designate all or any portion of a wetland or lake closed to the
5 use of motorized decoys or motorized devices designed to attract
6 migratory birds. On water bodies and lands fully contained
7 within wildlife management area boundaries, a person may not use
8 motorized decoys or motorized devices designed to attract
9 migratory birds at any time during the duck season.

10 Sec. 28. Minnesota Statutes 2004, section 97B.931,
11 subdivision 2, is amended to read:

12 Subd. 2. [~~BODY-GRIPPING-TRAPS~~ FREQUENCY.] A ~~body-gripping,~~
13 ~~conibear-type~~ trap or snare need not be tended more frequently
14 than once every third calendar day.

15 Sec. 29. Minnesota Statutes 2004, section 97C.203, is
16 amended to read:

17 97C.203 [~~DISPOSAL OF STATE HATCHERY EGGS-OR-FRY~~ PRODUCTS.]

18 The commissioner shall dispose of ~~game-fish-eggs-and-fry~~
19 fish hatchery products according to the following order of
20 priorities:

21 (1) distribution of fish eggs and fry to state hatcheries
22 to hatch fry or raise fingerlings for stocking waters of the
23 state for recreational fishing;

24 (2) transfer to other government agencies in exchange for
25 fish or wildlife resources of equal value or private fish
26 hatcheries in exchange for fish to be stocked in waters of the
27 state for recreational fishing;

28 (3) ~~sale of fish-eggs-and-fry~~ to private fish hatcheries or
29 licensed aquatic farms at a price not less than the fair
30 wholesale market value, established as the average price charged
31 at the state's private hatcheries and contiguous states per
32 volume rates; and

33 (4) transfer to other government agencies, colleges, or
34 universities for cooperative fish management and research
35 purposes; and

36 (5) sale of not more than \$25 fair market value to any

1 school, museum, or commercial enterprise for curriculum
2 implementation, educational programs, public exhibition, or
3 cooperative displays.

4 [EFFECTIVE DATE.] This section is effective the day
5 following final enactment.

6 Sec. 30. Minnesota Statutes 2004, section 97C.327, is
7 amended to read:

8 97C.327 [MEASUREMENT OF FISH LENGTH.]

9 For the purpose of determining compliance with size limits
10 for fish in this chapter or in rules of the commissioner, the
11 length of a fish must be measured from the tip of the nose or
12 jaw, whichever is longer, to the farthest tip of the tail when
13 fully extended.

14 Sec. 31. Minnesota Statutes 2004, section 97C.345,
15 subdivision 2, is amended to read:

16 Subd. 2. [POSSESSION.] (a) Except as specifically
17 authorized, a person may not possess a spear, fish trap, net,
18 dip net, seine, or other device capable of taking fish on or
19 near any waters. Possession includes personal possession and in
20 a vehicle.

21 (b) A person may possess spears, dip nets, bows and arrows,
22 and spear guns allowed under section 97C.381 on or near waters
23 between sunrise and sunset from May 1 to the third last Sunday
24 in February, or as otherwise prescribed by the commissioner.

25 Sec. 32. Minnesota Statutes 2004, section 97C.395,
26 subdivision 1, is amended to read:

27 Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open
28 seasons to take fish by angling are as follows:

29 (1) for walleye, sauger, northern pike, muskellunge,
30 largemouth bass, and smallmouth bass, the Saturday two weeks
31 prior to the Saturday of Memorial Day weekend to the third last
32 Sunday in February;

33 (2) for lake trout, from January 1 to October 31;

34 (3) for brown trout, brook trout, rainbow trout, and
35 splake, between January 1 to October 31 as prescribed by the
36 commissioner by rule except as provided in section 97C.415,

1 subdivision 2; and

2 (4) for salmon, as prescribed by the commissioner by rule.

3 (b) The commissioner shall close the season in areas of the
4 state where fish are spawning and closing the season will
5 protect the resource.

6 Sec. 33. Minnesota Statutes 2004, section 97C.401,
7 subdivision 2, is amended to read:

8 Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided
9 in paragraphs paragraph (b) and ~~(c)~~, a person may not take no
10 more than one walleye larger than ~~24~~ 20 inches and one northern
11 pike larger than 30 inches daily.

12 (b) The restrictions in paragraph (a) do not apply to
13 boundary waters.

14 ~~(c) On Lake of the Woods, a person may take no more than
15 one walleye larger than 19.5 inches and one northern pike larger
16 than 36 inches daily.~~

17 [EFFECTIVE DATE.] This section is effective March 1, 2006.

18 Sec. 34. Minnesota Statutes 2004, section 97C.825,
19 subdivision 5, is amended to read:

20 Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY
21 LAKE.] (a) The maximum amount of nets permitted to be licensed
22 shall be:

23 ~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000-feet-of
24 gill-nets-or 160 submerged trap nets, and 80 fyke or staked trap
25 nets--licenses-for-submerged-trap-nets-may-be-issued-instead-of
26 licenses-for-gill-nets-in-the-ratio-of-not-more-than-one
27 submerged-trap-net-per-500-feet-of-gill-net, and the maximum
28 permissible-amount-of-gill-nets-shall-be-reduced-by-500-feet-for
29 each-submerged-trap-net-licensed; and~~

30 ~~(b) (2) in Rainy Lake, 20-pound nets and-20,000-feet-of
31 gill-nets.~~

32 ~~(c) When-a-licensee-has-had-a-license-revoked-or
33 surrendered, the commissioner shall not be required to issue
34 licenses-for-the-amount-of-netting-previously-authorized-under
35 the-revoked-or-surrendered-license.~~

36 ~~(d) (b) Commercial fishing may be prohibited in the~~

1 Minnesota portions of international waters when it is prohibited
2 in the international waters by Canadian authorities.

3 ~~(e)-The-commissioner-may-adopt-rules-to-limit-the-total~~
4 ~~amount-of-game-fish-taken-by-commercial-fishing-operators-in~~
5 ~~Lake-of-the-Woods-in-any-one-season-and-shall-apportion-the~~
6 ~~amount-to-each-licensee-in-accordance-with-the-number-and-length~~
7 ~~of-nets-licensed-~~

8 Sec. 35. [CONFORMING CHANGES; RULES.]

9 The commissioner may use the good cause exemption under
10 Minnesota Statutes, section 14.388, subdivision 1, clause (3),
11 to amend rules to conform to sections 28, 30, and 32. Minnesota
12 Statutes, section 14.386, does not apply to the rulemaking under
13 this section except to the extent provided under Minnesota
14 Statutes, section 14.388.

15 Sec. 36. [REPEALER.]

16 (a) Minnesota Statutes 2004, sections 88.27; 97B.005,
17 subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825,
18 subdivisions 6, 7, 8, and 9, are repealed.

19 (b) Minnesota Rules, part 6234.2300, subparts 2 and 3, are
20 repealed.

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88.27 FISHING RESTRICTIONS; BROOK TROUT.

When after investigation the director shall determine that conditions conducive to forest fire hazards exist at any place in the forest areas of the state in the vicinity of any waters frequented by persons taking or attempting to take brook trout and that the presence of persons attracted by the opportunities for taking brook trout in such vicinity tends to aggravate fire hazards the director may by written order with the approval of the director of game and fish, prohibit or restrict, upon such conditions as the director of lands and forestry and the director of game and fish may prescribe, the taking of brook trout in such waters during such period in any year as they may deem necessary for the purpose of reducing such fire hazards.

Every such order, together with the written approval of the director of game and fish appended thereto, shall be filed in the office of the director of lands and forestry and a duplicate thereof filed in the office of the director of game and fish. The director of lands and forestry shall cause a copy of the order and approval to be published at least once in a qualified legal newspaper published at the county seat of each county affected by the order, or in some other legal newspaper of the county, if there be none published at the county seat, and the order shall take effect and be in force in each such county from and after the date of publication therein.

After the taking effect of any such order it shall be unlawful to take or attempt to take brook trout in violation thereof and any person who shall do so shall be guilty of a misdemeanor.

Any such order may be modified or rescinded at any time.

This section shall not be deemed to supersede or repeal any existing law relating to the taking of brook trout, but shall be construed as supplementary thereto. No law relating to the taking of brook trout hereafter enacted shall be construed as inconsistent herewith unless it is expressly provided therein that this section shall be superseded, amended, modified, or repealed, in whole or in part, or unless the future law specifically relates to the subject matter of this section.

97B.005 TRAINING DOGS.

Subd. 4. Use of raccoons. The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting.

97B.935 USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.

Subdivision 1. General prohibition. Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts.

Subd. 2. Allowed in designated counties. The commissioner may, by rule, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts.

Subd. 3. Special permit for disabled. The commissioner may issue a special permit, in the manner provided in section 97B.055, subdivision 3, to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts to a licensed trapper physically unable to walk as specified in section

APPENDIX
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97B.055, subdivision 3.

97C.015 MISSISSIPPI RIVER FISH REFUGE.

Subdivision 1. **Establishment.** The portion of the Mississippi River described in subdivision 3 is a fish refuge when the commissioner concludes a fish refuge agreement with the appropriate state authority in Wisconsin. The agreement must require that a similar fish refuge is established in the Wisconsin waters of the Mississippi River described in subdivision 3.

Subd. 2. **Fishing restriction.** A person may not take fish from a fish refuge after it is established under this section.

Subd. 3. **Location.** The location of the fish refuge is the portion of the Mississippi River downstream from lock and dam No. 3 located at milepost 796.9 above the mouth of the Ohio River, to the downstream end of Diamond Island located at milepost 794.8.

97C.403 RAINY RIVER WALLEYE RESTRICTIONS.

Subdivision 1. **Possession limit.** The possession limit for walleyes taken from the Rainy River is six per day.

Subd. 2. **Size limit.** (a) Except as provided in paragraph (b), only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.

(b) From March 1 until April 14, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches.

Subd. 3. **Open season.** The open season for walleye in the Rainy River is from May 15 until April 14.

Subd. 4. **Commissioner's restrictions.** The commissioner shall attempt to negotiate an agreement with the province of Ontario for walleye seasons and limits that substantially comply with subdivisions 1, 2, and 3, and make every effort to bilaterally close the Rainy River during the spawning season between March 1 and April 14. If an agreement is made, the commissioner may, by rule, set different limits and seasons for taking walleyes from the Rainy River in accordance with the agreement, provided the size limits in subdivision 2 are not exceeded.

97C.825 LAKE OF THE WOODS AND RAINY LAKE FISHING.

Subd. 6. **Walleye limits; Lake of the Woods.** The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Lake of the Woods in any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	164,000
1985	150,000
1986	135,000
1987	120,000
1988	100,000
1989	80,000
1990	60,000
1991	30,000
1992	0

The allocation of walleye poundage among the licensees shall be determined by rule of the commissioner.

Subd. 7. **Walleye limits; Rainy Lake.** The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in

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any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	14,500
1985	12,500
1986	10,500
1987	8,500
1988	6,500
1989	4,500
1990	2,500
1991	1,000
1992	0

The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by rule of the commissioner.

Subd. 8. Gill nets; Lake of the Woods and Rainy Lake. Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a pound or trap net license for the netting of game fish in accordance with the quota of the licensee.

Subd. 9. Walleye quotas; sale, transfer. An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:

(1) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; and

(2) a walleye wholesale price in the round of \$1.15 per pound. A licensee may elect to receive payment for a sale to the state in a lump sum or in up to four annual installments. A quota sold to the state cancels and is not available for reallocation to another licensee. When a walleye quota is sold to the state and canceled, the gill net license of the licensee is canceled.

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S.F. No. 789 (Second Engrossment) - Game and Fish

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Date: May 6, 2005

S.F. No. 789 contains a number of changes to the game and fish laws. Except as specified, provisions are from the administration's recommended changes to the game and fish laws.

Section 1 [Game and Fish Rules; Tagging and Registration of Fish] adds the tagging and registration of fish as a purpose for use of the expedited rule process.

Section 2 [Minnow Definition] adds willow cats and stonecats to the definition of minnows for the purpose of the game and fish laws.

Section 3 [Undressed Bird Definition; Turkey] adds turkey to the birds that may be transported with one leg and foot, fully feathered head, or wing intact.

Section 4 [Wild Animal Dens, Nests, Houses, or Dams; Commissioner's Authority] allows the Commissioner of Natural Resources to destroy undesirable or predatory wild animal dens, nests, houses, or dams.

Section 5 [Wild Animal Dens, Nests, Houses, or Dams; Permits] allows the Commissioner of Natural Resources to issue a permit to destroy the dens, nests, houses, or dams of wild animals causing damage to property.

Section 6 [Replacement Deer Licenses] broadens the authority for the Commissioner of Natural Resources to provide replacement deer licenses. The replacement license may

be issued only when the applicant has not used any tags for the license. The Commissioner may issue the replacement licenses when:

- (1) the season for the license has not yet opened;
- (2) the person is upgrading from a regular firearms or archery deer license to a deer license that is valid in multiple zones; or
- (3) as otherwise prescribed by rule of the Commissioner.

Section 7 [Resident License Requirements] specifies that to obtain a resident license a person age 21 and older must possess a current Minnesota driver's license, possess a current Minnesota identification card, or show other evidence of residency when the license or identification card would violate the Religious Freedom Restoration Act of 1993.

Section 8 [License Period; Nonresidents from Certain States] makes licenses from certain states invalid for the first two weeks of the fishing season. The restriction does not apply to a licensee who is staying at a hotel, motel, or resort within Minnesota. This section also directs the Commissioner of Natural Resources to specify various fishing zones for nonresident fishing licenses. (Effective the day following final enactment). This is from S.F. No. 655 (Pariseau), as amended by subcommittee.

Section 9 [Turkey Hunting; Under Age 12] allows a person under the age of twelve to hunt turkey if the person is within an arm's reach of their parent or guardian.

Section 10 [Free Deer License for Tenants; Agricultural Land] provides that the free deer for tenant of agricultural land may hunt only on the land leased for agricultural purposes.

Section 11 [Trapping; Turkey Hunting; Minimum Age] specifies that the minimum age for trapping fisher, otter, bobcat, or pine marten is eight. This section also allows a resident under the age of 12 to apply for a turkey license if they hunt within an arm's reach of their parent or guardian. The second part of this section is from a subcommittee amendment.

Section 12 [Preference to Service Members] allows a person, who has served in the active service during the last 24 months, first preference in the selection for hunting and fishing licenses and permits. This preference does not apply to licenses for taking moose, elk, or prairie chicken. (Effective the day following final enactment.) This is from S.F. No. 825 (Kleis), as amended by subcommittee.

Section 13 [Nonresident Licenses] requires nonresidents from certain states to purchase the seven-day license to take fish, unless the nonresident is staying at a hotel, motel, or resort within Minnesota. This is from S.F. No. 655 (Pariseau), as amended by subcommittee.

Section 14 [Nonresident Fishing Boats] requires nonresidents from certain states to pay \$250 for a seven-day license for use of inland waters. The fee does not apply to a nonresident who is staying at a hotel, motel, or resort within Minnesota. This is from S.F. No. 655 (Pariseau), as amended by subcommittee.

Section 15 [Permits for Use of Live Ammunition on Birds] specifies that permits for field trials for use of live ammunition on birds will be issued to organizations. Permits for training hunting dogs will be issued to individuals. This section also specifies the markings that need to be on the birds for use in the field trials or training.

Section 16 [Trappers Association Certificate] requires the trappers association providing training to issue a certificate. This is from S.F. No. 1238 (Pariseau), as amended by subcommittee.

Section 17 [Trapper Education Requirement] requires persons born after December 31, 1989, and who have not been issued a previous trapping license to have a trapper education certificate to obtain a trapping license. This is from S.F. No. 1238 (Pariseau), as amended by subcommittee.

Section 18 [Scopes on Muzzleloaders; Visually Impaired Hunters] streamlines the process for a permit to allow visually impaired hunters to use a scope on a muzzleloader during the muzzleloader season.

Section 19 [Laser Sights] allows a person who is totally blind to use laser sights when participating in an assisted hunting opportunity.

Section 20 [Computer-Assisted Remote Hunters Prohibition] prohibits the sale, possession, or use of computer software or service that is used in the taking of wild animals by remote operations.

Sections 21 and 22 [Permit to Snare] eliminates the special permit requirement for snaring lynx, bobcat, and fox. Snares may be used only as prescribed by the Commissioner of Natural Resources. This is from S.F. No. 1156 (Pariseau).

Section 23 [Wild Animal Dens, Nests, Houses, or Dams; Permits] allows the Commissioner of Natural Resources to issue a permit to destroy the dens, nests, houses, or dams of wild animals causing damage to property.

Section 24 [Upland Game Bird Season] allows the Commissioner of Natural Resources to extend upland game bird seasons to January 3. This was a subcommittee report.

Section 25 [Duck Season] prohibits the opening of regular duck season before the Saturday nearest October 1. This was subcommittee amendment.

Section 26 [Restrictions on Waterfowl Hunting on Public Waters] eliminates the restrictions on taking migratory waterfowl, coots, and rails on open water on rivers and streams that are no more than 100 yards wide.

Section 27 [Motorized Decoy Ban] expands the motorized decoy ban to include any motorized device to attract migratory birds, including geese. This section also extends the motorized decoy ban to wildlife management areas for the entire duck season and allows the Commissioner of Natural Resources to close specific public waters to use of motorized decoys at any time during the duck season.

Section 28 [Trap or Snare Tending] provides that all traps or snares need not be tended more frequently than every three days.

Section 29 [Disposal of State Hatchery Products] expands the provision on disposal of state fish hatchery eggs and fry to include all hatchery products and expands on how the products can be exchanged. Under the changes, hatchery products can be:

- (1) exchanged with other government agencies for any fish and wildlife resources of equal value;
- (2) transferred to colleges or universities for research purposes; or
- (3) sold to a school, museum, or commercial enterprise for education or display purposes, as long as the fair market value of the sales is \$25 or less.

Section 30 [Fish Measurement] provides that fish measurement is from the tip of the nose or jaw, whichever longer, to the farthest tip of the tail.

Section 31 [Possession of Spears, Dip Nets, Bows and Arrows, and Spear Guns] authorizes the commissioner of natural resources to prescribe conditions for a person to possess spears, dip nets, bows and arrows, and spear guns during the fishing season. This is from S.F. No. 847 (Sparks), as amended by committee.

Section 32 [Fishing Season] extends the end of the fishing season to the last Sunday in February. This was a subcommittee amendment.

Section 33 [Walleye Limits] provides that only one walleye over 20 inches may be part of the daily limit.

Section 34 [Net Limits for Lake of the Woods and Rainy Lake] eliminates obsolete language on commercial fishing restrictions for Lake of the Woods and Rainy Lake.

Section 35 [Rules; Conforming Changes] allows the Commissioner of Natural Resources to use the good cause exemption to amend rules relating to trap and snare tending, fish length measurement, and the end of the fishing season.

Section 36 [Repealer] repeals statutory provisions relating to brook trout fishing in forest fire hazard areas, use of live raccoons for dog training, use of all-terrain vehicles and snowmobiles by beaver and otter trappers, Mississippi River fish refuge authorities, and obsolete commercial fishing restrictions on Lake of the Woods and Rainy Lake. This section also repeals agency rules on snare permits.

GK:dv

Fiscal Note – 2005-06 Session

Bill #: S0789-2E **Complete Date:** 04/20/05

Chief Author: SAXHAUG, TOM

Title: GAME & FISH PROVISIONS MODIFICATIONS

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Natural Resources Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill allows for a number of changes to game and fish provisions.

Section 1: allows for the commissioner to write rules to include tagging of fish.

Section 2: Adds to the definitions of minnows.

Section 3: Adds turkey to the definition of "undressed bird."

Section 4, 5, and 23: Authorizes the commissioner to destroy undesirable wild animal dens, houses or dams.

Section 6: Defines when a replacement license is authorized.

Section 7: Defines qualifications to receive a resident license.

Section 8, 13 and 14: Re-defines the fishing and boating requirements for non-residents of states with more restrictive periods for non-residents than for residents. Requires a \$250 fee for non-resident fishing boats to be registered for a period of 7 days.

Section 9 and 11: Clarifies legal age for hunting and trapping.

Section 10: Specifies free landowner deer licenses.

Section 12: Allows the commissioner the authority to give lottery preference to veterans.

Section 15: Clarifies commissioner' authority to permit field trailing.

Section 16 and 17: Clarifies trapper education requirements.

Section 18: Clarifies the uses of scopes on muzzleloaders.

Section 19: Allows permitting of laser sights for disabled hunters.

Section 20: Prohibits computer assisted remote hunting.

Section 21, 22, and 28: Clarifies snaring provisions.

Section 24, 25 and 26: Extends the season of upland game birds, sets the season for migratory birds and defines a concealed hunter

Section 27: Restricts the use of motorized decoys.

Section 29: Clarifies the disposal of state hatchery products.

Section 30: Clarifies measurement of fish.

Section 31 - 34: Regulates fishing season, length and limit.

Assumptions

Sections 8 and 13 effect Minnesota fishing seasons of nonresidents who reside in states that limit seasons for nonresidents. No changes would need to be made to the electronic licensing system (ELS) to indicate different effective dates based on the 14 day wait on individual nonresident licenses. No changes would need to be made to ELS to indicate whether a nonresident was a guest at a hotel, motel, or resort in Minnesota. Affected nonresidents would be responsible for determining when their license would become effective. We do not anticipate any additional enforcement effort or costs. Conservation Officers will need to investigate and evaluate individual situations as they occur, just like every other workday.

Sections 14 of this bill (Nonresident Fishing Boats) may violate the federal boating safety act and the regulations promulgated under the act. States must recognize the registration on boats numbered in another state for a minimum of 60 consecutive days before requiring that the boat registration transfers to that state. For purposes of the fiscal note, it is assumed that the non-resident 7-day boat license fee will not meet federal regulations and, therefore, will not be collected.

Section 29 would clarify the disposal and sale of surplus hatchery products. There would be no changes of current practice, therefore, no fiscal changes to the state.

Long-Term Fiscal Considerations

None

Local Government Costs

None

References and Sources

Section 14: Kim Elverum, DNR Boat and Water Safety Coordinator (651) 296-0905

Agency Contact Name: Peter Skwira, Fish and Wildlife Division, DNR (651) 297.2944

Agency Contact Name: Peter Skwira, Fish & Wildlife (651) 297-2944
FN Coord Signature: BRUCE NASLUND
Date: 04/20/05 Phone: 297-4909

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS
Date: 04/20/05 Phone: 296-8510

1 Senator moves to amend H.F. No. 847 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 84.027,
4 subdivision 13, is amended to read:

5 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of
6 natural resources may adopt rules under sections 97A.0451 to
7 97A.0459 and this subdivision that are authorized under:

8 (1) chapters 97A, 97B, and 97C to set open seasons and
9 areas, to close seasons and areas, to select hunters for areas,
10 to provide for tagging and registration of game and fish, to
11 prohibit or allow taking of wild animals to protect a species,
12 to prevent or control wildlife disease, and to prohibit or allow
13 importation, transportation, or possession of a wild animal;

14 (2) sections 84.093, 84.15, and 84.152 to set seasons for
15 harvesting wild ginseng roots and wild rice and to restrict or
16 prohibit harvesting in designated areas; and

17 (3) section 84D.12 to designate prohibited invasive
18 species, regulated invasive species, unregulated nonnative
19 species, and infested waters.

20 (b) If conditions exist that do not allow the commissioner
21 to comply with sections 97A.0451 to 97A.0459, the commissioner
22 may adopt a rule under this subdivision by submitting the rule
23 to the attorney general for review under section 97A.0455,
24 publishing a notice in the State Register and filing the rule
25 with the secretary of state and the Legislative Coordinating
26 Commission, and complying with section 97A.0459, and including a
27 statement of the emergency conditions and a copy of the rule in
28 the notice. The notice may be published after it is received
29 from the attorney general or five business days after it is
30 submitted to the attorney general, whichever is earlier.

31 (c) Rules adopted under paragraph (b) are effective upon
32 publishing in the State Register and may be effective up to
33 seven days before publishing and filing under paragraph (b), if:

34 (1) the commissioner of natural resources determines that
35 an emergency exists;

36 (2) the attorney general approves the rule; and

1 (3) for a rule that affects more than three counties the
2 commissioner publishes the rule once in a legal newspaper
3 published in Minneapolis, St. Paul, and Duluth, or for a rule
4 that affects three or fewer counties the commissioner publishes
5 the rule once in a legal newspaper in each of the affected
6 counties.

7 (d) Except as provided in paragraph (e), a rule published
8 under paragraph (c), clause (3), may not be effective earlier
9 than seven days after publication.

10 (e) A rule published under paragraph (c), clause (3), may
11 be effective the day the rule is published if the commissioner
12 gives notice and holds a public hearing on the rule within 15
13 days before publication.

14 (f) The commissioner shall attempt to notify persons or
15 groups of persons affected by rules adopted under paragraphs (b)
16 and (c) by public announcements, posting, and other appropriate
17 means as determined by the commissioner.

18 (g) Notwithstanding section 97A.0458, a rule adopted under
19 this subdivision is effective for the period stated in the
20 notice but not longer than 18 months after the rule is adopted.

21 Sec. 2. Minnesota Statutes 2004, section 97A.015,
22 subdivision 29, is amended to read:

23 Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the
24 minnow family, Cyprinidae, except carp and goldfish; (2) members
25 of the mudminnow family, Umbridae; (3) members of the sucker
26 family, Catostomidae, not over 12 inches in length; (4)
27 bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not
28 over seven inches long; and (5) leeches; and (6) tadpole madtoms
29 (willow cats) and stonecats.

30 [EFFECTIVE DATE.] This section is effective the day
31 following final enactment.

32 Sec. 3. Minnesota Statutes 2004, section 97A.015,
33 subdivision 49, is amended to read:

34 Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

35 (1) a bird, excluding migratory waterfowl, pheasant,
36 Hungarian partridge, turkey, or grouse, with feet and feathered

1 head intact;

2 (2) a migratory waterfowl, excluding geese, with a fully
3 feathered wing and head attached;

4 (3) a pheasant, Hungarian partridge, turkey, or grouse with
5 one leg and foot or the fully feathered head or wing intact; or

6 (4) a goose with a fully feathered wing attached.

7 Sec. 4. Minnesota Statutes 2004, section 97A.045,
8 subdivision 1, is amended to read:

9 Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall
10 do all things the commissioner determines are necessary to
11 preserve, protect, and propagate desirable species of wild
12 animals. The commissioner shall make special provisions for the
13 management of fish and wildlife to ensure recreational
14 opportunities for anglers and hunters. The commissioner shall
15 acquire wild animals for breeding or stocking and may dispose of
16 or destroy undesirable or predatory wild animals and their dens,
17 nests, houses, or dams.

18 Sec. 5. Minnesota Statutes 2004, section 97A.401,
19 subdivision 5, is amended to read:

20 Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits
21 may be issued with or without a fee to take protected wild
22 animals that are damaging property or to remove or destroy their
23 dens, nests, houses, or dams. A special permit issued under
24 this subdivision to take beaver must state the number to be
25 taken.

26 Sec. 6. Minnesota Statutes 2004, section 97A.405,
27 subdivision 4, is amended to read:

28 Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may
29 permit licensed ~~firearms~~ deer hunters to change zone, license,
30 or season options ~~before-the-regular-firearms-deer-season~~
31 ~~begins.~~ The commissioner may issue a replacement license if the
32 applicant submits the original ~~firearms~~ deer license and unused
33 tags that ~~is~~ are being replaced and the applicant pays any
34 increase in cost between the original and the replacement
35 license. When a person submits both an archery and a firearms
36 license for replacement, the commissioner may apply the value of

1 both licenses towards the replacement license fee.

2 (b) A replacement license may be issued only if the
3 applicant has not used any tag from the original license and
4 meets the conditions of paragraph (c). The original license and
5 all unused tags for that license must be submitted to the
6 issuing agent at the time the replacement license is issued.

7 (c) A replacement license may be issued under the following
8 conditions, or as otherwise prescribed by rule of the
9 commissioner:

10 (1) when the season for the license being surrendered has
11 not yet opened; or

12 (2) when the person is upgrading from a regular firearms or
13 archery deer license to a deer license that is valid in multiple
14 zones.

15 (d) Notwithstanding section 97A.411, subdivision 3, a
16 replacement license is valid immediately upon issuance if the
17 license being surrendered is valid at that time.

18 Sec. 7. Minnesota Statutes 2004, section 97A.405, is
19 amended by adding a subdivision to read:

20 Subd. 5. [RESIDENT LICENSES.] To obtain a resident
21 license, a resident 21 years of age or older must:

22 (1) possess a current Minnesota driver's license;

23 (2) possess a current identification card issued by the
24 commissioner of public safety; or

25 (3) present evidence showing proof of residency in cases
26 when clause (1) or (2) would violate the Religious Freedom
27 Restoration Act of 1993, Public Law 103-141.

28 Sec. 8. Minnesota Statutes 2004, section 97A.411,
29 subdivision 1, is amended to read:

30 Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in
31 paragraphs (b), (c), and (d), and (e), a license is valid during
32 the lawful time within the license year that the licensed
33 activity may be performed. A license year begins on the first
34 day of March and ends on the last day of February.

35 (b) A license issued under section 97A.475, subdivision 6,
36 clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or

1 (6), or 97A.475, subdivision 12, clause (2), is valid for the
2 full license period even if this period extends into the next
3 license year, provided that the license period selected by the
4 licensee begins at the time of issuance.

5 (c) When the last day of February falls on a Saturday, an
6 annual resident or nonresident fish house or dark house license,
7 including a rental fish house or dark house license, obtained
8 for the license year covering the last day of February, is valid
9 through Sunday, March 1 and the angling license of the fish
10 house licensee is extended through March 1.

11 (d) A lifetime license issued under section 97A.473 or
12 97A.474 is valid during the lawful time within the license year
13 that the licensed activity may be performed for the lifetime of
14 the licensee.

15 (e) A license issued under section 97A.474, subdivision 2,
16 or 97A.475, subdivision 7, to a person who is domiciled in a
17 state or province that prohibits Minnesota residents from taking
18 game fish or small game during a part of the season that is open
19 to residents of that state is not valid for taking game fish
20 during the first 14 days of the season prescribed under section
21 97C.395, subdivision 1, paragraph (a), clause (1). This
22 paragraph does not apply to a licensee who is a currently
23 registered guest at a hotel, motel, or resort located in
24 Minnesota.

25 (f) The commissioner shall specify various fishing zones
26 for which nonresident fishing licenses will be available, and
27 may specify the number of nonresident licenses that may be
28 issued in each zone and the manner in which the licenses are to
29 be issued. The commissioner shall designate no more than three
30 zones under this paragraph.

31 [EFFECTIVE DATE.] This section is effective the day
32 following final enactment.

33 Sec. 9. Minnesota Statutes 2004, section 97A.435,
34 subdivision 2, is amended to read:

35 Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey
36 license shall be determined by this section and commissioner's

1 rule. A person is eligible for a turkey license only if the
2 person is at least age 16 before the season opens ~~or~~, possesses
3 a firearms safety certificate, or, if under age 12, is
4 accompanied by a parent or guardian. Persons under age 12 must
5 be within arm's reach of their parent or guardian while hunting.

6 Sec. 10. Minnesota Statutes 2004, section 97A.441,
7 subdivision 7, is amended to read:

8 Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The
9 commissioner may issue, without a fee, a license to take an
10 antlerless deer to a person who is an owner or tenant and is
11 living and actively farming on at least 80 acres of agricultural
12 land, as defined in section 97B.001, in deer permit areas that
13 have deer archery licenses to take additional deer under section
14 97B.301, subdivision 4. A person may receive only one license
15 per year under this subdivision. For properties with co-owners
16 or cotenants, only one co-owner or cotenant may receive a
17 license under this subdivision per year. The license issued
18 under this subdivision is restricted to ~~the land owned-or~~ leased
19 for agricultural purposes or owned by the holder of the license
20 within the permit area where the qualifying land is located.
21 The holder of the license may transfer the license to the
22 holder's spouse or dependent. Notwithstanding sections 97A.415,
23 subdivision 1, and 97B.301, subdivision 2, the holder of the
24 license may purchase an additional license for taking deer and
25 may take an additional deer under that license.

26 (b) A person who obtains a license under paragraph (a) must
27 allow public deer hunting on their land during that deer hunting
28 season, with the exception of the first Saturday and Sunday
29 during the deer hunting season applicable to the license issued
30 under section 97A.475, subdivision 2, clauses (4) and (13).

31 Sec. 11. Minnesota Statutes 2004, section 97A.451,
32 subdivision 3, is amended to read:

33 Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A
34 resident under age 16 may not obtain a small game license but
35 may take small game by firearms or bow and arrow without a
36 license if the resident is:

1 (1) age 14 or 15 and possesses a firearms safety
2 certificate;

3 (2) age 13, possesses a firearms safety certificate, and is
4 accompanied by a parent or guardian; or

5 (3) age 12 or under and is accompanied by a parent or
6 guardian.

7 (b) A resident under age 16 may take small game by trapping
8 without a small game license, but a resident 13 years of age or
9 older must have a trapping license. A resident under age 13 may
10 trap without a trapping license, but may not trap fisher, otter,
11 bobcat, or pine marten unless the resident is at least age 8.

12 (c) A resident under age 12 may apply for a turkey license
13 and may take a turkey without a firearms safety certificate if
14 they are supervised by an adult parent or guardian who has a
15 firearms safety certificate and who is within arm's reach at all
16 times while hunting.

17 Sec. 12. Minnesota Statutes 2004, section 97A.465, is
18 amended by adding a subdivision to read:

19 Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes
20 of this subdivision:

21 (1) "qualified service member or veteran" means a Minnesota
22 resident who is currently serving, or has served at any time
23 during the past 24 months, in active service as a member of the
24 United States armed forces, including the National Guard or
25 other military reserves; and

26 (2) "active service" means service defined under section
27 190.05, subdivision 5b or 5c.

28 (b) Notwithstanding any other provision of this chapter,
29 chapter 97B or 97C, or administrative rules, the commissioner
30 may give first preference to qualified service members or
31 veterans in any drawing or lottery involving the selection of
32 applicants for hunting or fishing licenses, permits, and special
33 permits. This subdivision does not apply to licenses or permits
34 for taking moose, elk, or prairie chickens. Actions of the
35 commissioner under this subdivision are not rules under the
36 Administrative Procedures Act and section 14.386 does not apply.

1 [EFFECTIVE DATE.] This section is effective the day
2 following final enactment.

3 Sec. 13. Minnesota Statutes 2004, section 97A.475,
4 subdivision 7, is amended to read:

5 Subd. 7. [NONRESIDENT FISHING.] (a) Fees for the following
6 licenses, to be issued to nonresidents, are:

7 (1) to take fish by angling, \$34;

8 (2) to take fish by angling limited to seven consecutive
9 days selected by the licensee, \$24;

10 (3) to take fish by angling for a 72-hour period selected
11 by the licensee, \$20;

12 (4) to take fish by angling for a combined license for a
13 family, \$46;

14 (5) to take fish by angling for a 24-hour period selected
15 by the licensee, \$8.50; and

16 (6) to take fish by angling for a combined license for a
17 married couple, limited to 14 consecutive days selected by one
18 of the licensees, \$35.

19 (b) A nonresident who is domiciled in a state or province
20 that prohibits Minnesota residents from taking game fish or
21 small game during a part of the season that is open to residents
22 of that state is prohibited from purchasing a license under
23 paragraph (a), clauses (1), (3), (4), (5), and (6), and must
24 purchase a license under paragraph (a), clause (2), to take fish
25 in the state for a seven-day period. This paragraph does not
26 apply to a person who is a currently registered guest at a
27 hotel, motel, or resort located in Minnesota.

28 Sec. 14. Minnesota Statutes 2004, section 97A.475, is
29 amended by adding a subdivision to read:

30 Subd. 7a. [NONRESIDENT FISHING BOATS.] A boat that is
31 registered in a state or province that prohibits Minnesota
32 residents from taking game fish or small game during a part of
33 the season that is open to residents of that state and used for
34 fishing on inland waters of Minnesota must be licensed for use
35 on Minnesota inland waters. The license fee under this
36 subdivision is \$250 and is valid for seven consecutive days.

1 The license may be renewed for additional seven-day periods
2 after payment of an additional \$250 fee. This subdivision does
3 not apply to a person who is a currently registered guest at a
4 hotel, motel, or resort located in Minnesota.

5 Sec. 15. Minnesota Statutes 2004, section 97B.005,
6 subdivision 3, is amended to read:

7 Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE
8 GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special
9 permits, without a fee, ~~to organizations and individuals~~ to use
10 firearms and live ammunition on domesticated birds or banded
11 game birds from game farms.

12 (b) Permits for holding field trials and may be issued to
13 organizations. The permit shall specify the dates and locations
14 of the field trial. The commissioner may limit the number of
15 dates approved for any organization.

16 (c) Permits for training hunting dogs may be issued to an
17 individual.

18 (d) Domesticated birds, other than pigeons, and game farm
19 birds used for trials or training under this section must be
20 clearly marked with dye or a streamer attached to a leg in a
21 manner that makes them visually identifiable prior to being
22 taken.

23 Sec. 16. Minnesota Statutes 2004, section 97B.025, is
24 amended to read:

25 97B.025 [HUNTER AND TRAPPER EDUCATION.]

26 (a) The commissioner may establish education courses for
27 hunters ~~and trappers~~. The commissioner shall collect a fee from
28 each person attending a course. A fee shall be collected for
29 issuing a duplicate certificate. The commissioner shall
30 establish the fees in a manner that neither significantly
31 overrecovers nor underrecovers costs, including overhead costs,
32 involved in providing the services. The fees are not subject to
33 the rulemaking provisions of chapter 14 and section 14.386 does
34 not apply. The commissioner may establish the fees
35 notwithstanding section 16A.1283. The fees shall be deposited
36 in the game and fish fund and the amount thereof is appropriated

1 annually to the Enforcement Division of the Department of
2 Natural Resources for the administration of the program. In
3 addition to the fee established by the commissioner for each
4 course, instructors may charge each person up to the established
5 fee amount for class materials and expenses. School districts
6 may cooperate with the commissioner and volunteer instructors to
7 provide space for the classroom portion of the training.

8 (b) The commissioner shall enter into an agreement with a
9 statewide nonprofit trappers association to conduct a trapper
10 education program. At a minimum, the program must include at
11 least six hours of classroom, electronic, or correspondence
12 instruction and in the field training. The program must include
13 a review of state trapping laws and regulations, trapping
14 ethics, the setting and tending of traps and snares, tagging and
15 registration requirements, and the preparation of pelts. The
16 association shall issue a certificate to persons who complete
17 the program. The association shall be responsible for all costs
18 of conducting the education program, and shall not charge any
19 fee for attending the course.

20 Sec. 17. [97B.026] [TRAPPER EDUCATION CERTIFICATE
21 REQUIREMENT.]

22 A person born after December 31, 1989, and who has not been
23 issued a trapping license in a previous license year, may not
24 obtain a trapping license unless the person has been issued a
25 trapper education certificate under section 97B.025, paragraph
26 (b).

27 [EFFECTIVE DATE.] This section is effective March 1, 2007.

28 Sec. 18. Minnesota Statutes 2004, section 97B.031,
29 subdivision 5, is amended to read:

30 Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a)
31 Notwithstanding any other law to the contrary, the commissioner
32 may issue a special permit, without a fee, to use a muzzleloader
33 with a scope to take deer during the muzzleloader season to a
34 person who obtains the required licenses and who has a visual
35 impairment. The scope may not have magnification capabilities.

36 (b) The visual impairment must be to the extent that the

1 applicant is unable to identify targets and the rifle sights at
2 the same time without a scope. The visual impairment and
3 specific conditions must be established by medical evidence
4 verified in writing by a licensed physician, ophthalmologist, or
5 optometrist. The commissioner may request additional
6 information from the physician if needed to verify the
7 applicant's eligibility for the permit. Notwithstanding-section
8 97A.418, the commissioner may, in consultation with appropriate
9 advoeacy groups, establish reasonable minimum standards for
10 permits to be issued under this subdivision.

11 (c) A permit issued under this subdivision may be valid for
12 up to five years, based on the permanence of the visual
13 impairment as determined by the licensed physician,
14 ophthalmologist, or optometrist.

15 (d) The permit must be in the immediate possession of the
16 permittee when hunting under the special permit.

17 (e) The commissioner may deny, modify, suspend, or revoke a
18 permit issued under this subdivision for cause, including a
19 violation of the game and fish laws or rules.

20 ~~(e)~~ (f) A person who knowingly makes a false application or
21 assists another in making a false application for a permit under
22 this subdivision is guilty of a misdemeanor. A physician,
23 ophthalmologist, or optometrist who fraudulently certifies to
24 the commissioner that a person is visually impaired as described
25 in this subdivision is guilty of a misdemeanor.

26 Sec. 19. Minnesota Statutes 2004, section 97B.111,
27 subdivision 2, is amended to read:

28 Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner
29 may issue a special permit without a fee to a nonprofit
30 organization to provide an assisted hunting opportunity to
31 physically disabled hunters. The assisted hunting opportunity
32 may take place:

33 (1) in areas designated by the commissioner under
34 subdivision 1; or

35 (2) on private property or a licensed shooting preserve.

36 (b) The sponsoring organization shall provide a physically

1 capable person to assist each disabled hunter with
2 safety-related aspects of hunting and, notwithstanding section
3 97B.081, a person with a physical disability who is totally
4 blind may use laser sights.

5 (c) The commissioner may impose reasonable permit
6 conditions.

7 Sec. 20. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING
8 PROHIBITION.]

9 No person shall operate, provide, sell, use or offer to
10 operate, provide, sell or use any computer software or service
11 that allows a person, not physically present at the site, to
12 remotely control a weapon that could be used to take any wild
13 animal by remote operation, including, but not limited to,
14 weapons or devices set up to fire through the use of the
15 Internet or through a remote control device.

16 Sec. 21. Minnesota Statutes 2004, section 97B.625,
17 subdivision 2, is amended to read:

18 Subd. 2. [~~PERMIT-REQUIRED-TO~~ USE OF A SNARE.] A person may
19 ~~not~~ use a snare to take lynx or bobcat ~~except-under-a-permit~~
20 ~~from,~~ as prescribed by the commissioner, without a permit.

21 Sec. 22. Minnesota Statutes 2004, section 97B.631,
22 subdivision 2, is amended to read:

23 Subd. 2. [~~PERMIT-REQUIRED-TO~~ USE OF A SNARE.] A person may
24 ~~not~~ use a snare to take fox ~~except-under-a-permit-from,~~ as
25 prescribed by the commissioner, without a permit.

26 Sec. 23. Minnesota Statutes 2004, section 97B.655,
27 subdivision 2, is amended to read:

28 Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD
29 ANIMALS.] The commissioner may issue special permits under
30 section 97A.401, subdivision 5, to take protected wild animals
31 that are damaging property or to remove or destroy their dens,
32 nests, houses, or dams.

33 Sec. 24. Minnesota Statutes 2004, section 97B.711,
34 subdivision 1, is amended to read:

35 Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.]

36 (a) The commissioner may, by rule, prescribe an open season in

1 designated areas between September 16 and ~~December-31~~ January 3
2 for:

- 3 (1) pheasant;
- 4 (2) ruffed grouse;
- 5 (3) sharp tailed grouse;
- 6 (4) Canada spruce grouse;
- 7 (5) prairie chicken;
- 8 (6) gray partridge;
- 9 (7) bob-white quail; and
- 10 (8) turkey.

11 (b) The commissioner may by rule prescribe an open season
12 for turkey in the spring.

13 Sec. 25. Minnesota Statutes 2004, section 97B.803, is
14 amended to read:

15 97B.803 [MIGRATORY WATERFOWL SEASONS AND LIMITS.]

16 (a) The commissioner shall prescribe seasons, limits, and
17 areas for taking migratory waterfowl in accordance with federal
18 law.

19 (b) The regular duck season may not open before the
20 Saturday closest to October 1.

21 Sec. 26. Minnesota Statutes 2004, section 97B.805,
22 subdivision 1, is amended to read:

23 Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person
24 may not take migratory waterfowl, coots, or rails in open water
25 unless the person is:

26 (1) within a natural growth of vegetation sufficient to
27 partially conceal the person or boat; or

28 (2) on a river or stream that is not more than 100 yards in
29 width; or

30 (3) pursuing or shooting wounded birds.

31 (b) A person may not take migratory waterfowl, coots, or
32 rails in public waters from a permanent artificial blind or sink
33 box.

34 Sec. 27. Minnesota Statutes 2004, section 97B.811,
35 subdivision 4a, is amended to read:

36 Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From

1 the opening day of the duck season through the Saturday nearest
2 October 8, a person may not use a motorized decoy ~~on public~~
3 ~~waters with visible, moving parts that are above the water~~
4 ~~surface~~, or other motorized device designed to attract migratory
5 birds, to take migratory waterfowl, ~~other than geese~~. During
6 the remainder of the duck season, the commissioner may, by rule,
7 designate all or any portion of a wetland or lake closed to the
8 use of motorized decoys or motorized devices designed to attract
9 migratory birds. On water bodies and lands fully contained
10 within wildlife management area boundaries, a person may not use
11 motorized decoys or motorized devices designed to attract
12 migratory birds at any time during the duck season.

13 ~~Sec. 28. Minnesota Statutes 2004, section 97B.931,~~
14 ~~subdivision 2, is amended to read:~~

15 ~~Subd. 2. [BODY-GRIPPING-TRAPS FREQUENCY.] A ~~body-gripping,~~~~
16 ~~conibear-type trap or snare need not be tended more frequently~~
17 ~~than once every third calendar day.~~

18 Sec. 29. Minnesota Statutes 2004, section 97C.203, is
19 amended to read:

20 97C.203 [DISPOSAL OF STATE HATCHERY EGGS-OR-FRY PRODUCTS.]

21 The commissioner shall dispose of ~~game-fish-eggs-and-fry~~
22 fish hatchery products according to the following order of
23 priorities:

24 (1) distribution of fish eggs and fry to state hatcheries
25 to hatch fry or raise fingerlings for stocking waters of the
26 state for recreational fishing;

27 (2) transfer to other government agencies in exchange for
28 fish or wildlife resources of equal value or private fish
29 hatcheries in exchange for fish to be stocked in waters of the
30 state for recreational fishing;

31 (3) ~~sale of fish-eggs-and-fry~~ to private fish hatcheries or
32 licensed aquatic farms at a price not less than the fair
33 wholesale market value, established as the average price charged
34 at the state's private hatcheries and contiguous states per
35 volume rates; and

36 (4) transfer to other government agencies, colleges, or

1 universities for cooperative fish management and research
2 purposes; and

3 (5) sale of not more than \$25 fair market value to any
4 school, museum, or commercial enterprise for curriculum
5 implementation, educational programs, public exhibition, or
6 cooperative displays.

7 [EFFECTIVE DATE.] This section is effective the day
8 following final enactment.

9 Sec. 30. Minnesota Statutes 2004, section 97C.327, is
10 amended to read:

11 97C.327 [MEASUREMENT OF FISH LENGTH.]

12 For the purpose of determining compliance with size limits
13 for fish in this chapter or in rules of the commissioner, the
14 length of a fish must be measured from the tip of the nose or
15 jaw, whichever is longer, to the farthest tip of the tail when
16 fully extended.

17 Sec. 31. Minnesota Statutes 2004, section 97C.345,
18 subdivision 2, is amended to read:

19 Subd. 2. [POSSESSION.] (a) Except as specifically
20 authorized, a person may not possess a spear, fish trap, net,
21 dip net, seine, or other device capable of taking fish on or
22 near any waters. Possession includes personal possession and in
23 a vehicle.

24 (b) A person may possess spears, dip nets, bows and arrows,
25 and spear guns allowed under section 97C.381 on or near waters
26 between sunrise and sunset from May 1 to the ~~third~~ last Sunday
27 in February, or as otherwise prescribed by the commissioner.

28 Sec. 32. Minnesota Statutes 2004, section 97C.395,
29 subdivision 1, is amended to read:

30 Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open
31 seasons to take fish by angling are as follows:

32 (1) for walleye, sauger, northern pike, muskellunge,
33 largemouth bass, and smallmouth bass, the Saturday two weeks
34 prior to the Saturday of Memorial Day weekend to the ~~third~~ last
35 Sunday in February;

36 (2) for lake trout, from January 1 to October 31;

1 (3) for brown trout, brook trout, rainbow trout, and
2 splake, between January 1 to October 31 as prescribed by the
3 commissioner by rule except as provided in section 97C.415,
4 subdivision 2; and

5 (4) for salmon, as prescribed by the commissioner by rule.

6 (b) The commissioner shall close the season in areas of the
7 state where fish are spawning and closing the season will
8 protect the resource.

9 Sec. 33. Minnesota Statutes 2004, section 97C.401,
10 subdivision 2, is amended to read:

11 Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided
12 in paragraphs paragraph (b) and ~~{e}~~, a person may not take no
13 more than one walleye larger than ~~24~~ 20 inches and one northern
14 pike larger than 30 inches daily.

15 (b) The restrictions in paragraph (a) do not apply to
16 boundary waters.

17 ~~{e}-On-Lake-of-the-Woods,-a-person-may-take-no-more-than~~
18 ~~one-walleye-larger-than-19.5-inches-and-one-northern-pike-larger~~
19 ~~than-36-inches-daily-~~

20 [EFFECTIVE DATE.] This section is effective March 1, 2006.

21 Sec. 34. Minnesota Statutes 2004, section 97C.825,
22 subdivision 5, is amended to read:

23 Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY
24 LAKE.] (a) The maximum amount of nets permitted to be licensed
25 shall be:

26 ~~{a} (1) in Lake of the Woods, 50-pound nets, 80,000-feet-of~~
27 ~~gill-nets-or~~ 160 submerged trap nets, and 80 fyke or staked trap
28 ~~nets---Licenses-for-submerged-trap-nets-may-be-issued-instead-of~~
29 ~~licenses-for-gill-nets-in-the-ratio-of-not-more-than-one~~
30 ~~submerged-trap-net-per-500-feet-of-gill-net,-and-the-maximum~~
31 ~~permissible-amount-of-gill-nets-shall-be-reduced-by-500-feet-for~~
32 ~~each-submerged-trap-net-licensed-;~~ and

33 ~~{b} (2) in Rainy Lake, 20-pound nets and-20,000-feet-of~~
34 ~~gill-nets.~~

35 ~~{c}-When-a-licensee-has-had-a-license-revoked-or~~
36 ~~surrendered,-the-commissioner-shall-not-be-required-to-issue~~

1 ~~licenses-for-the-amount-of-netting-previously-authorized-under~~
2 ~~the-revoked-or-surrendered-license.~~

3 ~~(d)~~ (b) Commercial fishing may be prohibited in the
4 Minnesota portions of international waters when it is prohibited
5 in the international waters by Canadian authorities.

6 ~~(e)-The-commissioner-may-adopt-rules-to-limit-the-total~~
7 ~~amount-of-game-fish-taken-by-commercial-fishing-operators-in~~
8 ~~Lake-of-the-Woods-in-any-one-season-and-shall-appertion-the~~
9 ~~amount-to-each-licensee-in-accordance-with-the-number-and-length~~
10 ~~of-nets-licensed.~~

11 Sec. 35. [CONFORMING CHANGES; RULES.]

12 The commissioner may use the good cause exemption under
13 Minnesota Statutes, section 14.388, subdivision 1, clause (3),
14 to amend rules to conform to sections 28, 30, and 32. Minnesota
15 Statutes, section 14.386, does not apply to the rulemaking under
16 this section except to the extent provided under Minnesota
17 Statutes, section 14.388.

18 Sec. 36. [REPEALER.]

19 (a) Minnesota Statutes 2004, sections 88.27; 97B.005,
20 subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825,
21 subdivisions 6, 7, 8, and 9, are repealed.

22 (b) Minnesota Rules, part 6234.2300, subparts 2 and 3, are
23 repealed."

24 Delete the title and insert:

25 "A bill for an act relating to natural resources; modifying
26 game and fish law provisions; modifying authority to take
27 animals causing damage; modifying the use of scopes by visually
28 impaired hunters; modifying certain license requirements;
29 providing for fishing restrictions on residents from certain
30 states; establishing a boat access fee for residents of certain
31 states; providing for trapper education requirements; providing
32 preference for military members who were on active service;
33 prohibiting computer-assisted remote hunting; eliminating the
34 permit requirement to take lynx, bobcat, and fox with a snare;
35 modifying certain seasons; modifying restrictions on taking
36 waterfowl; authorizing rulemaking; modifying requirements for
37 field training hunting dogs; modifying trapping provisions;
38 modifying restrictions on decoys; modifying disposition of state
39 hatchery products; modifying fishing and commercial fishing
40 provisions; repealing authority for the Mississippi River Fish
41 Refuge; repealing authority to issue certain orders; amending
42 Minnesota Statutes 2004, sections 84.027, subdivision 13;
43 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.401,
44 subdivision 5; 97A.405, subdivision 4, by adding a subdivision;
45 97A.411, subdivision 1; 97A.435, subdivision 2; 97A.441,
46 subdivision 7; 97A.451, subdivision 3; 97A.465, by adding a
47 subdivision; 97A.475, subdivision 7, by adding a subdivision;

1 97B.005, subdivision 3; 97B.025; 97B.031, subdivision 5;
2 97B.111, subdivision 2; 97B.625, subdivision 2; 97B.631,
3 subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1;
4 97B.803; 97B.805, subdivision 1; 97B.811, subdivision 4a;
5 97B.931, subdivision 2; 97C.203; 97C.327; 97C.345, subdivision
6 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825,
7 subdivision 5; proposing coding for new law in Minnesota
8 Statutes, chapter 97B; repealing Minnesota Statutes 2004,
9 sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015;
10 97C.403; 97C.825, subdivisions 6, 7, 8, 9; Minnesota Rules, part
11 6234.2300, subparts 2, 3."

1 Senator moves to amend the SCH0847A-1 amendment to
2 H.F. No. 847 as follows:

3 Pages 4 and 5, delete section 8

4 Pages 8 and 9, delete sections 13 and 14

5 Renumber the sections in sequence and correct the internal
6 references

7 Amend the title accordingly

1 Senator Cohen from the Committee on Finance, to which was
2 referred

3 H.F. No. 1915: A bill for an act relating to health;
4 providing an exception to the hospital construction moratorium;
5 amending Minnesota Statutes 2004, section 144.551, subdivision 1.

6 Reports the same back with the recommendation that the bill
7 be amended as follows:

8 Page 4, delete lines 18 to 35

9 Page 4, line 36, delete everything before the period and
10 insert:

11 "(19) a project involving the establishment of a new
12 hospital in the city of Maple Grove that includes 250 or fewer
13 licensed beds and participates in the Medicare and Medicaid
14 programs, by an existing hospital that relocates or
15 redistributes the beds from its current site or adds new
16 licensed beds, and is owned by a nonprofit corporation that is
17 exempt from federal income tax under section (501)(c)(3) of the
18 Internal Revenue Code, or has applied for an exemption. The new
19 hospital's initial inpatient services must include at least
20 medical and surgical services, obstetrical and gynecological
21 services, intensive care services, orthopedics, pediatrics,
22 noninvasive cardiac diagnostics, behavioral health, including
23 mental health services for children and adolescents, and
24 emergency room services. The project applicant must
25 demonstrate, to the satisfaction of the commissioner, the
26 ability of the project applicant to meet the criteria listed in
27 this clause. In making a determination, the commissioner shall
28 weigh each criterion on a 100-point scale according to the
29 points assigned in this clause:

30 (i) the applicant demonstrates the ability to provide and
31 staff sufficient new beds to meet the growing needs of the Maple
32 Grove service area and the surrounding communities currently
33 served by the applicant, 19 points;

34 (ii) the hospital will have a significant commitment to
35 providing uncompensated care, including discounts for uninsured
36 patients, coordination with community health centers and other
37 providers of care to low-income uninsured persons, and
38 coordination with other hospitals providing uncompensated care

1 and serving public program participants, 16 points;

2 (iii) the project's initial mental health services will
3 include, in addition to inpatient behavioral health services,
4 stabilization services for children and adolescents in acute
5 psychiatric crisis, mental health and substance abuse
6 stabilization and referral services, nonovernight children and
7 adolescent observation services, intensive child and adolescent
8 outpatient services, and outpatient chemical dependency services
9 for persons over age 16, 16 points;

10 (iv) the hospital will be a site for workforce development
11 for a broad spectrum of health care-related occupations and have
12 a commitment to providing clinical training programs for
13 physicians and other health care providers, including, but not
14 limited to, obstetrics and gynecology, pediatrics, psychiatry,
15 and pediatric psychiatry, in coordination with other medical
16 education training programs in the state, nine points;

17 (v) the applicant has a record of providing high quality
18 health care services, and the proposal demonstrates a commitment
19 to quality care and patient safety, nine points;

20 (vi) the hospital will operate in clinical coordination
21 with other hospitals in Hennepin County providing additional
22 specialized services at volume levels conducive to the
23 maintenance of high quality care, six points;

24 (vii) the applicant or a member organization of the
25 nonprofit corporation owns a hospital in which an automated
26 patient medical records system, including physician order entry,
27 has been or is in the process of being implemented, six points;

28 (viii) the hospital will have a positive impact on the
29 viability of existing providers, including physicians, in the
30 Maple Grove service area, five points;

31 (ix) the hospital will increase competition in the health
32 care marketplace and will not add to the pressure to consolidate
33 the provision of health care services, five points;

34 (x) the project will include ambulatory care services
35 colocated with the hospital component of the project, including
36 mental health services, urgent care services, pediatrics, and

1 imaging services, three points;

2 (xi) the project will provide a broad range of senior
3 services to enable seniors to remain living in the community,
4 three points; and

5 (xii) the hospital will have a positive impact on the
6 emergency medical services system, including the coordination
7 and provision of trauma services and the licensed emergency
8 ambulance providers currently serving the area, and a positive
9 impact on the continuity of patient emergency medical care,
10 three points.

11 The exception under this clause is available for the
12 establishment of only one new hospital. Between June 30 and
13 August 1 of 2005, any entity that has a plan for a hospital that
14 has been previously determined by the commissioner to be in the
15 public interest according to section 144.552 and desires to
16 establish a new hospital must submit to the commissioner an
17 application for an exception under this clause. The application
18 must contain the plan, a true copy of the commissioner's
19 determination, any additional relevant evidence not contained in
20 the plan that is supportive of the application, and evidence of
21 compliance with the criteria specified in this clause. The
22 commissioner may request information from an applicant that the
23 commissioner deems necessary and relevant to review an
24 application under this clause. An applicant shall pay the
25 commissioner for the commissioner's cost of reviewing the plan,
26 as determined by the commissioner and notwithstanding section
27 16A.1283. Money received by the commissioner under this section
28 is appropriated to the commissioner for the purpose of
29 administering this section.

30 If there is only one applicant, the commissioner shall
31 review the application to determine its compliance with the
32 criteria. If the commissioner determines that the application
33 complies with the criteria, the commissioner shall issue an
34 order approving the application.

35 If there is more than one applicant between June 30 and
36 August 1 of 2005, the commissioner shall determine which plan or

1 plans continue to be in the public interest and the applicant's
2 compliance with the criteria. If more than one applicant would
3 meet the criteria, the commissioner shall determine which
4 applicant has demonstrated that it is best able to provide
5 services consistent with the criteria in this clause.

6 The commissioner shall make this determination by order
7 following a hearing according to this paragraph. The hearing
8 shall not constitute or be considered to be a contested case
9 hearing under chapter 14 and shall be conducted solely under the
10 procedures specified in this paragraph. The hearing shall
11 commence upon at least 30 days' notice to the applicants by the
12 commissioner, but no later than October 15. The hearing may be
13 conducted by the commissioner or by a person designated by the
14 commissioner. The designee may be an administrative law judge.
15 The purpose of the hearing shall be to receive evidence to
16 assist the commissioner in determining which applicant has
17 demonstrated that it best meets the criteria in this clause.

18 The parties to the hearing shall consist only of those
19 applicants who have submitted a completed application that the
20 commissioner has determined would be in the public interest.
21 Each applicant shall have the right to be represented by
22 counsel, to present evidence deemed relevant by the
23 commissioner, and to examine and cross-examine witnesses.
24 Persons who are not parties to the proceeding but who wish to
25 present comments or submit information may do so in the manner
26 determined by the commissioner or the commissioner's designee.
27 Any person who is not a party shall have no right to examine or
28 cross-examine witnesses. The commissioner may participate as an
29 active finder of fact in the hearing and may ask questions to
30 elicit information or clarify answers or responses.

31 Notwithstanding section 16A.1283, applicants who are a
32 party to the hearing shall pay the cost of the hearing, as
33 determined by the commissioner. The cost of the hearing shall
34 be divided equally among the applicants. Money received by the
35 commissioner under this clause is appropriated to the
36 commissioner for the purpose of administering this clause.

1 The commissioner shall issue an order approving an
2 application within 90 days following the closing of the record
3 of the hearing as determined by the hearing officer. The
4 hearing officer must close the record by November 15. The
5 commissioner's order shall include a statement of the reasons
6 the application best meets the criteria of this clause. Prior
7 to making a determination approving an application, the
8 commissioner shall, through a process announced by the
9 commissioner, accept comments from members of the public in the
10 service area for the new hospital. The commissioner shall take
11 this information into consideration in making the determination.

12 The Minnesota Court of Appeals has original jurisdiction
13 over an action challenging the commissioner's determination and
14 shall expedite the resolution of the action"

15 And when so amended the bill do pass. Amendments adopted.
16 Report adopted.

17
18 (Committee Chair)

19
20 May 4, 2005.....
21 (Date of Committee recommendation)

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HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH
SESSION

HOUSE FILE No. 1915

March 17, 2005

Authored by Zellers, Peppin, Hortman and Peterson, S.

The bill was read for the first time and referred to the Committee on Health Policy and Finance

April 6, 2005

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

April 26, 2005

Calendar For The Day, Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Committee and Floor Amendments

1

A bill for an act

2

relating to health; providing an exception to the
hospital construction moratorium; amending Minnesota
Statutes 2004, section 144.551, subdivision 1.

3

4

5

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6

Section 1. Minnesota Statutes 2004, section 144.551,

7

subdivision 1, is amended to read:

8

Subdivision 1. [RESTRICTED CONSTRUCTION OR MODIFICATION.]

9

(a) The following construction or modification may not be

10

commenced:

11

(1) any erection, building, alteration, reconstruction,

12

modernization, improvement, extension, lease, or other

13

acquisition by or on behalf of a hospital that increases the bed

14

capacity of a hospital, relocates hospital beds from one

15

physical facility, complex, or site to another, or otherwise

16

results in an increase or redistribution of hospital beds within

17

the state; and

18

(2) the establishment of a new hospital.

19

(b) This section does not apply to:

20

(1) construction or relocation within a county by a

21

hospital, clinic, or other health care facility that is a

22

national referral center engaged in substantial programs of

23

patient care, medical research, and medical education meeting

24

state and national needs that receives more than 40 percent of

25

its patients from outside the state of Minnesota;

1 (2) a project for construction or modification for which a
2 health care facility held an approved certificate of need on May
3 1, 1984, regardless of the date of expiration of the
4 certificate;

5 (3) a project for which a certificate of need was denied
6 before July 1, 1990, if a timely appeal results in an order
7 reversing the denial;

8 (4) a project exempted from certificate of need
9 requirements by Laws 1981, chapter 200, section 2;

10 (5) a project involving consolidation of pediatric
11 specialty hospital services within the Minneapolis-St. Paul
12 metropolitan area that would not result in a net increase in the
13 number of pediatric specialty hospital beds among the hospitals
14 being consolidated;

15 (6) a project involving the temporary relocation of
16 pediatric-orthopedic hospital beds to an existing licensed
17 hospital that will allow for the reconstruction of a new
18 philanthropic, pediatric-orthopedic hospital on an existing site
19 and that will not result in a net increase in the number of
20 hospital beds. Upon completion of the reconstruction, the
21 licenses of both hospitals must be reinstated at the capacity
22 that existed on each site before the relocation;

23 (7) the relocation or redistribution of hospital beds
24 within a hospital building or identifiable complex of buildings
25 provided the relocation or redistribution does not result in:
26 (i) an increase in the overall bed capacity at that site; (ii)
27 relocation of hospital beds from one physical site or complex to
28 another; or (iii) redistribution of hospital beds within the
29 state or a region of the state;

30 (8) relocation or redistribution of hospital beds within a
31 hospital corporate system that involves the transfer of beds
32 from a closed facility site or complex to an existing site or
33 complex provided that: (i) no more than 50 percent of the
34 capacity of the closed facility is transferred; (ii) the
35 capacity of the site or complex to which the beds are
36 transferred does not increase by more than 50 percent; (iii) the

1 beds are not transferred outside of a federal health systems
2 agency boundary in place on July 1, 1983; and (iv) the
3 relocation or redistribution does not involve the construction
4 of a new hospital building;

5 (9) a construction project involving up to 35 new beds in a
6 psychiatric hospital in Rice County that primarily serves
7 adolescents and that receives more than 70 percent of its
8 patients from outside the state of Minnesota;

9 (10) a project to replace a hospital or hospitals with a
10 combined licensed capacity of 130 beds or less if: (i) the new
11 hospital site is located within five miles of the current site;
12 and (ii) the total licensed capacity of the replacement
13 hospital, either at the time of construction of the initial
14 building or as the result of future expansion, will not exceed
15 70 licensed hospital beds, or the combined licensed capacity of
16 the hospitals, whichever is less;

17 (11) the relocation of licensed hospital beds from an
18 existing state facility operated by the commissioner of human
19 services to a new or existing facility, building, or complex
20 operated by the commissioner of human services; from one
21 regional treatment center site to another; or from one building
22 or site to a new or existing building or site on the same
23 campus;

24 (12) the construction or relocation of hospital beds
25 operated by a hospital having a statutory obligation to provide
26 hospital and medical services for the indigent that does not
27 result in a net increase in the number of hospital beds;

28 (13) a construction project involving the addition of up to
29 31 new beds in an existing nonfederal hospital in Beltrami
30 County;

31 (14) a construction project involving the addition of up to
32 eight new beds in an existing nonfederal hospital in Otter Tail
33 County with 100 licensed acute care beds;

34 (15) a construction project involving the addition of 20
35 new hospital beds used for rehabilitation services in an
36 existing hospital in Carver County serving the southwest

1 suburban metropolitan area. Beds constructed under this clause
2 shall not be eligible for reimbursement under medical
3 assistance, general assistance medical care, or MinnesotaCare;

4 (16) a project for the construction or relocation of up to
5 20 hospital beds for the operation of up to two psychiatric
6 facilities or units for children provided that the operation of
7 the facilities or units have received the approval of the
8 commissioner of human services;

9 (17) a project involving the addition of 14 new hospital
10 beds to be used for rehabilitation services in an existing
11 hospital in Itasca County; ~~or~~

12 (18) a project to add 20 licensed beds in existing space at
13 a hospital in Hennepin County that closed 20 rehabilitation beds
14 in 2002, provided that the beds are used only for rehabilitation
15 in the hospital's current rehabilitation building. If the beds
16 are used for another purpose or moved to another location, the
17 hospital's licensed capacity is reduced by 20 beds; or

18 (19) a project for the construction of a new hospital in
19 the city of Maple Grove with a licensed capacity of up to 80
20 beds by an existing hospital that relocates or redistributes the
21 beds from its current site in the city of Robbinsdale, and
22 including the addition of 180 new hospital beds beginning in
23 2010, provided:

24 (i) the new facility is within 11 miles of the current
25 site;

26 (ii) the relocation or redistribution of beds will allow
27 the existing hospital to upgrade existing double-occupancy rooms
28 to single-occupancy;

29 (iii) the relocation or redistribution does not result in
30 an increase in overall bed capacity between the new hospital and
31 the existing hospital except as provided in this clause (19);
32 and

33 (iv) the hospital provides inpatient and outpatient adult
34 and adolescent mental health services including adolescent
35 crisis services as approved by the commissioner of health, in
36 consultation with the commissioner of human services.

1 A bill for an act
2 relating to health; providing an exception to the
3 hospital construction moratorium; amending Minnesota
4 Statutes 2004, section 144.551, subdivision 1.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. Minnesota Statutes 2004, section 144.551,
7 subdivision 1, is amended to read:

8 Subdivision 1. [RESTRICTED CONSTRUCTION OR MODIFICATION.]

9 (a) The following construction or modification may not be
10 commenced:

11 (1) any erection, building, alteration, reconstruction,
12 modernization, improvement, extension, lease, or other
13 acquisition by or on behalf of a hospital that increases the bed
14 capacity of a hospital, relocates hospital beds from one
15 physical facility, complex, or site to another, or otherwise
16 results in an increase or redistribution of hospital beds within
17 the state; and

18 (2) the establishment of a new hospital.

19 (b) This section does not apply to:

20 (1) construction or relocation within a county by a
21 hospital, clinic, or other health care facility that is a
22 national referral center engaged in substantial programs of
23 patient care, medical research, and medical education meeting
24 state and national needs that receives more than 40 percent of
25 its patients from outside the state of Minnesota;

1 (2) a project for construction or modification for which a
2 health care facility held an approved certificate of need on May
3 1, 1984, regardless of the date of expiration of the
4 certificate;

5 (3) a project for which a certificate of need was denied
6 before July 1, 1990, if a timely appeal results in an order
7 reversing the denial;

8 (4) a project exempted from certificate of need
9 requirements by Laws 1981, chapter 200, section 2;

10 (5) a project involving consolidation of pediatric
11 specialty hospital services within the Minneapolis-St. Paul
12 metropolitan area that would not result in a net increase in the
13 number of pediatric specialty hospital beds among the hospitals
14 being consolidated;

15 (6) a project involving the temporary relocation of
16 pediatric-orthopedic hospital beds to an existing licensed
17 hospital that will allow for the reconstruction of a new
18 philanthropic, pediatric-orthopedic hospital on an existing site
19 and that will not result in a net increase in the number of
20 hospital beds. Upon completion of the reconstruction, the
21 licenses of both hospitals must be reinstated at the capacity
22 that existed on each site before the relocation;

23 (7) the relocation or redistribution of hospital beds
24 within a hospital building or identifiable complex of buildings
25 provided the relocation or redistribution does not result in:
26 (i) an increase in the overall bed capacity at that site; (ii)
27 relocation of hospital beds from one physical site or complex to
28 another; or (iii) redistribution of hospital beds within the
29 state or a region of the state;

30 (8) relocation or redistribution of hospital beds within a
31 hospital corporate system that involves the transfer of beds
32 from a closed facility site or complex to an existing site or
33 complex provided that: (i) no more than 50 percent of the
34 capacity of the closed facility is transferred; (ii) the
35 capacity of the site or complex to which the beds are
36 transferred does not increase by more than 50 percent; (iii) the

1 beds are not transferred outside of a federal health systems
2 agency boundary in place on July 1, 1983; and (iv) the
3 relocation or redistribution does not involve the construction
4 of a new hospital building;

5 (9) a construction project involving up to 35 new beds in a
6 psychiatric hospital in Rice County that primarily serves
7 adolescents and that receives more than 70 percent of its
8 patients from outside the state of Minnesota;

9 (10) a project to replace a hospital or hospitals with a
10 combined licensed capacity of 130 beds or less if: (i) the new
11 hospital site is located within five miles of the current site;
12 and (ii) the total licensed capacity of the replacement
13 hospital, either at the time of construction of the initial
14 building or as the result of future expansion, will not exceed
15 70 licensed hospital beds, or the combined licensed capacity of
16 the hospitals, whichever is less;

17 (11) the relocation of licensed hospital beds from an
18 existing state facility operated by the commissioner of human
19 services to a new or existing facility, building, or complex
20 operated by the commissioner of human services; from one
21 regional treatment center site to another; or from one building
22 or site to a new or existing building or site on the same
23 campus;

24 (12) the construction or relocation of hospital beds
25 operated by a hospital having a statutory obligation to provide
26 hospital and medical services for the indigent that does not
27 result in a net increase in the number of hospital beds;

28 (13) a construction project involving the addition of up to
29 31 new beds in an existing nonfederal hospital in Beltrami
30 County;

31 (14) a construction project involving the addition of up to
32 eight new beds in an existing nonfederal hospital in Otter Tail
33 County with 100 licensed acute care beds;

34 (15) a construction project involving the addition of 20
35 new hospital beds used for rehabilitation services in an
36 existing hospital in Carver County serving the southwest

1 suburban metropolitan area. Beds constructed under this clause
2 shall not be eligible for reimbursement under medical
3 assistance, general assistance medical care, or MinnesotaCare;

4 (16) a project for the construction or relocation of up to
5 20 hospital beds for the operation of up to two psychiatric
6 facilities or units for children provided that the operation of
7 the facilities or units have received the approval of the
8 commissioner of human services;

9 (17) a project involving the addition of 14 new hospital
10 beds to be used for rehabilitation services in an existing
11 hospital in Itasca County; or

12 (18) a project to add 20 licensed beds in existing space at
13 a hospital in Hennepin County that closed 20 rehabilitation beds
14 in 2002, provided that the beds are used only for rehabilitation
15 in the hospital's current rehabilitation building. If the beds
16 are used for another purpose or moved to another location, the
17 hospital's licensed capacity is reduced by 20 beds; or

18 (19) one or more projects to construct hospitals in the
19 city of Maple Grove on sites approved by the city, provided that:

20 (i) each hospital is constructed and operated by an entity
21 that participated in the public interest review under section
22 144.552 prior to April 1, 2005;

23 (ii) each hospital provides a full continuum of health care
24 services, including emergency medical services, surgery,
25 obstetrics, and behavioral health services, including mental
26 health services for children and adolescents;

27 (iii) each hospital makes a significant commitment to
28 providing uncompensated care; and

29 (iv) each hospital operator has agreed to participate with
30 the University of Minnesota in the training of health
31 professionals.

1 To: Senator Cohen, Chair

2 Committee on Finance

3 Senator Berglin,

4 Chair of the Health and Human Services Budget Division, to
5 which was referred

6 S.F. No. 1840: A bill for an act relating to health;
7 providing an exception to the hospital construction moratorium;
8 amending Minnesota Statutes 2004, section 144.551, subdivision 1.

9 Reports the same back with the recommendation that the bill
10 be amended as follows:

11 Page 4, delete lines 18 to 30

12 Page 4, line 31, delete everything before the period and
13 insert:

14 "(19) a project involving the establishment of a new
15 hospital in the city of Maple Grove by an existing hospital that
16 relocates or redistributes the beds from its current site or
17 adds new licensed beds, provided that the project applicant
18 demonstrates, to the satisfaction of the commissioner, the
19 ability of the project applicant to meet the following criteria:

20 (i) the hospital will have a significant commitment to
21 providing uncompensated care, including discounts for uninsured
22 patients, coordination with community health centers and other
23 providers of care to low-income uninsured persons, and
24 coordination with other hospitals providing uncompensated care
25 and serving public program participants;

26 (ii) the hospital will be a site for workforce development
27 for a broad spectrum of health care-related occupations and have
28 a commitment to providing clinical training programs for
29 physicians and other health care providers, including, but not
30 limited to, obstetrics and gynecology, pediatrics, psychiatry,
31 and pediatric psychiatry, in coordination with other medical
32 education training programs in the state;

33 (iii) the hospital will operate in a clinical coordination
34 with other hospitals in Hennepin County providing additional
35 specialized services at volume levels conducive to the
36 maintenance of high quality care;

7 (iv) the hospital's initial inpatient services will include
38 at least medical and surgical services, obstetrical and

1 gynecological services, intensive care services, orthopedics,
2 pediatrics, noninvasive cardiac diagnostics, behavioral health,
3 including mental health services for children and adolescents,
4 and emergency room services;

5 (v) the initial licensed bed capacity of the hospital will
6 be no less than 80 beds and the final licensed bed capacity
7 shall not exceed 250 beds;

8 (vi) the project shall include ambulatory care services
9 colocated with the hospital component of the project, including
10 mental health services, urgent care services, pediatrics, and
11 imaging services;

12 (vii) the project's initial mental health services shall
13 include stabilization services for children and adolescents in
14 acute psychiatric crisis, mental health and substance abuse
15 stabilization and referral services, nonovernight children and
16 adolescent observation services, intensive child and adolescent
17 outpatient services, and outpatient chemical dependency services
18 for persons over age 16;

19 (viii) the hospital will participate in the Medicare and
20 medical assistance programs;

21 (ix) the hospital will be owned by a nonprofit corporation
22 that is exempt from federal income tax under section 501(c)(3)
23 of the Internal Revenue Code, or has applied for an exemption;

24 (x) the applicant or a member organization of the nonprofit
25 corporation owns a hospital in which an automated patient
26 medical records system, including physician order entry, has
27 been or is in the process of being implemented;

28 (xi) the applicant has a record of providing high quality
29 health care services, and the proposal demonstrates a commitment
30 to quality care and patient safety;

31 (xii) the applicant demonstrates the ability to provide and
32 staff sufficient new beds to meet the growing needs of the Maple
33 Grove service area and the surrounding communities currently
34 served by the applicant;

35 (xiii) the hospital will have a positive impact on the
36 viability of existing providers, including physicians, in the

1 Maple Grove market;

2 (xiv) the hospital will increase competition in the health
3 care marketplace and will not add to the pressure to consolidate
4 the provision of health care services;

5 (xv) the project will provide a broad range of senior
6 services to enable seniors to remain living in the community;
7 and

8 (xvi) the hospital will have a positive impact on the
9 emergency medical services system, including the coordination
10 and provision of trauma services and the licensed emergency
11 ambulance providers currently serving the area, and a positive
12 impact on the continuity of patient emergency medical care.

13 The exception under this clause is available for the
14 establishment of only one new hospital. Between June 30 and
15 September 30 of 2005, any entity that has a plan for such a
16 hospital that has been previously determined by the commissioner
17 to be in the public interest according to section 144.552 and
18 desires to establish a new hospital must submit to the
19 commissioner an application for an exception under this clause.
20 The application must contain the plan, a true copy of the
21 commissioner's determination, any additional relevant evidence
22 not contained in the plan that is supportive of the application,
23 and evidence of compliance with the criteria specified in this
24 clause. When submitting a plan to the commissioner for
25 approval, an applicant shall pay the commissioner for the
26 commissioner's cost of reviewing the plan, as determined by the
27 commissioner and notwithstanding section 16A.1283. Money
28 received by the commissioner under this section is appropriated
29 to the commissioner for the purpose of administering this
30 section.

31 If there is only one applicant, the commissioner shall
32 review the application to determine its compliance with the
33 criteria. If the commissioner determines that the application
34 complies with the criteria, the commissioner shall issue an
5 order approving the application.

36 If there is more than one applicant between June 30 and

1 September 30 of 2005, the commissioner shall determine which
2 plan or plans continue to be in the public interest and the
3 applicant's compliance with the criteria. If more than one
4 applicant would meet the criteria, the commissioner shall
5 determine which applicant has demonstrated that it is best able
6 to provide services consistent with the criteria in this
7 clause. The commissioner shall make this determination by order
8 following a hearing according to this paragraph. The hearing
9 shall not constitute or be considered to be a contested case
10 hearing under chapter 14 and shall be conducted solely under the
11 procedures specified in this paragraph. The hearing shall
12 commence upon at least 90 days' notice to the applicants by the
13 commissioner. The hearing may be conducted by the commissioner
14 or by a person designated by the commissioner. The designee may
15 be an administrative law judge. The purpose of the hearing
16 shall be to receive evidence to assist the commissioner in
17 determining which applicant has demonstrated that it best meets
18 the criteria in this clause. The parties to the hearing shall
19 consist only of those applicants who have submitted a completed
20 application that the commissioner has determined would be in the
21 public interest. Each applicant shall have the right to be
22 represented by counsel, to present evidence deemed relevant by
23 the commissioner, and to examine and cross-examine witnesses.
24 Persons who are not parties to the proceeding but who wish to
25 present comments or submit information may do so in the manner
26 determined by the commissioner or the commissioner's designee.
27 Any person who is not a party shall have no right to examine or
28 cross-examine witnesses. The commissioner shall issue an order
29 approving an application within 30 days following the closing of
30 the record of the hearing. The commissioner's order shall
31 include a statement of the reasons the application best meets
32 the criteria of this clause"

33 And when so amended that the bill be recommended to pass
34 and be referred to the full committee.

35 *Linda Berglin*
36 (Division Chair)

37 April 21, 2005.....
38 (Date of Division action)

Consolidated Fiscal Note – 2005-06 Session

Bill #: S1840-0 Complete Date: 03/29/05

Chief Author: LIMMER, WARREN

Title: MAPLE GROVE HOSP CONSTR MORATORIUM

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Health Dept (03/29/05)

Human Services Dept (03/25/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: CRAIG WIEBER

Date: 03/29/05 Phone: 282-5065

Fiscal Note – 2005-06 Session

Bill #: S1840-0 Complete Date: 03/29/05

Chief Author: LIMMER, WARREN

Title: MAPLE GROVE HOSP CONSTR MORATORIUM

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Health Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

This bill will not require any work or have any fiscal impact for MDH - it just allows for an exception to the moratorium to build a hospital in Maple Grove.

Assumptions

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

Agency Contact Name: Scott Leitz (651-282-6361)
FN Coord Signature: MARGARET KELLY
Date: 03/24/05 Phone: 281-9998

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: CRAIG WIEBER
Date: 03/29/05 Phone: 282-5065

Fiscal Note – 2005-06 Session

Bill #: S1840-0 **Complete Date:** 03/25/05

Chief Author: LIMMER, WARREN

Title: MAPLE GROVE HOSP CONSTR MORATORIUM

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Human Services Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
– No Impact –					
Less Agency Can Absorb					
– No Impact –					
Net Expenditures					
– No Impact –					
Revenues					
– No Impact –					
Net Cost <Savings>					
– No Impact –					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
– No Impact –					
Total FTE					

NARRATIVE: SF 1840

Bill Description

This bill makes a change to the moratorium on new beds.

A change to the moratorium on new beds does not increase MA costs because all medically necessary inpatient hospital services are already being provided, just at a different location.

Fiscal impact for Department of Human Services = \$0

Assumptions

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

Agency Contact Name: Paul Olson 296-5620

FN Coord Signature: STEVE BARTA

Date: 03/23/05 Phone: 296-5685

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KATIE BURNS

Date: 03/25/05 Phone: 296-7289

1 Senator moves to amend H.F. No. 1915 as follows:

2 Page 4, delete lines 18 to 35

3 Page 4, line 36, delete everything before the period and
4 insert:

5 "(19) a project involving the establishment of a new
6 hospital in the city of Maple Grove that includes 250 or fewer
7 licensed beds and participates in the Medicare and Medicaid
8 programs, by an existing hospital that relocates or
9 redistributes the beds from its current site or adds new
10 licensed beds, and is owned by a nonprofit corporation that is
11 exempt from federal income tax under section (501)(c)(3) of the
12 Internal Revenue Code, or has applied for an exemption. The new
13 hospital's initial inpatient services must include at least
14 medical and surgical services, obstetrical and gynecological
15 services, intensive care services, orthopedics, pediatrics,
16 noninvasive cardiac diagnostics, behavioral health, including
17 mental health services for children and adolescents, and
18 emergency room services. The project applicant must
19 demonstrate, to the satisfaction of the commissioner, the
20 ability of the project applicant to meet the criteria listed in
21 this clause. In making a determination, the commissioner shall
22 weigh each criterion on a 100-point scale according to the
23 points assigned in this clause:

24 (i) the applicant demonstrates the ability to provide and
25 staff sufficient new beds to meet the growing needs of the Maple
26 Grove service area and the surrounding communities currently
27 served by the applicant, 19 points;

28 (ii) the hospital will have a significant commitment to
29 providing uncompensated care, including discounts for uninsured
30 patients, coordination with community health centers and other
31 providers of care to low-income uninsured persons, and
32 coordination with other hospitals providing uncompensated care
33 and serving public program participants, 16 points;

34 (iii) the project's initial mental health services ^{will} shall
35 include, in addition to inpatient behavioral health services,
36 stabilization services for children and adolescents in acute

1 psychiatric crisis, mental health and substance abuse
2 stabilization and referral services, nonovernight children and
3 adolescent observation services, intensive child and adolescent
4 outpatient services, and outpatient chemical dependency services
5 for persons over age 16, 16 points;

6 (iv) the hospital will be a site for workforce development
7 for a broad spectrum of health care-related occupations and have
8 a commitment to providing clinical training programs for
9 physicians and other health care providers, including, but not
10 limited to, obstetrics and gynecology, pediatrics, psychiatry,
11 and pediatric psychiatry, in coordination with other medical
12 education training programs in the state, nine points;

13 (v) the applicant has a record of providing high quality
14 health care services, and the proposal demonstrates a commitment
15 to quality care and patient safety, nine points;

16 (vi) the hospital will operate in a clinical coordination
17 with other hospitals in Hennepin County providing additional
18 specialized services at volume levels conducive to the
19 maintenance of high quality care, six points;

20 (vii) the applicant or a member organization of the
21 nonprofit corporation owns a hospital in which an automated
22 patient medical records system, including physician order entry,
23 has been or is in the process of being implemented, six points;

24 (viii) the hospital will have a positive impact on the
25 viability of existing providers, including physicians, in the
26 Maple Grove market, five points;

27 (ix) the hospital will increase competition in the health
28 care marketplace and will not add to the pressure to consolidate
29 the provision of health care services, five points;

30 (x) the project ^{will} shall include ambulatory care services
31 colocated with the hospital component of the project, including
32 mental health services, urgent care services, pediatrics, and
33 imaging services, three points;

34 (xi) the project will provide a broad range of senior
35 services to enable seniors to remain living in the community,
36 three points; and

1 (xii) the hospital will have a positive impact on the
2 emergency medical services system, including the coordination
3 and provision of trauma services and the licensed emergency
4 ambulance providers currently serving the area, and a positive
5 impact on the continuity of patient emergency medical care,
6 three points.

7 The exception under this clause is available for the
8 establishment of only one new hospital. Between June 30 and
9 August 1 of 2005, any entity that has a plan for ~~such a~~ hospital
10 that has been previously determined by the commissioner to be in
11 the public interest according to section 144.552 and desires to
12 establish a new hospital must submit to the commissioner an
13 application for an exception under this clause. The application
14 must contain the plan, a true copy of the commissioner's
15 determination, any additional relevant evidence not contained in
16 the plan that is supportive of the application, and evidence of
17 compliance with the criteria specified in this clause. The
18 commissioner may request information from an applicant that the
19 commissioner deems necessary and relevant to review an
20 application under this clause. An applicant shall pay the
21 commissioner for the commissioner's cost of reviewing the plan,
22 as determined by the commissioner and notwithstanding section
23 16A.1283. Money received by the commissioner under this section
24 is appropriated to the commissioner for the purpose of
25 administering this section.

26 If there is only one applicant, the commissioner shall
27 review the application to determine its compliance with the
28 criteria. If the commissioner determines that the application
29 complies with the criteria, the commissioner shall issue an
30 order approving the application.

31 If there is more than one applicant between June 30 and
32 August 1 of 2005, the commissioner shall determine which plan or
33 plans continue to be in the public interest and the applicant's
34 compliance with the criteria. If more than one applicant would
35 meet the criteria, the commissioner shall determine which
36 applicant has demonstrated that it is best able to provide

1 services consistent with the criteria in this clause.

2 The commissioner shall make this determination by order
3 following a hearing according to this paragraph. The hearing
4 shall not constitute or be considered to be a contested case
5 hearing under chapter 14 and shall be conducted solely under the
6 procedures specified in this paragraph. The hearing shall
7 commence upon at least 30 days' notice to the applicants by the
8 commissioner. The hearing may be conducted by the commissioner
9 or by a person designated by the commissioner. The designee may
10 be an administrative law judge. The purpose of the hearing
11 shall be to receive evidence to assist the commissioner in
12 determining which applicant has demonstrated that it best meets
13 the criteria in this clause.

14 The parties to the hearing shall consist only of those
15 applicants who have submitted a completed application that the
16 commissioner has determined would be in the public interest.
17 Each applicant shall have the right to be represented by
18 counsel, to present evidence deemed relevant by the
19 commissioner, and to examine and cross-examine witnesses.
20 Persons who are not parties to the proceeding but who wish to
21 present comments or submit information may do so in the manner
22 determined by the commissioner or the commissioner's designee.
23 Any person who is not a party shall have no right to examine or
24 cross-examine witnesses. The commissioner may participate as an
25 active finder of fact in the hearing and may ask questions to
26 elicit information or clarify answers or responses.

27 Notwithstanding section 16A.1283, applicants who are a
28 party to the hearing shall pay the cost of the hearing, as
29 determined by the commissioner. The cost of the hearing shall
30 be divided equally among the applicants. Money received by the
31 commissioner under this clause is appropriated to the
32 commissioner for the purpose of administering this clause.

33 The commissioner shall issue an order approving an
34 application within 90 days following the closing of the record
35 of the hearing as determined by the hearing officer. The
36 commissioner's order shall include a statement of the reasons

1 the application best meets the criteria of this clause. Prior
2 to making a determination approving an application, the
3 commissioner shall, through a process announced by the
4 commissioner, accept comments from members of the public in the
5 service area for the new hospital. The commissioner shall take
6 this information into consideration ⁱⁿ ~~when~~ making ^{the} ~~her~~
7 determination.

8 The Minnesota Court of Appeals has original jurisdiction
9 over an action challenging the commissioner's determination and
10 shall expedite the resolution of the action"

1 Senator moves to amend the SCH1915A-1 amendment to
2 H.F. No. 1915 as follows:

3 Page 2, line 26, delete "market" and insert "service area"

Page 3, line 9, delete "such"

Page 2, line 16, delete "a"

1 Senator moves to amend the SCH1915A-1 amendment to
2 H.F. No. 1915 as follows:

3 Page 4, line 8, before the period, insert ", but no later
4 than October 15"

5 Page 4, line 35, after the period, insert "The hearing
6 officer must close the record by November 15."



May 4, 2005

Dear Senator:

As you probably know, the issue of a new hospital in Maple Grove is before the Senate. North Memorial is eager to be selected by the legislature as the new hospital in Maple Grove and we are pleased that the House overwhelmingly voted to support North Memorial by a vote of 126 to 5.

We would like to share some facts with you about North Memorial, our plans and our quality of care and service.

A Recognized Leader in Quality and Health Care Cost Control

- › North Memorial was recently named a "Tier One" hospital by Blue Cross Blue Shield of Minnesota. Based on these independent rankings, this means North Memorial is among the lowest cost and highest quality hospitals in the state.
- › North Memorial was the first hospital in Minnesota to receive national certification as a Primary Stroke Center (certification granted by the Joint Commission on Accreditation of Healthcare Organizations).
- › North Memorial is a Level I Trauma Center – one of only four in the state accredited by the American College of Surgeons.
- › AARP named North Memorial as one of its "2004 Best Employers for Workers Over 50." Only 35 U.S. employers nationwide were recognized and North Memorial was the only hospital in Minnesota to receive the honor.
- › North Memorial is the only independent hospital proposing to build in Maple Grove and is the only plan that increases competition among hospitals, which helps keep hospital prices lower. The other two plans will decrease competition and increase hospital prices.

An Important Part of the Northwest Community for More Than 50 years

- › North Memorial's proposal for a new hospital in Maple Grove is the only proposal that has received exclusive endorsement from a majority of the communities and in the northwest metro, including the Mayors of Brooklyn Center, Corcoran, Crystal, Greenfield, New Hope, Plymouth and Robbinsdale; and resolutions by the City Councils of Brooklyn Park, Dayton, Medicine Lake and Rogers. North Memorial also has the support of the Hennepin County Commissioner Mike Opat, Minneapolis City Council Member Don Samuels and the Monticello-Big Lake Community Hospital District Board of Directors.
- › North Memorial's medical staff, which serves the northwest metro, provides the community with access to expertise in trauma, pediatrics, OB/GYN, heart and stroke care, cancer care and more. Our specialists and primary care physicians have been caring for northwest metro residents for more than 50 years – it's what we're known for.

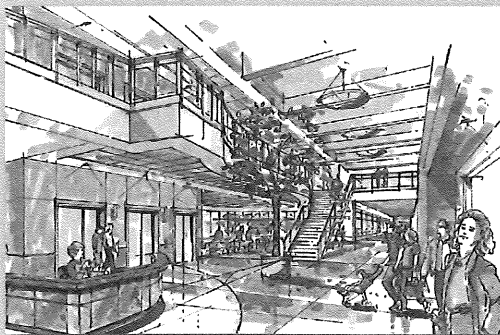
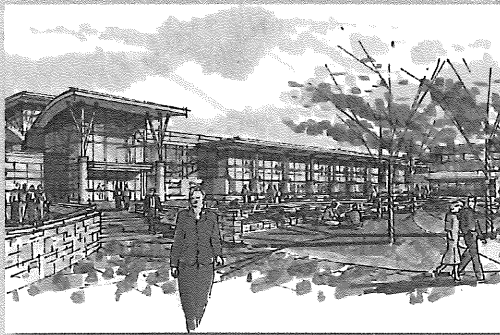
- › North Memorial will break ground on a new Maple Grove health campus next month, which will include an ambulatory care center with 24-hour urgent/emergency services. With legislative approval, North Memorial would immediately begin building a new hospital that would be ready for operation in 2008.
- › North Memorial's proposed 260-bed hospital would be built to accommodate the rapid population growth in Maple Grove, initially starting as an 80-bed facility with plans to expand to a 260-bed hospital when needed.
- › North Memorial is the only proposal that will provide Level I Trauma experience to Maple Grove by bringing Board Certified emergency room physicians and staff from our Level I Trauma Center in Robbinsdale to the new Maple Grove hospital's Level III emergency room.
- › North Memorial Ambulance has provided medical transportation (including Air Care services) to over 55 communities in greater Minnesota for decades.
- › North Memorial has trained more than 15,000 emergency care professionals and is the leading Emergency Medical Service (EMS) training program in the area. North Memorial currently provides training to first responders in the northwest metro (EMS, fire and police) so they are ready to provide instant emergency care at any time.

We hope this information is helpful as you review the various plans and options for a new hospital in Maple Grove. Through our research and community outreach, we know the community supports North Memorial. Maple Grove will be well served by North Memorial — in fact Minnesota overall would benefit from more competition among hospitals. North Memorial along with constituents living in the northwest metro believe now is the time to move forward with a Maple Grove hospital. We would be happy to answer questions and provide more details about North Memorial and our proposal for a hospital in Maple Grove and urge your support of North Memorial.

Sincerely,



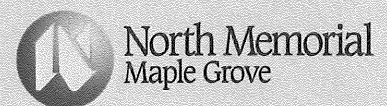
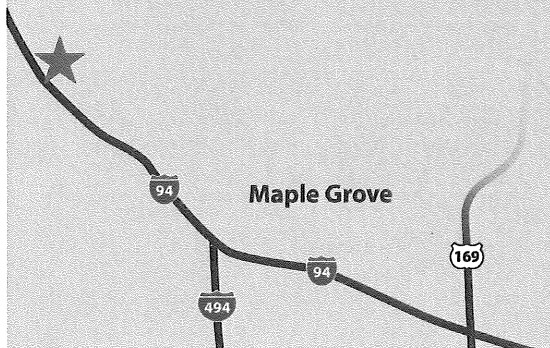
David W. Cress
President and COO



Maple Grove

"Hot Topics"

David W. Cress
President and COO



The North Memorial Story

Overview

North Memorial is a 501C3 not-for-profit organization governed by an 18- member board of community and physician representatives. North Memorial is an independent health care organization which means it is not part of a large multi-hospital system. It is licensed for 518 beds and is located in Robbinsdale, Minnesota.

Trauma and Emergency

North Memorial is well known for its Trauma and Emergency services, as one of only three Level 1 Trauma Centers in the metro area; Hennepin County Medical Center & Regions Hospital being the other two. North Memorial's Level 1 Trauma Center status was reverified in November 2004 by the American College of Surgeons. As a Level 1 Trauma Center North Memorial is required to have unique competencies to treat adult and pediatric trauma patients.

The North Memorial emergency department is staffed by approximately 30 employed Board Certified Emergency Physicians, who treated over 72,000 patients in 2004. North Memorial is proud of the work of these dedicated doctors and their staff in the Emergency Department.

North Memorial operates one of the largest single hospital-based ambulance services in the nation. Every day ambulances are dispatched in over 50 communities across Minnesota. Approximately 20 ambulances are dispatched daily in the northwest quadrant of the Twin Cities metro area. Air ambulance services are provided in 4 sites that operate 24 hours per day, seven days a week with a fleet of 6 helicopters. Annually, more than 70,000 total requests for ground and air ambulance service are answered. North Memorial's ambulance is the only service in the state that is accredited by the Commission on Accreditation of Ambulance Services (C.A.A.S.) for its high quality standards. We provide thousands of hours of free EMS training to first responders throughout Minnesota.

Women's and Children Care

North Memorial has very strong programs in Women and Children's areas including a Neonatal Intensive Care unit which operates as a Level III, the highest level of care. The unit is staffed by Board Certified Perinatologists and Neonatologists and clinical outcomes are considered best practice through the Vermont Oxford data base. The physicians who staff our NICU have written a letter of support for North Memorial to build a hospital in Maple Grove. Additionally we have 24 hours per day, seven days a week pediatric critical care coverage to support our Level I Trauma Center.

Heart and Stroke Care

North Memorial was the first hospital in the state of Minnesota to achieve the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) certification for stroke care. North Memorial has also received the 100 Top Cardiovascular designation from Solucient two years in a row as a result of clinical outcomes in cardiovascular care. We recently opened 80 inpatient beds dedicated to the care of Heart and Stroke patients. These rooms are all private and will be utilized as acuity adaptable beds to minimize transferring of patients and improving patient safety.

Cancer Care

The Humphrey Cancer Center operates Cancer Clinics in seven communities, including our main facilities in Robbinsdale, Fridley and Anoka, as well as outreach Clinics in Wyoming, Cambridge, Princeton, Monticello and Buffalo.

Behavioral Health

North Memorial has provided inpatient and outpatient behavioral health services for over 35 years. As a major provider of trauma and emergency service, North Memorial has been able to excel in behavioral crisis intervention. Mental health professionals are available 24 hours a day in the emergency department to assess, stabilize and determine appropriate interventions for patients. North Memorial currently dedicates over 6% of its operating beds for the provision of behavioral health services. Additionally, we have collaborative arrangements with other providers to ensure that patients receive the best care available.

Physicians

North Memorial has 600 Specialty Physicians and 280 Primary Care Physicians on our medical staff who along with North Memorial have been providing broad and complete range of services to the communities of the metropolitan area for over 50 years.

Maple Grove

North Memorial has a signed purchase agreement to acquire a 30-acre site located just off Interstate 94 in the community of Maple Grove. We will close on this property by June 1. Focus groups and community surveys indicate the strongest support for this location of any of the proposed options for a new hospital. The City of Maple Grove has approved North Memorial's health campus plan including the road improvement, which includes a new bridge over Interstate 94 and the construction of the Maple Grove Parkway. Construction of the roads and our campus will commence this spring. The Highway 610 extension is not required for our plan.

This 30-acre campus will easily accommodate inpatient capacity of 260 beds. We will build that capacity and more as the demand for inpatient beds grows. The following is a projected inpatient bed needs based on the "Solucient" data base which is the largest most sophisticated data available to project health care utilization.

Summary of Inpatient Bed Analysis

MHA Prod	Maple Grove Market		
	Required Beds		
	2008	2013	2018
Cardiology	9	27	31
General Medicine	21	63	70
General Surgery	9	27	30
Gynecology	3	7	8
Neurology	5	16	18
Newborns	6	15	16
Obstetrics	7	19	20
Oncology	4	11	12
Orthopedics	8	25	28
Psychiatry	4	11	11
Urology	3	9	10
Totals	79	230	254

Date Source: Solucient
Assumes 85% occupancy rate

North Memorial's plan includes construction of a 75,000 square foot Medical Office Building and an 85,000 square foot Ambulatory Care Center that will include Emergency/Urgent Care, Outpatient Surgery, Imaging, as well as other Outpatient services.

The design and construction of an 80-bed inpatient facility will begin in 2005 pending legislature approval. Our plan is to transfer 80 licensed and staffed beds from the Robbinsdale Campus to the Maple Grove Campus. This plan accomplishes two things; first, it provides North Memorial's Robbinsdale Campus the capacity to convert its semi-private inpatient rooms to private rooms. This is necessary to meet patient expectations regarding privacy, to accommodate the clinical and equipment needs of the patient, and to improve patient and employee safety. Second, this is a cost effective plan to provide inpatient capacity and clinical expertise to the growing communities in our primary service area. By avoiding the expensive cost of retrofitting our current facilities, we can cost effectively "right size" our two campuses. The North Memorial plan will minimize the duplication of expensive technology by ensuring the right technology at the right location at the right time.

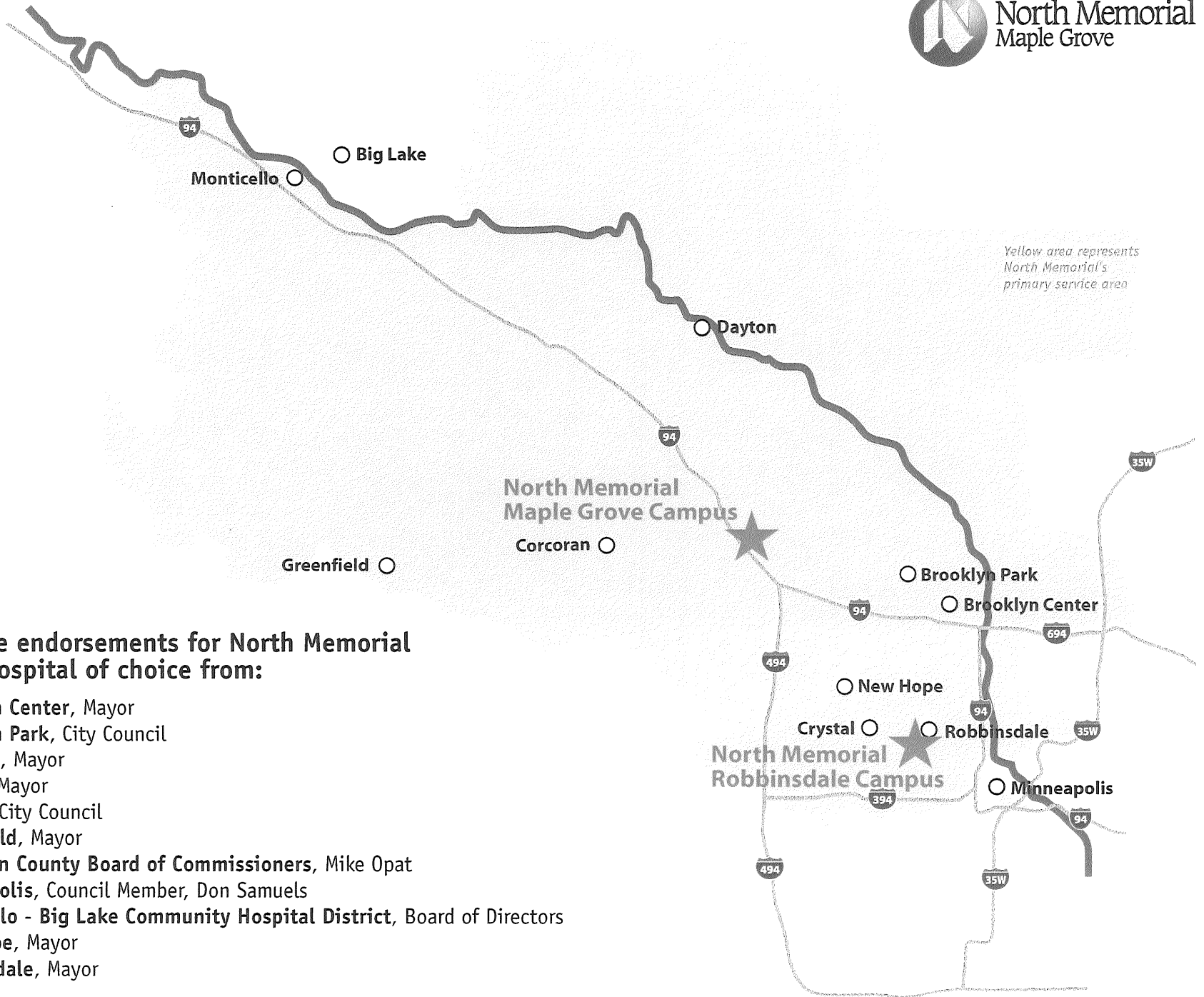
The inpatient beds will open in 2008.

Conclusion

North Memorial will develop a complete and comprehensive health care campus in Maple Grove. A campus that the community will be proud of. We will do it by transferring existing staffed beds which with our financing plan is the most cost effective plan for the community. We have the support and commitment of our physicians. We have the clinical expertise to do this right.

North Memorial's proposal for a hospital in Maple Grove is in the public interest. It increases competition in the Twin Cities marketplace, and provides excellent and efficient health care for the Robbinsdale community, Maple Grove and the northwestern communities.

Our mission and our history is to invest in the communities we serve, and to provide outstanding care and service. Our employees, board, medical staff and the communities we serve, support our plan for a health care campus and hospital in Maple Grove. We are committed to continuing this mission of service for the next 50 years, as we have done for the past 50 years.



Exclusive endorsements for North Memorial as the hospital of choice from:

- Brooklyn Center, Mayor
- Brooklyn Park, City Council
- Corcoran, Mayor
- Crystal, Mayor
- Dayton, City Council
- Greenfield, Mayor
- Hennepin County Board of Commissioners, Mike Opat
- Minneapolis, Council Member, Don Samuels
- Monticello - Big Lake Community Hospital District, Board of Directors
- New Hope, Mayor
- Robbinsdale, Mayor



Number in parentheses represents number of North Memorial affiliated providers at clinic location

Health Care Economic Facts

Facts:

- If Allina builds a hospital in Maple Grove, the increase on health care expenditures over the next 10 years in our community have been estimated to increase between \$17.6 - \$43.6 million. If North Memorial builds a hospital, competition increases, and prices for hospital care would actually go down because of more competition.
- This increase in health care expenditures will be paid by anyone purchasing hospital care—including individual consumers who increasingly are paying first-dollar coverage for their health care under the new consumer plans.
- The state of Minnesota recently brought a lawsuit against Allina for planning to consolidate cardiology groups—and one of the key reasons for the lawsuit is that it would make the cardiology market more consolidated—and prices would go up as a result.
- **This is the same concern we have if hospital bed ownership becomes too concentrated.** The big hospital organizations will control the majority of the hospital bed market, and this control will be reflected by significantly higher prices for hospital care. Allina has also stated that it is still interested in building a hospital in St. Cloud and will pursue that after the Maple Grove decision is made.
- **We believe that Minnesotans, and the legislature should be concerned about monopolistic health care in our state**—and that policymakers should support competition.
- Research shows that an increase in hospital competition leads to lower prices for inpatient hospital care and reduces health insurance premiums. Increased hospital competition also improves the quality of patient care.
- North Memorial has brought a plan to the legislature that offers healthy competition, honors the input of communities, patients and physicians and nurses. *(Including letters of exclusive endorsement for North Memorial from Brooklyn Park, Brooklyn Center, Corcoran, Crystal, Dayton, New Hope and Robbinsdale)*

The legislature has a unique opportunity to positively affect health care competition in the state of Minnesota.

Maple Grove Hospital Fact Sheet

Review of Submissions to Department of Health

	<u>Fairview Health Services</u> (submitted 11/16/04)	<u>North Memorial Medical Center</u> (submitted 11/05/04)	<u>Tri-Care Partnership</u> (submitted 11/29/04)
Collaborative partners	<ul style="list-style-type: none"> • University of Minnesota Physicians • Fairview-University Children's Hospital • Ebenezer Senior Care 	<ul style="list-style-type: none"> • North Memorial Physicians 	<ul style="list-style-type: none"> • Park Nicollet • Children's Hospital • Allina Health Systems
Opening date for hospital	2009 (pg 19 Dept of Health)	2008	2008
Beds – 2007/2008 2013 and beyond	72-100 beds Total Beds 284 (pg 19 Dept of Health)	80 beds Total Beds 260	60 to 100 Beds Total Beds 250
Moratorium request	Transfer Licensed Non-operating Beds	Transfer Licensed Operating Beds	New Licensed Beds
Number and type of hospital beds 2008-2009	OB 14 beds Psych 12 beds Other 46-74 beds (pg 19 Dept of Health)	OB 7 beds Psych 4 beds Other 68 beds	OB 12-16 beds Psych 0 beds Other 56-80 beds
Number and type of hospital beds 2013 and beyond	OB 34 beds Psych 38 beds Other 212 beds	Not Defined in Application Other 260 beds	Not Defined in Application Other 250 beds
Cost of Project Initial – 2006	\$47M for Ambulatory Center	\$59M for Medical Office Building and Ambulatory Center	
Phase II - 2008	\$64.8M to \$90M for Hospital Facility	\$58M for Hospital Facility	\$72M for Hospital Facility
Bond ratings (S&P)	A	A	New Organization - Unknown
Site size and ownership	26.7 acres Owned by Fairview Purchased 2002 Contingent upon East/West connector (pg 19 Dept of Health)	30 acres Under purchase agreement closing June '05	84 acres Park Nicollet holds option to purchase site
Letters of Support	<ul style="list-style-type: none"> • Fairview Hospital Presidents • Mayors of Fairview Hospital Sites 	<ul style="list-style-type: none"> • Board of Hennepin County Commissioners • HealthPartners • Minnesota Neonatal Physicians, PA • Ridgeview Medical Center • Minneapolis City Council Member • Mayor of Robbinsdale • Mayor of Crystal • Mayor of Brooklyn Center • Mayor of New Hope 	<ul style="list-style-type: none"> • Allina Hospital Presidents • Northwest Hennepin Family Services Collaboration

* City Resolution requires all hospital locations to make major road improvements

Maple Grove Hospital Questions and Answers

Q. *What can North Memorial offer in terms of psychiatric services/beds for the community?*

A. North Memorial's proposal for a hospital in Maple Grove does add inpatient psychiatric beds to the overall mental health system. In order to make an accurate comparison of the kinds of beds in the system, a review really should be done hospital-by-hospital—not system-by-system, where beds can be lumped together and give a confusing picture about where care will really be provided and how much a particular hospital is doing. We believe the issue of mental care and providing adequate services is a statewide issue, and while it is appropriate to include additional mental health beds as a part of the hospital, this will not solve the statewide need for mental health services. North Memorial is committed to both adding psychiatric beds at our facilities, but also to working with the state and other interested parties to help address the need for expanded mental health services.

Q. *How is health care really purchased? By the entire metro area, or in a specific area like Maple Grove? What's this got to do with the issue of competition we hear about?*

A. When a health plan buys hospital care on behalf of its enrollees, the negotiations are done at the corporate level—in terms of a hospital system not at an individual hospital level. If a large hospital system adds hospitals to its system, it gains negotiating leverage and can command higher prices. For example, a study from the University of Minnesota health economist Robert Town shows that in the case of Maple Grove, if Allina were to add another hospital to its system, expenditures for hospital care could go up \$43 million over the next 10 years. If North Memorial builds in Maple Grove, prices could come down by that much—due to increased competition across the whole hospital industry.

Q. *If the state of Minnesota, through the lawsuit against Allina dealing with cardiology consolidation, is concerned about too much market concentration in cardiology—shouldn't it also be concerned with consolidation or monopolies when it comes to hospital beds?*

A. The state of Minnesota recently brought a lawsuit against Allina for planning to consolidate cardiology groups—and one of the key reasons for the lawsuit is that it would make the cardiology market more consolidated—and prices would go up as a result.

Q. *This should be the same concern if hospital bed ownership becomes too concentrated?*

A. The large hospital organizations will control the majority of the hospital bed market, and this control will be reflected by significantly higher prices for hospital care. Allina has also stated that it is still interested in building a hospital in St. Cloud and will pursue that after the Maple Grove decision is made. There are economic studies that show that competition keeps hospital prices down and consumer choices improve. If there are only a few hospital systems to choose from, prices go up and consumers end up with fewer choices for their care.

Q. *What is a highly concentrated market?*

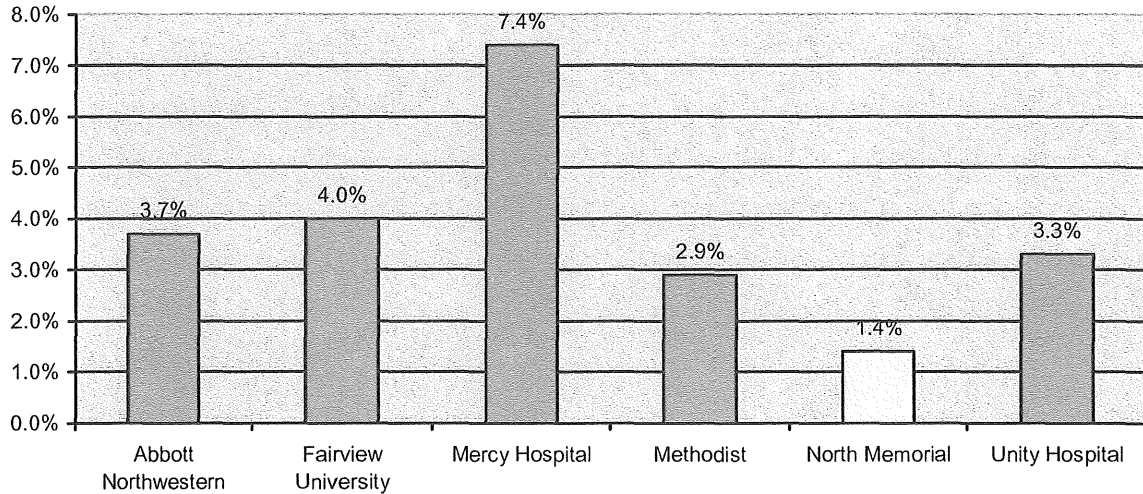
- A. A market where most patients are served by a small number of large hospitals or hospital systems.

Q. *Why is highly concentrated market bad for patients?*

- A. When too much of a service is owned and controlled by one organization, consumer choices can go down and prices can go up significantly. That's why in industries such as telecommunications, and banking, there can be antitrust issues, and must be governmental approval for mergers and buyouts. This is true in health care also—too much dominance of a service by one owner can have negative effects on the market. In fact, right now in Tampa Florida, there are two hospitals that have asked the Justice Department for permission to merge, and the Justice Department has said that they will examine the merge proposal with an eye toward "making sure consumers are offered services at competitive prices." "Price and services" are the key issues" according to the Justice Department spokesperson. "We want things to remain competitive so the consumer has choices." That's a good summary of why consolidation in health care can be an issue—it can result in fewer choices for consumers, and higher prices. Both of these are bad trends for health care.

Population Growth Rates Primary Service Area Excluding Maple Grove

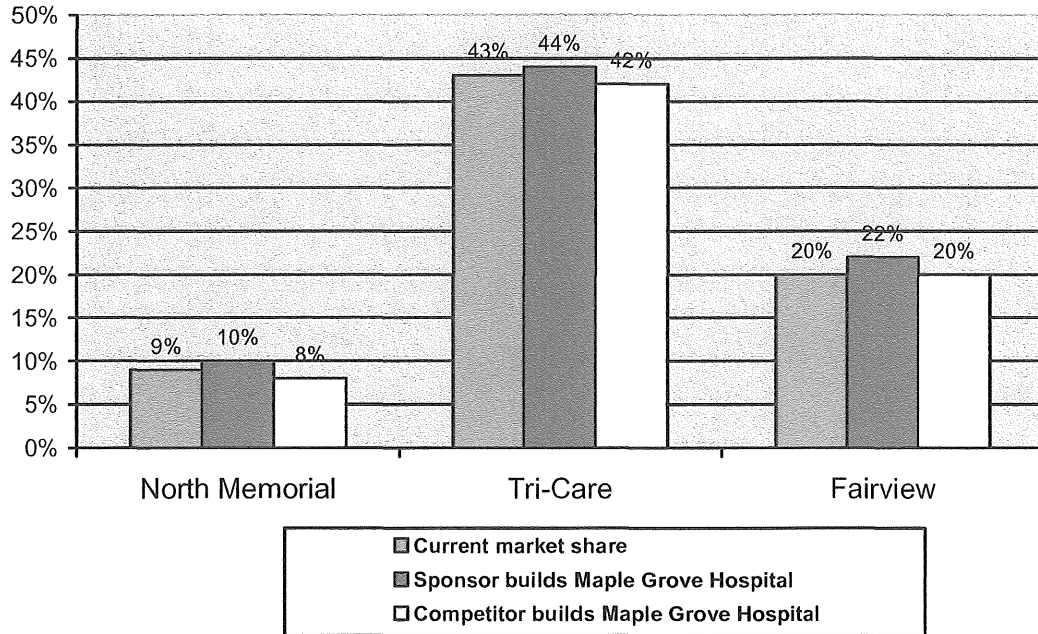
Growth from 2004-2009



Conclusions:

- The North Memorial population growth outside of Maple Grove is not adequate to replace volume lost to a new Maple Grove Hospital.
- All the other hospitals are in growing markets.

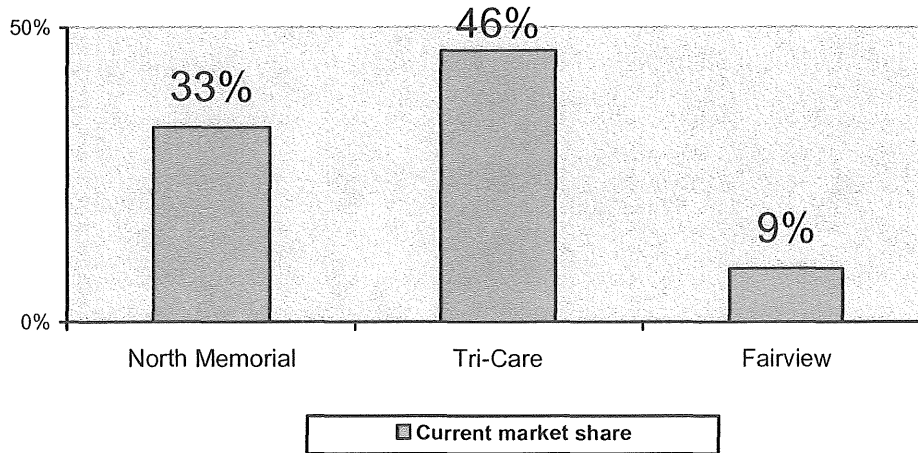
Market Share Metropolitan Area



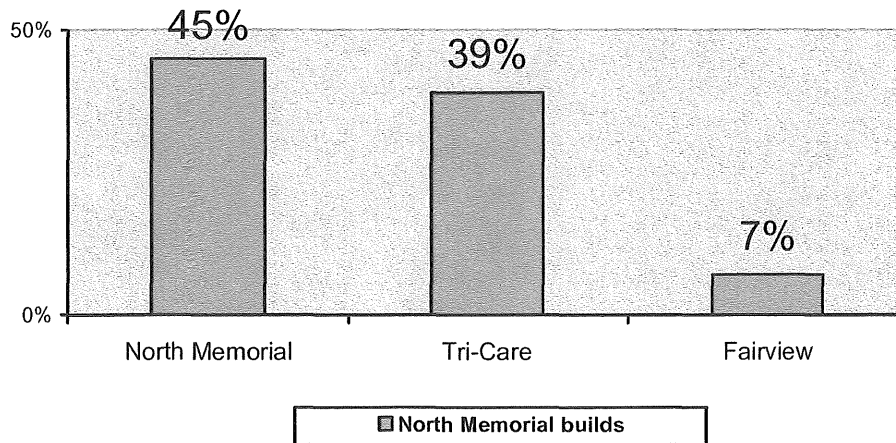
Conclusion:

- The Twin Cities area is “highly concentrated” as the Tri-Care Partners and Fairview control more than 60% of the market.
- North Memorial’s proposal will reduce market concentration while the other proposals will increase market concentration.
- Increased competition through lower market concentration will reduce prices in the Twin Cities.
- The state of Minnesota’s Attorney General recently brought a lawsuit against Allina for planning to consolidate cardiology groups – and one of the key reasons for the lawsuit is that it would make the cardiology market more consolidated with a 38% market share – and prices would go up as a result.

Market Share Maple Grove

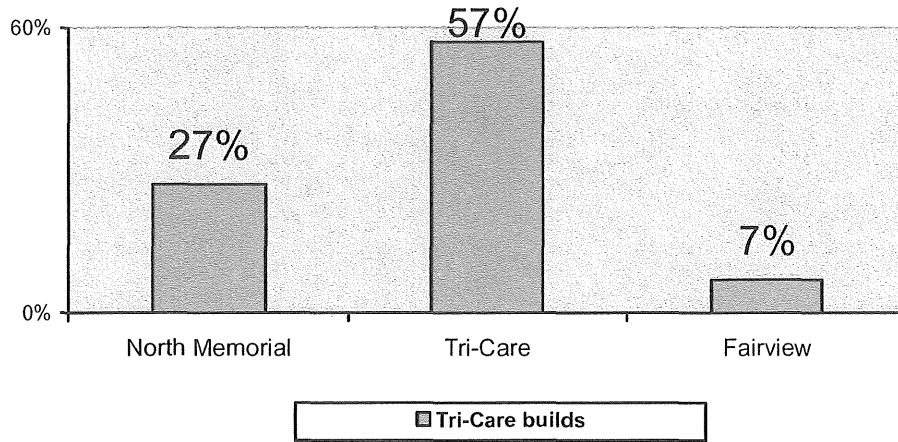


- North Memorial as an independent hospital has the largest hospital specific market share at 33%, more than double the next largest hospital market share.
- The Tri-Care System with 5 hospitals have the highest aggregate market share in Maple Grove

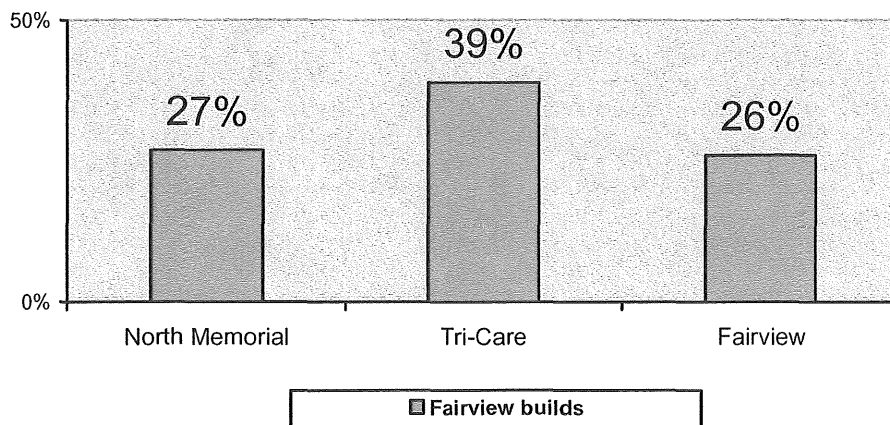


- If North Memorial builds the hospital our market share will increase from 33-45% with considerably less impact to the Tri-Care and Fairview market shares
- The increase market share for North Memorial in Maple Grove results in only a 2% increase in Metro market share for North Memorial.

Market Share Maple Grove

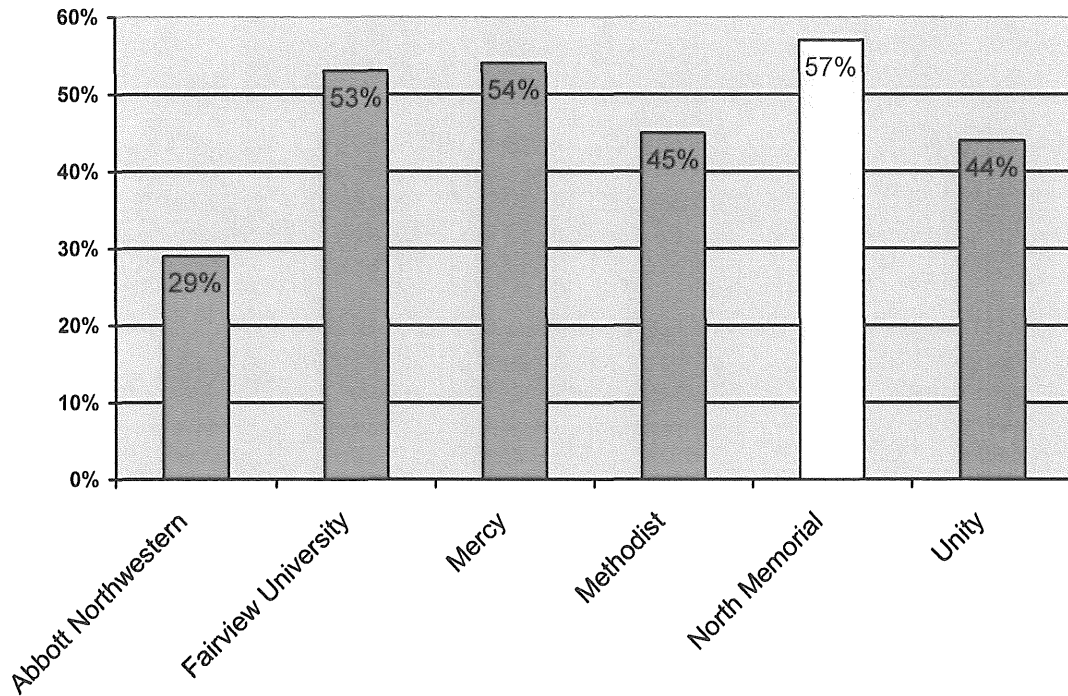


- North Memorial will experience a significant reduction in market share if Tri-Care builds a hospital in Maple Grove
- The Tri-Care market concentration becomes more dominant in Maple Grove and Metropolitan area



- North Memorial will experience a significant reduction in market share if Fairview builds a hospital in Maple Grove
- Fairview has greatest economic upside with a 21% increase in Maple Grove market share.

Hospital Market Share in Resident Zip Code

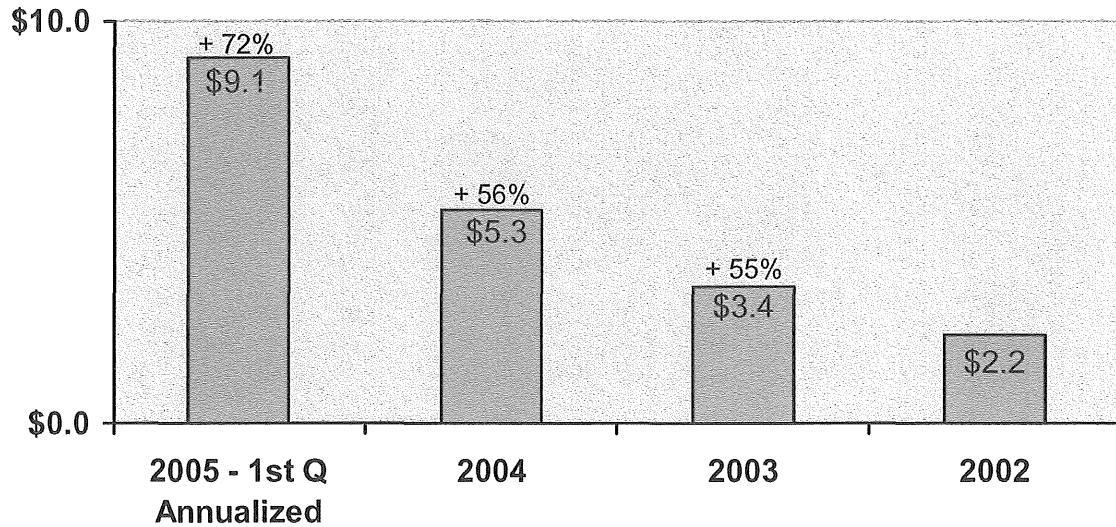


Conclusions:

- All hospitals have high "Market Concentrations" in their resident zip code.
- Health care consumers seek care from individual hospitals close to their homes.
- Payers negotiate health care contracts with systems, not individual hospitals.

North Memorial Charity Care

(in millions)



Charity Policy Criteria

Patient income compared to Federal Poverty Level	Discount Percent
0 to 200%	100%
200% to 300%	50% to 100%
300% to 400%	15% to 50%

- Patients with bills in excess of \$50,000 are eligible for 40% discounts regardless of income.
- Patients who cooperate in resolving their claim are eligible for at least a 15% discount.

Community Partnerships

North Memorial's Coordination with Community Health Centers to provide care to low income/uninsured:

- NMHC retains "Outreach Services of Minnesota" to assist uninsured with applying for MA, Social Security benefits and other coverage
- Coordinate with Veterans' Services to assist in coverage for veterans
- Coordinate "Preferred Customer" program with North Drug (independent pharmacy) to provide \$300 value for take home drugs for uninsured (since 1993)
- NMHC sponsors "Woman Aid" covers co-pays for uninsured or MA and clothing sources
- NMHC refers patients to parish nurse programs for follow up care
- NMHC has arranged with Apria to provide low cost medicinal devices to uninsured and MA
- NMHC supports physician care through "Community Service Agreements" with new physicians. Physicians agree to provide care to uninsured and MA
- NMHC refers to and supports Community Clinics that serve the uninsured and under-insured
 - Fremont Clinic
 - Soteria
 - North Point Health and Wellness - formerly Pilot City Clinic
 - University of Minnesota Family Practice Clinic
- NMHC provides the following to support uninsured and under-insured
 - Transportation service and vouchers
 - Meals on Wheels
 - Housing Service coordination
 - Crisis services for behavioral needs of patients

Behavioral Health Services

Current Services:

North Memorial Medical Center has been providing inpatient and outpatient behavioral health services to the communities we serve for over 35 years. As a major provider of trauma and emergency services, our focus has been to excel in crisis intervention. In the Emergency Department we have a team of licensed mental health professionals who expertly assess patients and families who are in crisis, stabilize the situation, and determine the setting or service that would best meet their continuing needs. If the patient requires inpatient care, we have a 26 bed Crisis Interventional Unit. The unit provides a physically safe and emotionally supportive environment, including both secure and step down components, conducive to intervening on presenting crisis.

If the patient is under the age of 18, presents at the Emergency Department, the focus, again, is to stabilize and evaluate them in a safe environment and refer them to the most appropriate setting. If they are in danger of harming themselves or others, we do have the capability to admit them under constant supervision, until we are able to find the appropriate level of care for them.

We have recently enhanced the staffing of our mental health professionals in our Emergency Department. By doing so, we have dramatically reduced the time from when a patient enters the facility to the time they are seen by a psychiatric triage professional, from 3 hours to 59 minutes. This obviously shortens the time to intervention, decreases waiting time, and decreases anxiety for patients and their families.

Commitment to Future Services:

As we develop our Maple Grove hospital, North Memorial is committed to improving the access to behavioral health services for both the residents of the northwest corridor as well as the Twin Cities. We are willing to pursue the following enhancements to the present behavioral health system.

A. Maple Grove

In our Emergency Department in the Maple Grove hospital, we will be providing the same level of crisis intervention as we do in our Robbinsdale facility.

B. Robbinsdale

1. In our Emergency Department in the Robbinsdale hospital, we will continue to monitor wait times and add additional staff as needed to make sure patients are seen within an hour of their arrival.

2. As we transfer beds from our Robbinsdale facility to Maple Grove, we will expand our current inpatient capacity from 26 to 46 beds, adding 20 additional beds to the overall behavioral health system. By adding the beds to our Robbinsdale facility, we will build on the existing infrastructure and not duplicate human and physical resources. It is well documented that there is a severe shortage of psychiatrists, especially in Minnesota, so by expanding our existing capacity, their time can be dedicated to treating patients and not driving to other facilities.

C. West Metro Children's Crisis Services

The East Metro Children's Crisis Service was developed in May of 2004. It is a comprehensive and integrated crisis response system that augments current inpatient services in the east metro area. Representatives from Ramsey, Washington, and Dakota counties along with area hospitals, health plans, mental health providers, Minnesota Department and Health, and Department of Social Services formed this partnership to reduce the number of adolescents' emergency room visits and inpatient hospital stays, and provide help with coordination between mental health services. Through this public-private partnership, each county has served between 400-500 youth with severe emotional disturbances and thousands in crisis throughout the year.

North Memorial is committed to expanding this model into the west metro. Since most of the existing partners in the east metro collaborative have services throughout Minneapolis and St. Paul, we believe it should be expanded to the west metro.

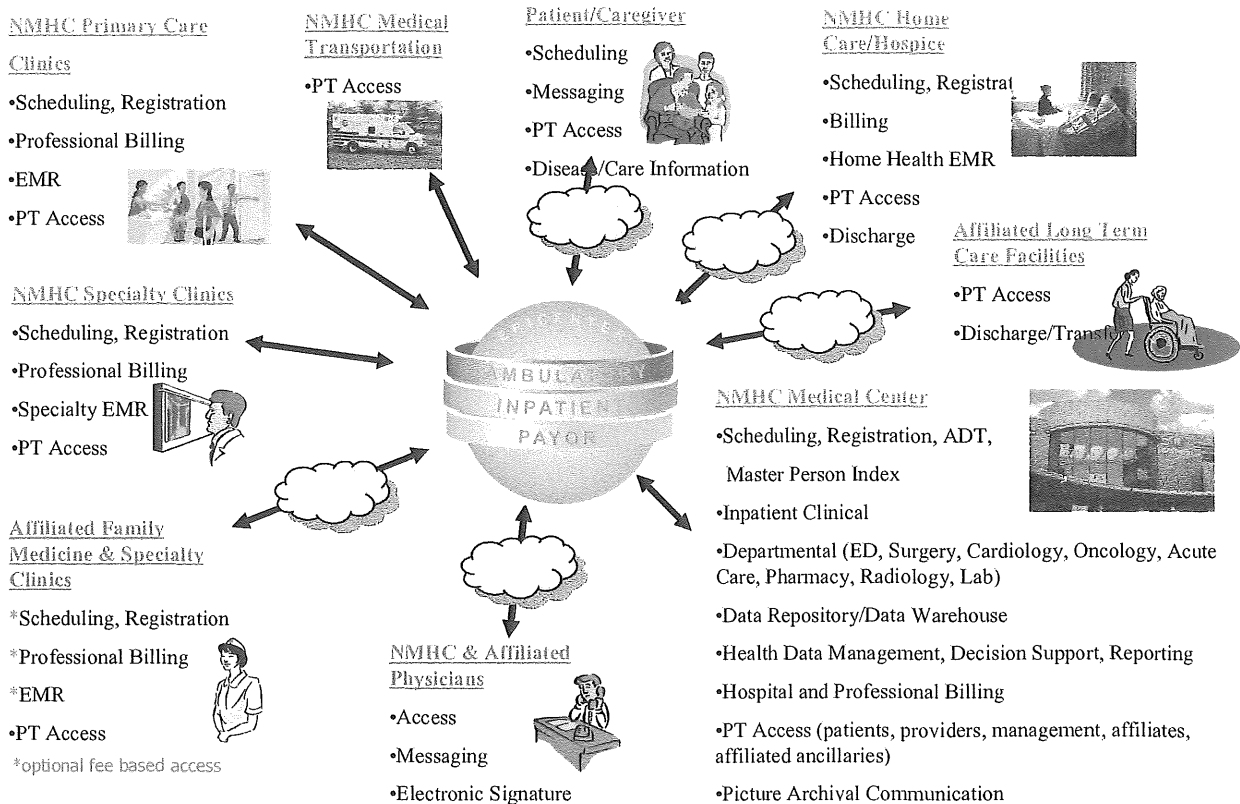
North Memorial Health Electronic Medical Record Implementation

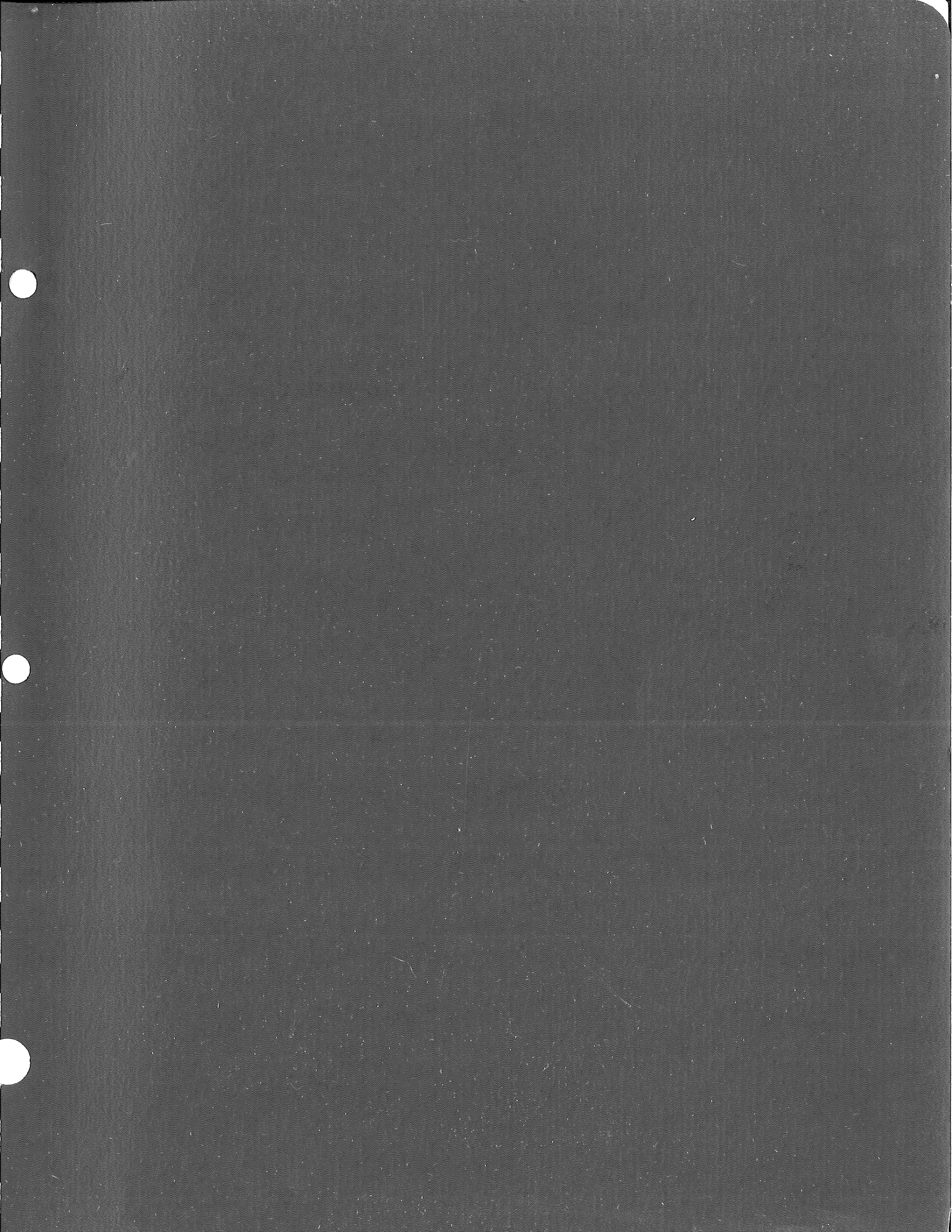
- **1996-1997 purchased and implemented** an ambulatory electronic medical record (*The Logician system*) across all NMHC Primary Care Clinics
- **2002-2003 developed an IT Vision** to support core business strategies, leverage current technologies, and achieve our vision of an “*integrated*”, “*patient centric*” environment. Our goals:
 - √ “**Patient centric**” environment provides a single medical record across the continuum of care
 - √ “**Integration**” of both clinical and administrative systems and data
 - √ “**Physician integration**” is a primary NMHC strategy and an integrated patient centric medical record supports our affiliated provider relationships
 - √ “**Access**” to information anywhere, and at anytime
- **2004-2005 – Board of Trustees approved** the \$45M purchase and implementation of an integrated enterprise electronic medical record system (*The Epic System*). The implementation is currently underway and the EMR implementation will be completed on our Robbinsdale campus by mid-2007 and will be fully functional at our Maple Grove hospital the day it opens.
- **Our EMR will provide** an integrated, scalable, industry standard systems environment that meets NMHC strategic objectives
 - √ Maintain a true “patient centric” longitudinal medical record
 - √ Coordinate the efforts of both inpatient and ambulatory care teams across the continuum of care – including our “affiliated” providers
 - √ Enhance patient safety and improve patient care
 - √ Improve availability of information and provide the tools to support evidence-based medicine
 - √ Reduce medical errors through computerized provider orders
- **NMHC will offer patients** secure, controlled internet access to information in their medical record along with convenient self-service options
- **Our integration strategy** allows “affiliated” provider organizations to follow the progress of care for patients they refer to NMHC
 - √ Provide secure electronic access to progress notes, lab results, radiology and cardiology images and studies, discharge instructions, consult notes and other portions of their patients electronic record
 - √ Sharing this patient information improves the providers ability to coordinate ongoing care, resulting in better overall care delivery and results for the patient

• **Benefits**

- ✓ Patients: enable consistent patient-centered seamless compassionate care, reduce risk of errors in medication administration, support evidence-based medicine, measure and analyze outcomes
- ✓ Clinical: reduce adverse drug events, improve productivity, reduce practice variation, eliminate unnecessary tests, and improve drug utilization
- ✓ Operational: improve cycle time, improve bed turnaround time, improve productivity, elimination of duplicate data gathering and entry
- ✓ Finance: capture all charges, reduce underpayments and write-offs, reduce outstanding accounts receivable, improve managed care revenue, automate recurring billing and remittance processing, reduce filing and retrieval, and improve account handling and follow-up

NMHC "Patient Centric" Technology Vision





1 Senator Cohen from the Committee on Finance, to which was
2 re-referred

3 S.F. No. 630: A bill for an act relating to civil law;
4 reforming law relating to child support; establishing criteria
5 for support obligations; defining parents' rights and
6 responsibilities; appropriating money; amending Minnesota
7 Statutes 2004, sections 518.005, by adding a subdivision;
8 518.54, subdivisions 7, 8; 518.55, subdivision 4; 518.551,
9 subdivisions 5, 5b; 518.62; 518.64, subdivision 2, by adding
10 subdivisions; 518.68, subdivision 2; proposing coding for new
11 law in Minnesota Statutes, chapter 518; repealing Minnesota
12 Statutes 2004, sections 518.171; 518.54, subdivisions 2, 4, 4a;
13 518.551, subdivisions 1, 5a, 5c, 5f.

14 Reports the same back with the recommendation that the bill
15 be amended as follows:

16 Page 1, after line 14, insert:

17 "Section 1. Minnesota Statutes 2004, section 357.021,
18 subdivision 1a, is amended to read:

19 Subd. 1a. [TRANSMITTAL OF FEES TO COMMISSIONER OF
20 FINANCE.] (a) Every person, including the state of Minnesota and
21 all bodies politic and corporate, who shall transact any
22 business in the district court, shall pay to the court
23 administrator of said court the sundry fees prescribed in
24 subdivision 2. Except as provided in paragraph (d), the court
25 administrator shall transmit the fees monthly to the
26 commissioner of finance for deposit in the state treasury and
27 credit to the general fund.

28 (b) In a county which has a screener-collector position,
29 fees paid by a county pursuant to this subdivision shall be
30 transmitted monthly to the county treasurer, who shall apply the
31 fees first to reimburse the county for the amount of the salary
32 paid for the screener-collector position. The balance of the
33 fees collected shall then be forwarded to the commissioner of
34 finance for deposit in the state treasury and credited to the
35 general fund. In a county in a judicial district under section
36 480.181, subdivision 1, paragraph (b), which has a
37 screener-collector position, the fees paid by a county shall be
38 transmitted monthly to the commissioner of finance for deposit
39 in the state treasury and credited to the general fund. A
40 screener-collector position for purposes of this paragraph is an
41 employee whose function is to increase the collection of fines
42 and to review the incomes of potential clients of the public

1 defender, in order to verify eligibility for that service.

2 (c) No fee is required under this section from the public
3 authority or the party the public authority represents in an
4 action for:

5 (1) child support enforcement or modification, medical
6 assistance enforcement, or establishment of parentage in the
7 district court, or in a proceeding under section 484.702;

8 (2) civil commitment under chapter 253B;

9 (3) the appointment of a public conservator or public
10 guardian or any other action under chapters 252A and 525;

11 (4) wrongfully obtaining public assistance under section
12 256.98 or 256D.07, or recovery of overpayments of public
13 assistance;

14 (5) court relief under chapter 260;

15 (6) forfeiture of property under sections 169A.63 and
16 609.531 to 609.5317;

17 (7) recovery of amounts issued by political subdivisions or
18 public institutions under sections 246.52, 252.27, 256.045,
19 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331,
20 and 260C.331, or other sections referring to other forms of
21 public assistance;

22 (8) restitution under section 611A.04; or

23 (9) actions seeking monetary relief in favor of the state
24 pursuant to section 16D.14, subdivision 5.

25 (d) ~~The fees~~ \$20 from each fee collected for child support
26 modifications under subdivision 2, clause (13), must be
27 transmitted to the county treasurer for deposit in the county
28 general fund and \$35 from each fee shall be credited to the
29 state general fund. The fees must be used by the county to pay
30 for child support enforcement efforts by county attorneys.

31 Sec. 2. Minnesota Statutes 2004, section 357.021,
32 subdivision 2, is amended to read:

33 Subd. 2. [FEE AMOUNTS.] The fees to be charged and
34 collected by the court administrator shall be as follows:

35 (1) In every civil action or proceeding in said court,
36 including any case arising under the tax laws of the state that

1 could be transferred or appealed to the Tax Court, the
2 plaintiff, petitioner, or other moving party shall pay, when the
3 first paper is filed for that party in said action, a fee of
4 \$235.

5 The defendant or other adverse or intervening party, or any
6 one or more of several defendants or other adverse or
7 intervening parties appearing separately from the others, shall
8 pay, when the first paper is filed for that party in said
9 action, a fee of \$235.

10 The party requesting a trial by jury shall pay \$75.

11 The fees above stated shall be the full trial fee
12 chargeable to said parties irrespective of whether trial be to
13 the court alone, to the court and jury, or disposed of without
14 trial, and shall include the entry of judgment in the action,
15 but does not include copies or certified copies of any papers so
16 filed or proceedings under chapter 103E, except the provisions
17 therein as to appeals.

18 (2) Certified copy of any instrument from a civil or
19 criminal proceeding, \$10, and \$5 for an uncertified copy.

20 (3) Issuing a subpoena, \$12 for each name.

21 (4) Filing a motion or response to a motion in civil,
22 family, excluding child support, and guardianship cases, \$55.

23 (5) Issuing an execution and filing the return thereof;
24 issuing a writ of attachment, injunction, habeas corpus,
25 mandamus, quo warranto, certiorari, or other writs not
26 specifically mentioned, \$40.

27 (6) Issuing a transcript of judgment, or for filing and
28 docketing a transcript of judgment from another court, \$30.

29 (7) Filing and entering a satisfaction of judgment, partial
30 satisfaction, or assignment of judgment, \$5.

31 (8) Certificate as to existence or nonexistence of
32 judgments docketed, \$5 for each name certified to.

33 (9) Filing and indexing trade name; or recording basic
34 science certificate; or recording certificate of physicians,
35 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

36 (10) For the filing of each partial, final, or annual

1 account in all trusteeships, \$40.

2 (11) For the deposit of a will, \$20.

3 (12) For recording notary commission, \$100, of which,
4 notwithstanding subdivision 1a, paragraph (b), \$80 must be
5 forwarded to the commissioner of finance to be deposited in the
6 state treasury and credited to the general fund.

7 (13) Filing a motion or response to a motion for
8 modification of child support, a fee ~~fixed-by-rule-or-order-of~~
9 ~~the-Supreme-Court~~ of \$55.

10 (14) All other services required by law for which no fee is
11 provided, such fee as compares favorably with those herein
12 provided, or such as may be fixed by rule or order of the court.

13 (15) In addition to any other filing fees under this
14 chapter, a surcharge in the amount of \$75 must be assessed in
15 accordance with section 259.52, subdivision 14, for each
16 adoption petition filed in district court to fund the fathers'
17 adoption registry under section 259.52.

18 The fees in clauses (3) and (5) need not be paid by a
19 public authority or the party the public authority represents."

20 Page 1, line 20, delete "\$....." and insert "\$50."

21 Page 62, line 6, delete the first "\$....." and insert
22 "\$860,000" and delete the second "\$....." and insert
23 "\$1,350,000"

24 Page 62, line 13, delete "\$....." and insert "\$1,350,000."

25 Page 62, line 14, delete "\$....." and insert "\$1,320,000"

26 Renumber the sections in sequence

27 Amend the title as follows:

28 Page 1, line 2, after the semicolon, insert "increasing
29 fees related to marriage and child support;"

30 Page 1, line 6, after "sections" insert "357.021,
31 subdivisions 1a, 2;"

32 And when so amended the bill do pass. Amendments adopted.
33 Report adopted.

34
35 (Committee Chair)
36
37 May 4, 2005.....
38 (Date of Committee recommendation)

1 A bill for an act

2 relating to civil law; reforming law relating to child
3 support; establishing criteria for support
4 obligations; defining parents' rights and
5 responsibilities; appropriating money; amending
6 Minnesota Statutes 2004, sections 518.005, by adding a
7 subdivision; 518.54, subdivisions 7, 8; 518.55,
8 subdivision 4; 518.551, subdivisions 5, 5b; 518.62;
9 518.64, subdivision 2, by adding subdivisions; 518.68,
10 subdivision 2; proposing coding for new law in
11 Minnesota Statutes, chapter 518; repealing Minnesota
12 Statutes 2004, sections 518.171; 518.54, subdivisions
13 2, 4, 4a; 518.551, subdivisions 1, 5a, 5c, 5f.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

15 Section 1. Minnesota Statutes 2004, section 518.005, is
16 amended by adding a subdivision to read:

17 Subd. 6. [FILING FEE.] The initial pleading filed in all
18 proceedings for dissolution of marriage, legal separation, or
19 annulment or proceedings to establish child support obligations
20 shall be accompanied by a filing fee of \$..... The fee is in
21 addition to any other prescribed by law or rule.

22 Sec. 2. Minnesota Statutes 2004, section 518.54,
23 subdivision 7, is amended to read:

24 Subd. 7. [OBLIGEE.] "Obligee" means a person to whom
25 payments for maintenance ~~or support~~ are owed.

26 Sec. 3. Minnesota Statutes 2004, section 518.54,
27 subdivision 8, is amended to read:

28 Subd. 8. [OBLIGOR.] "Obligor" means a person obligated
29 ordered to pay maintenance or child support. A person who is

1 designated as the sole physical custodian of a child is presumed
2 not to be an obligor for purposes of calculating current support
3 ~~under section 518.551~~ unless the court makes specific written
4 findings to overcome this presumption. For purposes of ordering
5 medical support under section 518.719, a custodial parent may be
6 an obligor subject to a cost-of-living adjustment under section
7 518.641 and a payment agreement under section 518.553.

8 Sec. 4. Minnesota Statutes 2004, section 518.55,
9 subdivision 4, is amended to read:

10 Subd. 4. [DETERMINATION OF CONTROLLING ORDER.] The public
11 authority or a party may request the district court to determine
12 a controlling order in situations in which more than one order
13 involving the same obligor and child exists. The court shall
14 presume that the latest order that involves the same obligor and
15 joint child is controlling, subject to contrary proof.

16 Sec. 5. Minnesota Statutes 2004, section 518.551,
17 subdivision 5, is amended to read:

18 Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] ~~(a)~~ The
19 petitioner shall notify the public authority of all proceedings
20 for dissolution, legal separation, determination of parentage or
21 for the custody of a child, if either party is receiving public
22 assistance or applies for it subsequent to the commencement of
23 the proceeding. The notice must contain the full names of the
24 parties to the proceeding, their Social Security account
25 numbers, and their birth dates. After receipt of the notice,
26 the court shall set child support as provided in ~~this~~
27 ~~subdivision~~ section 518.725. The court may order either or both
28 parents owing a duty of support to a child of the marriage to
29 pay an amount reasonable or necessary for the child's support,
30 without regard to marital misconduct. The court shall approve a
31 child support stipulation of the parties if each party is
32 represented by independent counsel, unless the stipulation does
33 not meet the conditions of paragraph ~~(i)~~ (b). In other cases
34 the court shall determine and order child support in a specific
35 dollar amount in accordance with the guidelines and the other
36 factors set forth in ~~paragraph-(c)~~ section 518.714 and any

1 departure therefrom. The court may also order the obligor to
 2 pay child support in the form of a percentage share of the
 3 obligor's net bonuses, commissions, or other forms of
 4 compensation, in addition to, or if the obligor receives no base
 5 pay, in lieu of, an order for a specific dollar amount.

6 ~~(b)-The court shall derive a specific dollar amount for~~
 7 ~~child support by multiplying the obligor's net income by the~~
 8 ~~percentage indicated by the following guidelines:~~

9 ~~Net Income Per-----Number of Children-~~

10 ~~Month of Obligor-~~

11 ~~-----1-----2-----3-----4-----5-----6-----7-or-~~

12 ~~-----more-~~

13 ~~\$550 and Below-----Order based on the ability of the-~~

14 ~~-----obligor to provide support--~~

15 ~~-----at these income levels, or at higher--~~

16 ~~-----levels, if the obligor has-~~

17 ~~-----the earning ability.-~~

18 ~~\$551---600---16%---19%---22%---25%---28%---30%---32%--~~

19 ~~\$601---650---17%---21%---24%---27%---29%---32%---34%--~~

20 ~~\$651---700---18%---22%---25%---28%---31%---34%---36%--~~

21 ~~\$701---750---19%---23%---27%---30%---33%---36%---38%--~~

22 ~~\$751---800---20%---24%---28%---31%---35%---38%---40%--~~

23 ~~\$801---850---21%---25%---29%---33%---36%---40%---42%--~~

24 ~~\$851---900---22%---27%---31%---34%---38%---41%---44%--~~

25 ~~\$901---950---23%---28%---32%---36%---40%---43%---46%--~~

26 ~~\$951---1000---24%---29%---34%---38%---41%---45%---48%--~~

27 ~~\$1001---5000---25%---30%---35%---39%---43%---47%---50%--~~

28 ~~or the amount-~~

29 ~~in effect under~~

30 ~~paragraph (k)~~

31 ~~Guidelines for support for an obligor with a monthly income~~

32 ~~in excess of the income limit currently in effect under~~

33 ~~paragraph (k) shall be the same dollar amounts as provided for~~

34 ~~in the guidelines for an obligor with a monthly income equal to~~

35 ~~the limit in effect.~~

36 ~~Net Income defined as:-~~

1 -----

2 -----Total-monthly-

3 -----income-less-----*(i)-Federal-Income-Tax-

4 -----*(ii)-State-Income-Tax-

5 -----(iii)-Social-Security

6 -----Deductions-

7 -----(iv)-Reasonable

8 -----Pension-Deductions

9 -----*Standard-

10 -----Deductions-apply------(v)-Union-Dues-

11 -----use-of-tax-tables------(vi)-Cost-of-Dependent-Health

12 -----recommended-----Insurance-Coverage--

13 -----(vii)-Cost-of-Individual-or-Group

14 -----Health/Hospitalization

15 -----Coverage-or-an-----

16 -----Amount-for-Actual-

17 -----Medical-Expenses---

18 -----(viii)-A-Child-Support-or--

19 -----Maintenance-Order-that-is

20 -----Currently-Being-Paid.-

21 "Net-income"-does-not-include:

22 (1)-the-income-of-the-obligor's-spouse, but does include
23 in-kind payments received by the obligor in the course of
24 employment, self-employment, or operation of a business if the
25 payments reduce the obligor's living expenses, or

26 (2)-compensation received by a party for employment in
27 excess of a 40-hour work week, provided that:

28 (i)-support is nonetheless ordered in an amount at least
29 equal to the guidelines amount based on income not excluded
30 under this clause, and

31 (ii)-the party demonstrates, and the court finds, that:

32 (A)-the excess employment began after the filing of the
33 petition for dissolution,

34 (B)-the excess employment reflects an increase in the work
35 schedule or hours worked over that of the two years immediately
36 preceding the filing of the petition,

1 ~~(C) the excess employment is voluntary and not a condition~~
2 ~~of employment;~~

3 ~~(D) the excess employment is in the nature of additional,~~
4 ~~part-time or overtime employment compensable by the hour or~~
5 ~~fraction of an hour; and~~

6 ~~(E) the party's compensation structure has not been changed~~
7 ~~for the purpose of affecting a support or maintenance obligation.~~

8 The court shall review the work-related and
9 education-related child-care costs paid and shall allocate the
10 costs to each parent in proportion to each parent's net income,
11 as determined under this subdivision, after the transfer of
12 child support and spousal maintenance, unless the allocation
13 would be substantially unfair to either parent.---There is a
14 presumption of substantial unfairness if after the sum total of
15 child support, spousal maintenance, and child-care costs is
16 subtracted from the obligor's income, the income is at or below
17 100 percent of the federal poverty guidelines.---The cost of
18 child care for purposes of this paragraph is 75 percent of the
19 actual cost paid for child care, to reflect the approximate
20 value of state and federal tax credits available to the
21 obligee.---The actual cost paid for child care is the total
22 amount received by the child-care provider for the child or
23 children of the obligor from the obligee or any public agency.
24 The court shall require verification of employment or school
25 attendance and documentation of child-care expenses from the
26 obligee and the public agency, if applicable.---If child-care
27 expenses fluctuate during the year because of seasonal
28 employment or school attendance of the obligee or extended
29 periods of parenting time with the obligor, the court shall
30 determine child-care expenses based on an average monthly cost.
31 The amount allocated for child-care expenses is considered child
32 support but is not subject to a cost-of-living adjustment under
33 section 518.641.---The amount allocated for child-care expenses
34 terminates when either party notifies the public authority that
35 the child-care costs have ended and without any legal action on
36 the part of either party.---The public authority shall verify the

1 information-received-under-this-provision-before-authorizing
2 termination.---The-termination-is-effective-as-of-the-date-of-the
3 notification.---In-other-cases-where-there-is-a-substantial
4 increase-or-decrease-in-child-care-expenses, the-parties-may
5 modify-the-order-under-section-518.64.

6 The-court-may-allow-the-obligor-parent-to-care-for-the
7 child-while-the-obligee-parent-is-working, as-provided-in
8 section-518.175, subdivision-8, but-this-is-not-a-reason-to
9 deviate-from-the-guidelines.

10 (c)-In-addition-to-the-child-support-guidelines, the-court
11 shall-take-into-consideration-the-following-factors-in-setting
12 or-modifying-child-support-or-in-determining-whether-to-deviate
13 from-the-guidelines:

14 (1)-all-earnings, income, and-resources-of-the-parents,
15 including-real-and-personal-property, but-excluding-income-from
16 excess-employment-of-the-obligor-or-obligee-that-meets-the
17 criteria-of-paragraph-(b), clause-(2)(ii);

18 (2)-the-financial-needs-and-resources, physical-and
19 emotional-condition, and-educational-needs-of-the-child-or
20 children-to-be-supported;

21 (3)-the-standard-of-living-the-child-would-have-enjoyed-had
22 the-marriage-not-been-dissolved, but-recognizing-that-the
23 parents-now-have-separate-households;

24 (4)-which-parent-receives-the-income-taxation-dependency
25 exemption-and-what-financial-benefit-the-parent-receives-from
26 it;

27 (5)-the-parents'-debts-as-provided-in-paragraph-(d); and

28 (6)-the-obligor's receipt-of-public-assistance-under-the
29 AFDC-program-formerly-codified-under-sections-256.72-to-256.82
30 or-256B.01-to-256B.40-and-chapter-256J-or-256K.

31 (d)-In-establishing-or-modifying-a-support-obligation, the
32 court-may-consider-debts-owed-to-private-creditors, but-only-if:

33 (1)-the-right-to-support-has-not-been-assigned-under
34 section-256.741;

35 (2)-the-court-determines-that-the-debt-was-reasonably
36 incurred-for-necessary-support-of-the-child-or-parent-or-for-the

1 necessary-generation-of-income.--If-the-debt-was-incurred-for
2 the-necessary-generation-of-income, the-court-shall-consider
3 only-the-amount-of-debt-that-is-essential-to-the-continuing
4 generation-of-income, and

5 (3)-the-party-requesting-a-departure-produces-a-sworn
6 schedule-of-the-debts, with-supporting-documentation, showing
7 goods-or-services-purchased, the-recipient-of-them, the-amount
8 of-the-original-debt, the-outstanding-balance, the-monthly
9 payment, and-the-number-of-months-until-the-debt-will-be-fully
10 paid.

11 (e)-Any-schedule-prepared-under-paragraph-(d), clause-(3),
12 shall-contain-a-statement-that-the-debt-will-be-fully-paid-after
13 the-number-of-months-shown-in-the-schedule, barring-emergencies
14 beyond-the-party's-control.

15 (f)-Any-further-departure-below-the-guidelines-that-is
16 based-on-a-consideration-of-debts-owed-to-private-creditors
17 shall-not-exceed-18-months-in-duration, after-which-the-support
18 shall-increase-automatically-to-the-level-ordered-by-the-court.
19 Nothing-in-this-section-shall-be-construed-to-prohibit-one-or
20 more-step-increases-in-support-to-reflect-debt-retirement-during
21 the-18-month-period.

22 (g)-If-payment-of-debt-is-ordered-pursuant-to-this-section,
23 the-payment-shall-be-ordered-to-be-in-the-nature-of-child
24 support.

25 (h)-Nothing-shall-preclude-the-court-from-receiving
26 evidence-on-the-above-factors-to-determine-if-the-guidelines
27 should-be-exceeded-or-modified-in-a-particular-case.

28 (i)-The-guidelines-in-this-subdivision-are-a-rebuttable
29 presumption-and-shall-be-used-in-all-cases-when-establishing-or
30 modifying-child-support.--If-the-court-does-not-deviate-from-the
31 guidelines, the-court-shall-make-written-findings-concerning-the
32 amount-of-the-obligor's-income-used-as-the-basis-for-the
33 guidelines-calculation-and-any-other-significant-evidentiary
34 factors-affecting-the-determination-of-child-support.--If-the
35 court-deviates-from-the-guidelines, the-court-shall-make-written
36 findings-giving-the-amount-of-support-calculated-under-the

1 guidelines, the reasons for the deviation, and shall
2 specifically address the criteria in paragraph (c) and how the
3 deviation serves the best interest of the child. The court may
4 deviate from the guidelines if both parties agree and the court
5 makes written findings that it is in the best interests of the
6 child, except that in cases where child support payments are
7 assigned to the public agency under section 256.741, the court
8 may deviate downward only as provided in paragraph (j). Nothing
9 in this paragraph prohibits the court from deviating in other
10 cases. The provisions of this paragraph apply whether or not
11 the parties are each represented by independent counsel and have
12 entered into a written agreement. The court shall review
13 stipulations presented to it for conformity to the guidelines
14 and the court is not required to conduct a hearing, but the
15 parties shall provide the documentation of earnings required
16 under subdivision 5b.

17 (j) If the child support payments are assigned to the
18 public agency under section 256.741, the court may not deviate
19 downward from the child support guidelines unless the court
20 specifically finds that the failure to deviate downward would
21 impose an extreme hardship on the obligor.

22 (k) The dollar amount of the income limit for application
23 of the guidelines must be adjusted on July 1 of every
24 even-numbered year to reflect cost of living changes. The
25 Supreme Court shall select the index for the adjustment from the
26 indices listed in section 518.641. The state court
27 administrator shall make the changes in the dollar amount
28 required by this paragraph available to courts and the public on
29 or before April 30 of the year in which the amount is to change.

30 (l) In establishing or modifying child support, if a child
31 receives a child's insurance benefit under United States Code,
32 title 42, section 402, because the obligor is entitled to old
33 age or disability insurance benefits, the amount of support
34 ordered shall be offset by the amount of the child's benefit.
35 The court shall make findings regarding the obligor's income
36 from all sources, the child support amount calculated under this

~~1 section, the amount of the child's benefit, and the obligor's~~
~~2 child support obligation. Any benefit received by the child in~~
~~3 a given month in excess of the child support obligation shall~~
~~4 not be treated as an arrearage payment or a future payment.~~

5 Sec. 6. Minnesota Statutes 2004, section 518.551,
6 subdivision 5b, is amended to read:

7 Subd. 5b. [DETERMINATION OF INCOME.] (a) ~~The parties shall~~
~~8 timely serve and file documentation of earnings and income. When~~
~~9 there is a prehearing conference, the court must receive the~~
10 documentation of income at least ten days prior to the
11 prehearing conference. Documentation of earnings and income
12 also includes, but is not limited to, pay stubs for the most
13 recent three months, employer statements, or statement of
14 receipts and expenses if self-employed. Documentation of
15 earnings and income also includes copies of each parent's most
16 recent federal tax returns, including W-2 forms, 1099 forms,
17 unemployment benefits statements, workers' compensation
18 statements, and all other documents evidencing income as
19 received that provide verification of income over a longer
20 period. In any case where the parties have joint children for
21 which a child support order must be determined, the parties
22 shall serve and file with their initial pleadings or motion
23 documents, a financial affidavit, disclosing all sources of
24 gross income and other information sufficient to calculate gross
25 income and adjusted gross income. The financial affidavit shall
26 include supporting documentation for all adjusted gross income,
27 including, but not limited to, pay stubs for the most recent
28 three months, employer statements, or statements of receipts and
29 expenses if self-employed. Documentation of earnings and income
30 also include copies of each parent's most recent federal tax
31 returns, including W-2 forms, 1099 forms, unemployment benefit
32 statements, workers' compensation statements, and all other
33 documents evidencing earnings or income as received that provide
34 verification for the financial affidavit.

35 (b) In addition to the requirements of paragraph (a), at
36 any time after an action seeking child support has been

1 commenced or when a child support order is in effect, a party or
2 the public authority may require the other party to give them a
3 copy of the party's most recent federal tax returns that were
4 filed with the Internal Revenue Service. The party shall
5 provide a copy of the tax returns within 30 days of receipt of
6 the request unless the request is not made in good faith. A
7 request under this paragraph may not be made more than once
8 every two years, in the absence of good cause.

9 (c) If a parent under the jurisdiction of the court does
10 ~~not appear-at-a-court-hearing-after-proper-notice-of-the-time~~
11 ~~and-place-of-the-hearing~~ serve and file the financial affidavit
12 with the parent's initial pleading, the court shall set income
13 for that parent based on credible evidence before the court or
14 in accordance with ~~paragraph-(d)~~ section 518.712, subdivision 19.
15 Credible evidence may include documentation of current or recent
16 income, testimony of the other parent concerning recent earnings
17 and income levels, and the parent's wage reports filed with the
18 Minnesota Department of Employment and Economic Development
19 under section 268.044.

20 ~~(d)-If-the-court-finds-that-a-parent-is-voluntarily~~
21 ~~unemployed-or-underemployed-or-was-voluntarily-unemployed-or~~
22 ~~underemployed-during-the-period-for-which-past-support-is-being~~
23 ~~sought,-support-shall-be-calculated-based-on-a-determination-of~~
24 ~~imputed-income.---A-parent-is-not-considered-voluntarily~~
25 ~~unemployed-or-underemployed-upon-a-showing-by-the-parent-that~~
26 ~~the-unemployment-or-underemployment:--(1)-is-temporary-and-will~~
27 ~~ultimately-lead-to-an-increase-in-income,-or-(2)-represents-a~~
28 ~~bona-fide-career-change-that-outweighs-the-adverse-effect-of~~
29 ~~that-parent's-diminished-income-on-the-child.---Imputed-income~~
30 ~~means-the-estimated-earning-ability-of-a-parent-based-on-the~~
31 ~~parent's-prior-earnings-history,-education,-and-job-skills,-and~~
32 ~~on-availability-of-jobs-within-the-community-for-an-individual~~
33 ~~with-the-parent's-qualifications.~~

34 ~~(e)-If-there-is-insufficient-information-to-determine~~
35 ~~actual-income-or-to-impute-income-pursuant-to-paragraph-(d),-the~~
36 ~~court-may-calculate-support-based-on-full-time-employment-of-40~~

1 hours-per-week-at-150-percent-of-the-federal-minimum-wage-or-the
 2 Minnesota-minimum-wage, whichever-is-higher.---If-a-parent-is-a
 3 recipient-of-public-assistance-under-section-256.741, or-is
 4 physically-or-mentally-incapacitated, it-shall-be-presumed-that
 5 the-parent-is-not-voluntarily-unemployed-or-underemployed.
 6 (f)-Income-from-self-employment-is-equal-to-gross-receipts
 7 minus-ordinary-and-necessary-expenses.--Ordinary-and-necessary
 8 expenses-do-not-include-amounts-allowed-by-the-Internal-Revenue
 9 Service-for-accelerated-depreciation-expenses-or-investment-tax
 10 credits-or-any-other-business-expenses-determined-by-the-court
 11 to-be-inappropriate-for-determining-income-for-purposes-of-child
 12 support.--The-person-seeking-to-deduct-an-expense, including
 13 depreciation, has-the-burden-of-proving, if-challenged, that-the
 14 expense-is-ordinary-and-necessary.--Net-income-under-this
 15 section-may-be-different-from-taxable-income.

16 Sec. 7. [518.6197] [CHILD SUPPORT DEBT/ARREARAGE
 17 MANAGEMENT.]

18 In order to reduce and otherwise manage support debts and
 19 arrearages, the parties, including the public authority where
 20 arrearages have been assigned to the public authority, may
 21 compromise unpaid support debts or arrearages owed by one party
 22 to another, whether or not docketed as a judgment. A party may
 23 agree or disagree to compromise only those debts or arrearages
 24 owed to that party.

25 Sec. 8. Minnesota Statutes 2004, section 518.62, is
 26 amended to read:

27 518.62 [TEMPORARY MAINTENANCE.]

28 Temporary maintenance and-temporary-support may be awarded
 29 as provided in section 518.131. The court may also award to
 30 either party to the proceeding, having due regard to all the
 31 circumstances and the party awarded the custody of the children,
 32 the right to the exclusive use of the household goods and
 33 furniture of the parties pending the proceeding and the right to
 34 the use of the homestead of the parties, exclusive or otherwise,
 35 pending the proceeding. The court may order either party to
 36 remove from the homestead of the parties upon proper application

1 to the court for an order pending the proceeding.

2 Sec. 9. Minnesota Statutes 2004, section 518.64,
3 subdivision 2, is amended to read:

4 Subd. 2. [MODIFICATION.] (a) The terms of an order
5 respecting maintenance or support may be modified upon a showing
6 of one or more of the following: (1) substantially increased or
7 decreased earnings-of-a-party gross income of an obligor or
8 obligee; (2) substantially increased or decreased need of a
9 party an obligor or obligee or the child or children that are
10 the subject of these proceedings; (3) receipt of assistance
11 under the AFDC program formerly codified under sections 256.72
12 to 256.87 or 256B.01 to 256B.40, or chapter 256J or 256K; (4) a
13 change in the cost of living for either party as measured by the
14 Federal Bureau of Labor Statistics, any of which makes the terms
15 unreasonable and unfair; (5) extraordinary medical expenses of
16 the child not provided for under section 518.171; or (6) the
17 addition of work-related or education-related child care
18 expenses of the obligee or a substantial increase or decrease in
19 existing work-related or education-related child care expenses;
20 (7) upon the emancipation of the child if there is still a child
21 under the order. A child support obligation for two or more
22 children that is not a support obligation in a specific amount
23 per child continues in the full amount until modified or until
24 the emancipation of the last child that the order was made.

25 ~~On-a-motion-to-modify-support, the needs of any child the~~
26 ~~obligor has after the entry of the support order that is the~~
27 ~~subject of a modification motion shall be considered as provided~~
28 ~~by section 518.551, subdivision 5f.~~

29 (b) It is presumed that there has been a substantial change
30 in circumstances under paragraph (a) and the terms of a current
31 support order shall be rebuttably presumed to be unreasonable
32 and unfair if:

33 (1) the application of the child support guidelines in
34 section 518.551, subdivision 5, to the current circumstances of
35 the parties results in a calculated court order that is at least
36 20 percent and at least \$50 \$75 per month higher or lower than

1 the current support order;

2 (2) the medical support provisions of the order established
3 under section ~~518.171~~ 518.719 are not enforceable by the public
4 authority or the obligee;

5 (3) health coverage ordered under section ~~518.171~~ 518.719
6 is not available to the child for whom the order is established
7 by the parent ordered to provide; or

8 (4) the existing support obligation is in the form of a
9 statement of percentage and not a specific dollar amount.

10 (c) A child support order is not presumptively modifiable
11 solely because an obligor or obligee becomes responsible for the
12 support of an additional nonjoint child, which is born after an
13 existing order.

14 (d) On a motion for modification of maintenance, including
15 a motion for the extension of the duration of a maintenance
16 award, the court shall apply, in addition to all other relevant
17 factors, the factors for an award of maintenance under section
18 518.552 that exist at the time of the motion. On a motion for
19 modification of support, the court:

20 (1) shall apply section ~~518.551, subdivision 5~~ 518.725, and
21 shall not consider the financial circumstances of each party's
22 spouse, if any; and

23 (2) shall not consider compensation received by a party for
24 employment in excess of a 40-hour work week, provided that the
25 party demonstrates, and the court finds, that:

26 (i) the excess employment began after entry of the existing
27 support order;

28 (ii) the excess employment is voluntary and not a condition
29 of employment;

30 (iii) the excess employment is in the nature of additional,
31 part-time employment, or overtime employment compensable by the
32 hour or fractions of an hour;

33 (iv) the party's compensation structure has not been
34 changed for the purpose of affecting a support or maintenance
35 obligation;

36 (v) in the case of an obligor, current child support

1 payments are at least equal to the guidelines amount based on
2 income not excluded under this clause; and

3 (vi) in the case of an obligor who is in arrears in child
4 support payments to the obligee, any net income from excess
5 employment must be used to pay the arrearages until the
6 arrearages are paid in full.

7 ~~(d)~~ (e) A modification of support or maintenance, including
8 interest that accrued pursuant to section 548.091, may be made
9 retroactive only with respect to any period during which the
10 petitioning party has pending a motion for modification but only
11 from the date of service of notice of the motion on the
12 responding party and on the public authority if public
13 assistance is being furnished or the county attorney is the
14 attorney of record. ~~However, modification may be applied to an
15 earlier period if the court makes express findings that:~~

16 ~~(1) the party seeking modification was precluded from
17 serving a motion by reason of a significant physical or mental
18 disability, a material misrepresentation of another party, or
19 fraud upon the court and that the party seeking modification,
20 when no longer precluded, promptly served a motion;~~

21 ~~(2) the party seeking modification was a recipient of
22 federal Supplemental Security Income (SSI), Title II Older
23 Americans, Survivor's Disability Insurance (OASDI), other
24 disability benefits, or public assistance based upon need during
25 the period for which retroactive modification is sought;~~

26 ~~(3) the order for which the party seeks amendment was
27 entered by default, the party shows good cause for not
28 appearing, and the record contains no factual evidence, or
29 clearly erroneous evidence regarding the individual obligor's
30 ability to pay; or~~

31 ~~(4) the party seeking modification was institutionalized or
32 incarcerated for an offense other than nonsupport of a child
33 during the period for which retroactive modification is sought
34 and lacked the financial ability to pay the support ordered
35 during that time period. -- In determining whether to allow the
36 retroactive modification, the court shall consider whether and~~

1 ~~when a request was made to the public authority for support~~
2 ~~modification.~~

3 The court may provide that a reduction in the amount allocated
4 for child care expenses based on a substantial decrease in the
5 expenses is effective as of the date the expenses decreased.

6 ~~(e)~~ (f) Except for an award of the right of occupancy of
7 the homestead, provided in section 518.63, all divisions of real
8 and personal property provided by section 518.58 shall be final,
9 and may be revoked or modified only where the court finds the
10 existence of conditions that justify reopening a judgment under
11 the laws of this state, including motions under section 518.145,
12 subdivision 2. The court may impose a lien or charge on the
13 divided property at any time while the property, or subsequently
14 acquired property, is owned by the parties or either of them,
15 for the payment of maintenance or support money, or may
16 sequester the property as is provided by section 518.24.

17 ~~(f)~~ (g) The court need not hold an evidentiary hearing on a
18 motion for modification of maintenance or support.

19 ~~(g)~~ (h) Section 518.14 shall govern the award of attorney
20 fees for motions brought under this subdivision.

21 (i) An enactment, amendment, or repeal of law does not
22 constitute a substantial change in the circumstances for
23 purposes of modifying a child support order.

24 (j) There may be no modification of an existing child
25 support order during the first year following the effective date
26 of sections 518.712 to 518.729 except as follows:

27 (1) there is at least a 20 percent change in the gross
28 income of the obligor;

29 (2) there is a change in the number of joint children for
30 whom the obligor is legally responsible and actually supporting;

31 (3) the child supported by the existing child support order
32 becomes disabled; or

33 (4) both parents consent to modification of the existing
34 order in compliance with the new income shares guidelines.

35 (k) On the first modification under the income shares
36 method of calculation, the modification of basic support may be

1 limited if the amount of the full variance would create hardship
2 for either the obligor or the obligee.
3 Paragraph (j) expires January 1, 2008.

4 Sec. 10. Minnesota Statutes 2004, section 518.64, is
5 amended by adding a subdivision to read:

6 Subd. 7. [CHILD CARE EXCEPTION.] The court may provide
7 that a reduction in the amount allocated for child care expenses
8 based on a substantial decrease in the expenses is effective as
9 of the date the expense is decreased.

10 Sec. 11. Minnesota Statutes 2004, section 518.64, is
11 amended by adding a subdivision to read:

12 Subd. 8. [CHILD SUPPORT DEBT AND ARREARAGE
13 MANAGEMENT.] The parties, including the public authority, may
14 compromise child support debt or arrearages owed by one party to
15 another, whether or not reduced to judgment, upon agreement of
16 the parties involved.

17 Sec. 12. Minnesota Statutes 2004, section 518.68,
18 subdivision 2, is amended to read:

19 Subd. 2. [CONTENTS.] The required notices must be
20 substantially as follows:

21 **IMPORTANT NOTICE**

22 **1. PAYMENTS TO PUBLIC AGENCY**

23 According to Minnesota Statutes, section 518.551,
24 subdivision 1, payments ordered for maintenance and support
25 must be paid to the public agency responsible for child
26 support enforcement as long as the person entitled to
27 receive the payments is receiving or has applied for public
28 assistance or has applied for support and maintenance
29 collection services. MAIL PAYMENTS TO:

30 **2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A**
31 **FELONY**

32 A person may be charged with a felony who conceals a minor
33 child or takes, obtains, retains, or fails to return a
34 minor child from or to the child's parent (or person with
35 custodial or visitation rights), according to Minnesota
36 Statutes, section 609.26. A copy of that section is

1 available from any district court clerk.

2 3. NONSUPPORT OF A SPOUSE OR CHILD -- CRIMINAL PENALTIES

3 A person who fails to pay court-ordered child support or
4 maintenance may be charged with a crime, which may include
5 misdemeanor, gross misdemeanor, or felony charges,
6 according to Minnesota Statutes, section 609.375. A copy
7 of that section is available from any district court clerk.

8 4. RULES OF SUPPORT, MAINTENANCE, PARENTING TIME

9 (a) Payment of support or spousal maintenance is to be as
10 ordered, and the giving of gifts or making purchases of
11 food, clothing, and the like will not fulfill the
12 obligation.

13 (b) Payment of support must be made as it becomes due, and
14 failure to secure or denial of parenting time is NOT an
15 excuse for nonpayment, but the aggrieved party must seek
16 relief through a proper motion filed with the court.

17 (c) Nonpayment of support is not grounds to deny parenting
18 time. The party entitled to receive support may apply for
19 support and collection services, file a contempt motion, or
20 obtain a judgment as provided in Minnesota Statutes,
21 section 548.091.

22 (d) The payment of support or spousal maintenance takes
23 priority over payment of debts and other obligations.

24 (e) A party who accepts additional obligations of support
25 does so with the full knowledge of the party's prior
26 obligation under this proceeding.

27 (f) Child support or maintenance is based on annual income,
28 and it is the responsibility of a person with seasonal
29 employment to budget income so that payments are made
30 throughout the year as ordered.

31 (g) If the obligor is laid off from employment or receives
32 a pay reduction, support may be reduced, but only if a
33 motion to reduce the support is served and filed with the
34 court. Any reduction will take effect only if ordered by
35 the court and may only relate back to the time that the
36 motion is filed. If a motion is not filed, the support

1 obligation will continue at the current level. The court
2 is not permitted to reduce support retroactively, except as
3 provided in Minnesota Statutes, section 518.64, subdivision
4 2, paragraph (c).

5 (h) Reasonable parenting time guidelines are contained in
6 Appendix B, which is available from the court administrator.

7 (i) The nonpayment of support may be enforced through the
8 denial of student grants; interception of state and federal
9 tax refunds; suspension of driver's, recreational, and
10 occupational licenses; referral to the department of
11 revenue or private collection agencies; seizure of assets,
12 including bank accounts and other assets held by financial
13 institutions; reporting to credit bureaus; interest
14 charging, income withholding, and contempt proceedings; and
15 other enforcement methods allowed by law.

16 (j) The public authority may suspend or resume collection
17 of the amount allocated for child care expenses if the
18 conditions of section 518.551, subdivision 5, paragraph
19 (b), are met.

20 5. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17,
21 SUBDIVISION 3

22 Unless otherwise provided by the Court:

23 (a) Each party has the right of access to, and to receive
24 copies of, school, medical, dental, religious training, and
25 other important records and information about the minor
26 children. Each party has the right of access to
27 information regarding health or dental insurance available
28 to the minor children. Presentation of a copy of this
29 order to the custodian of a record or other information
30 about the minor children constitutes sufficient
31 authorization for the release of the record or information
32 to the requesting party.

33 (b) Each party shall keep the other informed as to the name
34 and address of the school of attendance of the minor
35 children. Each party has the right to be informed by
36 school officials about the children's welfare, educational

1 progress and status, and to attend school and parent
2 teacher conferences. The school is not required to hold a
3 separate conference for each party.

4 (c) In case of an accident or serious illness of a minor
5 child, each party shall notify the other party of the
6 accident or illness, and the name of the health care
7 provider and the place of treatment.

8 (d) Each party has the right of reasonable access and
9 telephone contact with the minor children.

10 6. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

11 Child support and/or spousal maintenance may be withheld
12 from income, with or without notice to the person obligated
13 to pay, when the conditions of Minnesota Statutes, section
14 518.6111 have been met. A copy of those sections is
15 available from any district court clerk.

16 7. CHANGE OF ADDRESS OR RESIDENCE

17 Unless otherwise ordered, each party shall notify the other
18 party, the court, and the public authority responsible for
19 collection, if applicable, of the following information
20 within ten days of any change: the residential and mailing
21 address, telephone number, driver's license number, Social
22 Security number, and name, address, and telephone number of
23 the employer.

24 8. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

25 Child support and/or spousal maintenance may be adjusted
26 every two years based upon a change in the cost of living
27 (using Department of Labor Consumer Price Index,
28 unless otherwise specified in this order) when the
29 conditions of Minnesota Statutes, section 518.641, are met.
30 Cost of living increases are compounded. A copy of
31 Minnesota Statutes, section 518.641, and forms necessary to
32 request or contest a cost of living increase are available
33 from any district court clerk.

34 9. JUDGMENTS FOR UNPAID SUPPORT

35 If a person fails to make a child support payment, the
36 payment owed becomes a judgment against the person

1 responsible to make the payment by operation of law on or
2 after the date the payment is due, and the person entitled
3 to receive the payment or the public agency may obtain
4 entry and docketing of the judgment WITHOUT NOTICE to the
5 person responsible to make the payment under Minnesota
6 Statutes, section 548.091. Interest begins to accrue on a
7 payment or installment of child support whenever the unpaid
8 amount due is greater than the current support due,
9 according to Minnesota Statutes, section 548.091,
10 subdivision 1a.

11 10. JUDGMENTS FOR UNPAID MAINTENANCE

12 A judgment for unpaid spousal maintenance may be entered
13 when the conditions of Minnesota Statutes, section 548.091,
14 are met. A copy of that section is available from any
15 district court clerk.

16 11. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD
17 SUPPORT

18 A judgment for attorney fees and other collection costs
19 incurred in enforcing a child support order will be entered
20 against the person responsible to pay support when the
21 conditions of section 518.14, subdivision 2, are met. A
22 copy of section 518.14 and forms necessary to request or
23 contest these attorney fees and collection costs are
24 available from any district court clerk.

25 12. PARENTING TIME EXPEDITOR PROCESS

26 On request of either party or on its own motion, the court
27 may appoint a parenting time expeditor to resolve parenting
28 time disputes under Minnesota Statutes, section 518.1751.
29 A copy of that section and a description of the expeditor
30 process is available from any district court clerk.

31 13. PARENTING TIME REMEDIES AND PENALTIES

32 Remedies and penalties for the wrongful denial of parenting
33 time are available under Minnesota Statutes, section
34 518.175, subdivision 6. These include compensatory
35 parenting time; civil penalties; bond requirements;
36 contempt; and reversal of custody. A copy of that

1 subdivision and forms for requesting relief are available
2 from any district court clerk.

3 Sec. 13. [518.712] [DEFINITIONS.]

4 Subdivision 1. [SCOPE.] The definitions in this section
5 apply to sections 518.712 to 518.753.

6 Subd. 2. [GROSS INCOME FOR DETERMINING CHILD SUPPORT.]
7 "Gross income for determining child support" means gross income
8 minus deductions for nonjoint children as allowed by section
9 518.717.

10 Subd. 3. [APPORTIONED VETERANS' BENEFITS.] "Apportioned
11 veterans' benefits" means the amount the Veterans Administration
12 deducts from the veteran's award and disburses to the child or
13 the child's representative payee. The apportionment of
14 veterans' benefits shall be that determined by the Veterans
15 Administration and governed by Code of Federal Regulations,
16 title 38, sections 3.450 to 3.458.

17 Subd. 4. [ARREARS.] "Arrears" are amounts that accrue
18 pursuant to an obligor's failure to comply with a support
19 order. Past support and pregnancy and confinement expenses
20 contained in a support order are arrears if the court order does
21 not contain repayment terms. Arrears also arise by the
22 obligor's failure to comply with the terms of a court order for
23 repayment of past support or pregnancy and confinement
24 expenses. An obligor's failure to comply with the terms for
25 repayment of amounts owed for past support or pregnancy and
26 confinement turns the entire amount owed into arrears.

27 Subd. 5. [BASIC SUPPORT.] "Basic support" means the
28 support obligation determined by applying the parent's adjusted
29 gross income, or if there are two parents, their combined
30 adjusted gross income, to the guideline in the manner set out in
31 section 518.725.

32 Basic support includes the dollar amount ordered for a
33 child's housing, food, clothing, transportation, and education
34 costs, and other expenses relating to the child's care. Basic
35 support does not include monetary contributions for a child's
36 child care expenses, and medical and dental expenses.

1 Subd. 6. [CHILD.] "Child" means an individual under 18
2 years of age, an individual under age 20 who is still attending
3 secondary school, or an individual who, by reason of physical or
4 mental condition, is incapable of self-support.

5 Subd. 7. [CHILD SUPPORT.] "Child support or support money"
6 means an amount for basic support, child care support, and
7 medical support pursuant to:

8 (1) an award in a dissolution, legal separation, annulment,
9 or parentage proceeding for the care, support, and education of
10 a child of the marriage or of the parties to the proceeding;

11 (2) a contribution by parents ordered under section 256.87;
12 or

13 (3) support ordered under chapter 518B or 518C.

14 Subd. 8. [DEPOSIT ACCOUNT.] "Deposit account" means funds
15 deposited with a financial institution in the form of a savings
16 account, checking account, NOW account, or demand deposit
17 account.

18 Subd. 9. [GROSS INCOME.] "Gross income" means:

19 (1) the gross income of the parent calculated pursuant to
20 section 518.7123; plus

21 (2) the potential income of the parent, if any, as
22 determined in subdivision 19; minus

23 (3) spousal maintenance that any party has been ordered to
24 pay.

25 Subd. 10. [IV-D CASE.] "IV-D case" means a case where a
26 party assigns rights to child support to the state because the
27 party receives public assistance, as defined in section 256.741,
28 or applies for child support services under title IV-D of the
29 Social Security Act, United States Code, title 42, section
30 654(4).

31 Subd. 11. [JOINT CHILD.] "Joint child" means the dependent
32 child who is the son or daughter of both parents in the support
33 proceeding. In those cases where support is sought from only
34 one parent of a child, a joint child is the child for whom
35 support is sought.

36 Subd. 12. [NONJOINT CHILD.] "Nonjoint child" means the

1 legal child of one, but not both of the parents subject to this
2 determination. Specifically excluded from this definition are
3 stepchildren.

4 Subd. 13. [OBLIGOR.] "Obligor" has the meaning provided by
5 section 518.54, subdivision 8.

6 Subd. 14. [OBLIGEE.] "Obligee" means a person to whom
7 payments for child support are owed.

8 Subd. 15. [PARENTING TIME.] "Parenting time" means the
9 amount of time a child is scheduled to spend with the parent
10 according to a court order. Parenting time includes time with
11 the child whether it is designated as visitation, physical
12 custody, or parenting time. For purposes of section 518.722,
13 the percentage of parenting time may be calculated by
14 calculating the number of overnights that a child spends with a
15 parent, or by using a method other than overnights as the parent
16 has significant time periods where the child is in the parent's
17 physical custody, but does not stay overnight.

18 Subd. 16. [PAYOR OF FUNDS.] "Payor of funds" means a
19 person or entity that provides funds to an obligor, including an
20 employer as defined under chapter 24, section 3401(d), of the
21 Internal Revenue Code, an independent contractor, payor of
22 workers' compensation benefits or unemployment insurance
23 benefits, or a financial institution as defined in section
24 13B.06.

25 Subd. 17. [POTENTIAL INCOME.] "Potential income" is income
26 determined under this subdivision.

27 (a) If a parent is voluntarily unemployed, underemployed,
28 or employed on a less than a full-time basis, or there is no
29 direct evidence of any income, child support shall be calculated
30 based on a determination of potential income. For purposes of
31 this determination, it is rebuttably presumed that a parent can
32 be gainfully employed on a full-time basis.

33 (b) Determination of potential income shall be made
34 according to one of three methods, as appropriate:

35 (1) the parent's probable earnings level based on
36 employment potential, recent work history, and occupational

1 qualifications in light of prevailing job opportunities and
2 earnings levels in the community; or

3 (2) if a parent is receiving unemployment compensation or
4 workers' compensation, that parent's income may be calculated
5 using the actual amount of the unemployment compensation or
6 workers' compensation benefit received; or

7 (3) the amount of income a parent could earn working
8 full-time at 150 percent of the current federal or state minimum
9 wage, whichever is higher.

10 (c) A parent is not considered voluntarily unemployed or
11 underemployed upon a showing by the parent that:

12 (1) unemployment or underemployment is temporary and will
13 ultimately lead to an increase in income;

14 (2) the unemployment or underemployment represents a bona
15 fide career change that outweighs the adverse effect of that
16 parent's diminished income on the child; or

17 (3) the parent is unable to work full-time due to a
18 verified disability or due to incarceration.

19 (d) As used in this section, "full-time" means 40 hours of
20 work in a week except in those industries, trades, or
21 professions in which most employers due to custom, practice, or
22 agreement utilize a normal work week of more or less than 40
23 hours in a week.

24 (e) If the parent of a joint child is a recipient of a
25 temporary assistance to a needy family (TANF) cash grant, no
26 potential income shall be imputed to that parent.

27 (f) If a parent stays at home to care for a child who is
28 subject to the child support order, the court may consider the
29 following factors when determining whether the parent is
30 voluntarily unemployed or underemployed:

31 (1) the parties' parenting and child care arrangements
32 before the child support action;

33 (2) the stay-at-home parent's employment history, recency
34 of employment, earnings, and the availability of jobs within the
35 community for an individual with the parent's qualifications;

36 (3) the relationship between the employment-related

1 expenses, including, but not limited to, child care and
2 transportation costs required for the parent to be employed, and
3 the income the stay-at-home parent could receive from available
4 jobs within the community for an individual with the parent's
5 qualifications;

6 (4) the child's age and health, including whether the child
7 is physically or mentally disabled; and

8 (5) the availability of child care providers.

9 Subd. 18. [PRIMARY PHYSICAL CUSTODY.] The parent having
10 "primary physical custody" means the parent who provides the
11 primary residence for a child and is responsible for the
12 majority of the day-to-day decisions concerning a child.

13 Subd. 19. [PUBLIC AUTHORITY.] "Public authority" means the
14 local unit of government, acting on behalf of the state, that is
15 responsible for child support enforcement or the Department of
16 Human Services, Child Support Enforcement Division.

17 Subd. 20. [SOCIAL SECURITY BENEFITS.] "Social Security
18 benefits" means the monthly amount the Social Security
19 Administration pays to a joint child or the child's
20 representative payee due solely to the disability or retirement
21 of either parent. Benefits paid to a parent due to the
22 disability of a child are excluded from this definition.

23 Subd. 21. [SPLIT CUSTODY.] "Split custody" means that each
24 parent in a two-parent calculation has primary physical custody
25 of at least one of the joint children.

26 Subd. 22. [SPOUSAL MAINTENANCE.] "Spousal maintenance" has
27 the definition as provided in section 518.54, subdivision 3, and
28 includes the amount of any preexisting or concurrently entered
29 court ordered spousal maintenance.

30 Subd. 23. [SUPPORT ORDER.] (a) "Support order" means a
31 judgment, decree, or order, whether temporary, final, or subject
32 to modification, issued by a court or administrative agency of
33 competent jurisdiction that:

34 (1) provides for the support of a child, including a child
35 who has attained the age of majority under the law of the
36 issuing state, or a child and the parent with whom the child is

1 living;

2 (2) provides for basic support, child care, medical support
3 including expenses for confinement and pregnancy, arrears, or
4 reimbursement; and

5 (3) may include related costs and fees, interest and
6 penalties, income withholding, and other relief.

7 (b) The definition in paragraph (a) applies to orders
8 issued under this chapter and chapters 256, 257, and 518C.

9 Subd. 24. [SURVIVORS' AND DEPENDENTS' EDUCATIONAL
10 ASSISTANCE.] "Survivors' and dependents' educational assistance"
11 are funds disbursed by the Veterans Administration under United
12 States Code, title 38, chapter 35, to the child or the child's
13 representative payee.

14 Sec. 14. [518.7123] [CALCULATION OF GROSS INCOME.]

15 (a) Except as excluded below, gross income includes income
16 from any source, including, but not limited to, salaries, wages,
17 commissions, advances, bonuses, dividends, severance pay,
18 pensions, interest, honoraria, trust income, annuities, return
19 on capital, Social Security benefits, workers' compensation
20 benefits, unemployment insurance benefits, disability insurance
21 benefits, gifts, prizes, including lottery winnings, alimony,
22 spousal maintenance payments, income from self-employment or
23 operation of a business, as determined under section 518.7125.
24 All salary, wages, commissions, or other compensation paid by
25 third parties shall be based upon Medicare gross income. No
26 deductions shall be allowed for contributions to pensions,
27 401-K, IRA, or other deferred compensation.

28 (b) Excluded and not counted in gross income is
29 compensation received by a party for employment in excess of a
30 40-hour work week, provided that:

31 (1) child support is nonetheless ordered in an amount at
32 least equal to the guideline amount based on gross income not
33 excluded under this clause; and

34 (2) the party demonstrates, and the court finds, that:

35 (i) the excess employment began after the filing of the
36 petition for dissolution;

1 (ii) the excess employment reflects an increase in the work
2 schedule or hours worked over that of the two years immediately
3 preceding the filing of the petition;

4 (iii) the excess employment is voluntary and not a
5 condition of employment;

6 (iv) the excess employment is in the nature of additional,
7 part-time or overtime employment compensable by the hour or
8 fraction of an hour; and

9 (v) the party's compensation structure has not been changed
10 for the purpose of affecting a support or maintenance obligation.

11 (c) Expense reimbursements or in-kind payments received by
12 a parent in the course of employment, self-employment, or
13 operation of a business shall be counted as income if they
14 reduce personal living expenses.

15 (d) Gross income may be calculated on either an annual or
16 monthly basis. Weekly income shall be translated to monthly
17 income by multiplying the weekly income by 4.33.

18 (e) Excluded and not counted as income is any child support
19 payment. It is a rebuttable presumption that adoption
20 assistance payments, guardianship assistance payments, and
21 foster care subsidies are excluded and not counted as income.

22 (f) Excluded and not counted as income is the income of the
23 obligor's spouse and the obligee's spouse.

24 Sec. 15. [518.7125] [INCOME FROM SELF-EMPLOYMENT OR
25 OPERATION OF A BUSINESS.]

26 For income from self-employment, rent, royalties,
27 proprietorship of a business, or joint ownership of a
28 partnership or closely held corporation, gross income is defined
29 as gross receipts minus costs of goods sold minus ordinary and
30 necessary expenses required for self-employment or business
31 operation. Specifically excluded from ordinary and necessary
32 expenses are amounts allowable by the Internal Revenue Service
33 for the accelerated component of depreciation expenses,
34 investment tax credits, or any other business expenses
35 determined by the court to be inappropriate or excessive for
36 determining gross income for purposes of calculating child

1 support.

2 Sec. 16. [518.713] [COMPUTATION OF INDIVIDUAL CHILD
3 SUPPORT OBLIGATIONS.]

4 To determine the presumptive amount of support owed by a
5 parent, follow the procedure set forth in this section:

6 (1) determine the gross income of each parent using the
7 definition in section 518.712, subdivision 9;

8 (2) determine the gross income for determining child
9 support of each parent, and if there are two parents, the
10 combined adjusted gross income by subtracting from the gross
11 income, the credit, if any, for any nonjoint children under
12 section 518.717;

13 (3) if there are two parents, determine the percentage
14 contribution of each parent to the combined adjusted gross
15 income by dividing the combined adjusted gross income into each
16 parent's adjusted gross income;

17 (4) determine the basic child support obligation by
18 application of the guideline in section 518.725;

19 (5) determine each parent's share of the basic child
20 support obligation by multiplying the percentage figure from
21 clause (3) by the basic child support obligation in clause (4);

22 (6) determine the parenting expense adjustment if any and
23 determine the basic child support obligation of the parents as
24 provided in section 518.722;

25 (7) apply the low-income adjustment, if applicable, as
26 provided in section 518.723;

27 (8) determine the cost for each parent for child care costs
28 as allowed by section 518.72;

29 (9) determining the cost for each parent for medical
30 expenses and health care coverage as allowed by section
31 518.719. If costs are not equal each month, annual costs shall
32 be averaged to determine a monthly cost;

33 (10) calculate the total costs owed by each parent to the
34 other by applying the parent's percentage of income as
35 determined in clause (3) to the actual out-of-pocket medical
36 costs incurred by the other parent. Add these amounts to each

1 parent's child support obligation;

2 (11) calculate the total child support obligation of each
3 parent by adding for each parent, the basic child support
4 obligation from clause (6) and the total costs from clause (10);

5 (12) determine the net child support obligation by
6 subtracting the smaller of the obligations from the larger;

7 (13) if Social Security benefits or veterans' benefits are
8 received by the obligee as a representative payee for a joint
9 child due to the obligor's disability or retirement, subtract
10 the amount of benefits from the obligor's net child support
11 obligation, if any;

12 (14) determine the portion of the calculated child support
13 obligation the obligor has the ability to pay or the minimum
14 support obligation as provided in section 518.724; and

15 (15) the final child support order shall separately
16 designate the amount owed for basic support, child care support,
17 and medical support.

18 Sec. 17. [518.7131] [TEMPORARY SUPPORT.]

19 Temporary support may be awarded as provided in section
20 518.131.

21 Sec. 18. [518.714] [DEVIATIONS FROM CHILD SUPPORT
22 GUIDELINES.]

23 Subdivision 1. [GENERAL FACTORS.] Among other reasons,
24 deviation from the presumptive guideline amount is intended to
25 encourage prompt and regular payments of child support and to
26 prevent either parent or the joint children from living in
27 poverty. In addition to the child support guidelines, the court
28 must take into consideration the following factors in setting or
29 modifying child support or in determining whether to deviate
30 upward or downward from the extraordinary or diminished
31 guidelines:

32 (1) all earnings, income circumstances, and resources of
33 each parent, including real and personal property, but excluding
34 income from excess employment of the obligor or obligee that
35 meets the criteria of section 518.7123, paragraph (b), clause
36 (2);

1 (2) the extraordinary financial needs and resources,
2 physical and emotional condition, and educational needs of the
3 child to be supported;

4 (3) the standard of living the child would enjoy if the
5 parents were currently living together, but recognizing that the
6 parents now have separate households;

7 (4) which parent receives the income taxation dependency
8 exemption and the financial benefit the parent receives from it;

9 (5) the parents' debts as provided in subdivision 2; and

10 (6) the obligor's total payments for court-ordered child
11 support exceed the limitations set forth in section 571.922.

12 Subd. 2. [DEBT OWED TO PRIVATE CREDITORS.] (a) In
13 establishing or modifying a support obligation, the court may
14 consider debts owed to private creditors, but only if:

15 (1) the right to support has not been assigned under
16 section 256.741;

17 (2) the court determines that the debt was reasonably
18 incurred for necessary support of the child or parent or for the
19 necessary generation of income. If the debt was incurred for
20 the necessary generation of income, the court may consider only
21 the amount of debt that is essential to the continuing
22 generation of income; and

23 (3) the party requesting a departure produces a sworn
24 schedule of the debts, with supporting documentation, showing
25 goods or services purchased, the recipient of them, the original
26 debt amount, the outstanding balance, the monthly payment, and
27 the number of months until the debt will be fully paid.

28 (b) A schedule prepared under paragraph (a), clause (3),
29 must contain a statement that the debt will be fully paid after
30 the number of months shown in the schedule, barring emergencies
31 beyond the party's control.

32 (c) Any further departure below the guidelines that is
33 based on a consideration of debts owed to private creditors must
34 not exceed 18 months in duration. After 18 months the support
35 must increase automatically to the level ordered by the court.
36 This section does not prohibit one or more step increases in

1 support to reflect debt retirement during the 18-month period.

2 (d) If payment of debt is ordered pursuant to this section,
3 the payment must be ordered to be in the nature of child support.

4 Subd. 3. [EVIDENCE.] The court may receive evidence on the
5 factors in this section to determine if the guidelines should be
6 exceeded or modified in a particular case.

7 Subd. 4. [PAYMENTS ASSIGNED TO PUBLIC AUTHORITY.] If the
8 child support payments are assigned to the public authority
9 under section 256.741, the court may not deviate downward from
10 the child support guidelines unless the court specifically finds
11 that the failure to deviate downward would impose an extreme
12 hardship on the obligor.

13 Subd. 5. [JOINT LEGAL CUSTODY.] An award of joint legal
14 custody is not a reason for deviation from the guidelines.

15 Subd. 6. [SELF-SUPPORT LIMITATION.] If, after payment of
16 income and payroll taxes, the obligor can establish that they do
17 not have enough for the self-support reserve, a downward
18 deviation may be allowed.

19 Sec. 19. [518.715] [WRITTEN FINDINGS.]

20 Subdivision 1. [NO DEVIATION.] If the court does not
21 deviate from the guidelines, the court must make written
22 findings concerning the amount of the parties' income used as
23 the basis for the guidelines calculation and any other
24 significant evidentiary factors affecting the child support
25 determination.

26 Subd. 2. [DEVIATION.] (a) If the court deviates from the
27 guidelines, the court must make written findings giving the
28 amount of support calculated under the guidelines, the reasons
29 for the deviation, must specifically address how the deviation
30 serves the best interests of the child; and

31 (b) Determine each parent's gross income.

32 Subd. 3. [WRITTEN FINDINGS REQUIRED IN EVERY CASE.] The
33 provisions of this section apply whether or not the parties are
34 each represented by independent counsel and have entered into a
35 written agreement. The court must review stipulations presented
36 to it for conformity to the guidelines. The court is not

1 required to conduct a hearing, but the parties must provide
2 sufficient documentation of gross income.

3 Sec. 20. [518.716] [GUIDELINES REVIEW.]

4 No later than 2006 and every four years after that, the
5 Department of Human Services must conduct a review of the child
6 support guidelines.

7 Sec. 21. [518.717] [NONJOINT CHILDREN.]

8 (a) When either or both parents of the joint child subject
9 to this determination are legally responsible for a nonjoint
10 child who resides in that parent's household, or a nonjoint
11 child to whom or on whose behalf a parent owes an ongoing child
12 support obligation under a court or administrative order, a
13 credit for this obligation shall be calculated under this
14 section.

15 (b) Determine the modified gross income for each parent by
16 subtracting from a parent's gross income the amount of any
17 spousal support a court orders that parent to pay, and adding to
18 a parent's gross income any spousal support the parent is
19 entitled to receive.

20 (c) Using the guideline as established in section 518.725,
21 determine the basic child support obligation for the nonjoint
22 child or children who actually reside in the parent's household,
23 by using the gross income of the parent for whom the credit is
24 being calculated, and using the number of nonjoint children
25 actually in the parent's immediate household. If the number of
26 nonjoint children to be used for the determination is greater
27 than two, the determination shall be made using the number two
28 instead of the greater number.

29 (d) The credit for nonjoint children shall be 50 percent of
30 the guideline amount from paragraph (c), plus the amount of any
31 existing support order for other nonjoint children.

32 Sec. 22. [518.718] [SOCIAL SECURITY OR VETERANS' BENEFIT
33 PAYMENTS RECEIVED ON BEHALF OF THE CHILD.]

34 (a) The amount of the monthly Social Security benefits or
35 apportioned veterans' benefits received by the child or on
36 behalf of the child shall be added to the gross income of the

1 parent for whom the disability or retirement benefit was paid.

2 (b) The amount of the monthly survivors' and dependents'
3 educational assistance received by the child or on behalf of the
4 child shall be added to the gross income of the parent for whom
5 the disability or retirement benefit was paid.

6 (c) If the Social Security or apportioned veterans'
7 benefits are paid on behalf of the obligor, and are received by
8 the obligee as a representative payee for the child or by the
9 child attending school, then the amount of the benefits may also
10 be subtracted from the obligor's net child support obligation as
11 calculated pursuant to section 518.713.

12 (d) If the survivors' and dependents' educational
13 assistance is paid on behalf of the obligor, and is received by
14 the obligee as a representative payee for the child or by the
15 child attending school, then the amount of the assistance shall
16 also be subtracted from the obligor's net child support
17 obligation as calculated pursuant to section 518.713.

18 Sec. 23. [518.719] [MEDICAL SUPPORT.]

19 Subdivision 1. [DEFINITIONS.] The definitions in this
20 subdivision apply to sections 518.712 to 518.773.

21 (a) "Health care coverage" means health care benefits that
22 are provided by a health plan. Health care coverage does not
23 include any form of medical assistance under chapter 256B or
24 MinnesotaCare under chapter 256L.

25 (b) "Health carrier" means a carrier as defined in sections
26 62A.011, subdivision 2, and 62L.02, subdivision 16.

27 (c) "Health plan" means a plan meeting the definition under
28 section 62A.011, subdivision 3, a group health plan governed
29 under the federal Employee Retirement Income Security Act of
30 1974 (ERISA), a self-insured plan under sections 43A.23 to
31 43A.317 and 471.617, or a policy, contract, or certificate
32 issued by a community-integrated service network licensed under
33 chapter 62N. Health plan includes plans:

34 (1) provided on an individual and group basis;

35 (2) provided by an employer or union;

36 (3) purchased in the private market; and

1 (4) available to a person eligible to carry insurance for
2 the joint child.

3 Health plan includes a plan providing for dependent-only dental
4 or vision coverage and a plan provided through a party's spouse
5 or parent.

6 (d) "Medical support" means providing health care coverage
7 for a joint child by carrying health care coverage for the joint
8 child or by contributing to the cost of health care coverage,
9 public coverage, unreimbursed medical expenses, and uninsured
10 medical expenses of the joint child.

11 (e) "National medical support notice" means an
12 administrative notice issued by the public authority to enforce
13 health insurance provisions of a support order in accordance
14 with Code of Federal Regulations, title 45, section 303.32, in
15 cases where the public authority provides support enforcement
16 services.

17 (f) "Public coverage" means health care benefits provided
18 by any form of medical assistance under chapter 256B or
19 MinnesotaCare under chapter 256L.

20 (g) "Uninsured medical expenses" means a joint child's
21 reasonable and necessary health-related expenses if the joint
22 child is not covered by a health plan or public coverage when
23 the expenses are incurred.

24 (h) "Unreimbursed medical expenses" means a joint child's
25 reasonable and necessary health-related expenses if a joint
26 child is covered by a health plan or public coverage and the
27 plan or coverage does not pay for the total cost of the expenses
28 when the expenses are incurred. Unreimbursed medical expenses
29 do not include the cost of premiums. Unreimbursed medical
30 expenses include, but are not limited to, deductibles,
31 co-payments, and expenses for orthodontia, and prescription
32 eyeglasses and contact lenses but not over-the-counter
33 medications.

34 Subd. 2. [ORDER.] (a) A completed national medical support
35 notice issued by the public authority or a court order that
36 complies with this section is a qualified medical child support

1 order under the federal Employee Retirement Income Security Act
2 of 1974 (ERISA), United States Code, title 29, section 1169(a).

3 (b) Every order addressing child support must state:

4 (1) the names, last known addresses, and Social Security
5 numbers of the parents and the joint child that is a subject of
6 the order unless the court prohibits the inclusion of an address
7 or Social Security number and orders the parents to provide the
8 address and Social Security number to the administrator of the
9 health plan;

10 (2) whether appropriate health care coverage for the joint
11 child is available and, if so, state:

12 (i) which party must carry health care coverage;

13 (ii) the cost of premiums and how the cost is allocated
14 between the parties;

15 (iii) how unreimbursed expenses will be allocated and
16 collected by the parties; and

17 (iv) the circumstances, if any, under which the obligation
18 to provide health care coverage for the joint child will shift
19 from one party to the other;

20 (3) if appropriate health care coverage is not available
21 for the joint child, whether a contribution for medical support
22 is required; and

23 (4) whether the amount ordered for medical support is
24 subject to a cost-of-living adjustment under section 518.641.

25 Subd. 3. [DETERMINING APPROPRIATE HEALTH CARE
26 COVERAGE.] (a) In determining whether a party has appropriate
27 health care coverage for the joint child, the court must
28 evaluate the health plan using the following factors:

29 (1) accessible coverage. Dependent health care coverage is
30 accessible if the covered joint child can obtain services from a
31 health plan provider with reasonable effort by the parent with
32 whom the joint child resides. Health care coverage is presumed
33 accessible if:

34 (i) primary care coverage is available within 30 minutes or
35 30 miles of the joint child's residence and specialty care
36 coverage is available within 60 minutes or 60 miles of the joint

1 child's residence;

2 (ii) the coverage is available through an employer and the
3 employee can be expected to remain employed for a reasonable
4 amount of time; and

5 (iii) no preexisting conditions exist to delay coverage
6 unduly;

7 (2) comprehensive coverage. Dependent health care coverage
8 is comprehensive if it includes, at a minimum, medical and
9 hospital coverage and provides for preventive, emergency, acute,
10 and chronic care. If both parties have health care coverage
11 that meets the minimum requirements, the court must determine
12 which health care coverage is more comprehensive by considering
13 whether the coverage includes:

14 (i) basic dental coverage;

15 (ii) orthodontia;

16 (iii) eyeglasses;

17 (iv) contact lenses;

18 (v) mental health services; or

19 (vi) substance abuse treatment;

20 (3) affordable coverage. Dependent health care coverage is
21 affordable if it is reasonable in cost; and

22 (4) the joint child's special medical needs, if any.

23 (b) If both parties have health care coverage available for
24 a joint child, and the court determines under paragraph (a),
25 clauses (1) and (2), that the available coverage is comparable
26 with regard to accessibility and comprehensiveness, the least
27 costly health care coverage is the presumed appropriate health
28 care coverage for the joint child.

29 Subd. 4. [ORDERING HEALTH CARE COVERAGE.] (a) If a joint
30 child is presently enrolled in health care coverage, the court
31 must order that the parent who currently has the joint child
32 enrolled continue that enrollment unless the parties agree
33 otherwise or a party requests a change in coverage and the court
34 determines that other health care coverage is more appropriate.

35 (b) If a joint child is not presently enrolled in health
36 care coverage, upon motion of a party or the public authority,

1 the court must determine whether one or both parties have
2 appropriate health care coverage for the joint child and order
3 the party with appropriate health care coverage available to
4 carry the coverage for the joint child.

5 (c) If only one party has appropriate health care coverage
6 available, the court must order that party to carry the coverage
7 for the joint child.

8 (d) If both parties have appropriate health care coverage
9 available, the court must order the parent with whom the joint
10 child resides to carry the coverage for the joint child, unless:

11 (1) either party expresses a preference for coverage
12 available through the parent with whom the joint child does not
13 reside;

14 (2) the parent with whom the joint child does not reside is
15 already carrying dependent health care coverage for other
16 children and the cost of contributing to the premiums of the
17 other parent's coverage would cause the parent with whom the
18 joint child does not reside extreme hardship; or

19 (3) the parents agree to provide coverage and agree on the
20 allocation of costs.

21 (e) If the exception in paragraph (d), clause (1) or (2),
22 applies, the court must determine which party has the most
23 appropriate coverage available and order that party to carry
24 coverage for the joint child. If the court determines under
25 subdivision 3, paragraph (a), clauses (1) and (2), that the
26 parties' health care coverage for the joint child is comparable
27 with regard to accessibility and comprehensiveness, the court
28 must presume that the party with the least costly health care
29 coverage to carry coverage for the joint child.

30 (f) If neither party has appropriate health care coverage
31 available, the court must order the parents to:

32 (1) contribute toward the actual health care costs of the
33 joint children based on a pro rata share; or

34 (2) if the joint child is receiving any form of medical
35 assistance under chapter 256B or MinnesotaCare under chapter
36 256L, the parent with whom the joint child does not reside shall

1 contribute a monthly amount toward the actual cost of medical
2 assistance under chapter 256B or MinnesotaCare under chapter
3 256L. The amount of the contribution of the noncustodial parent
4 is the amount the custodial parent would pay for the child's
5 premiums if the custodial parent's income meets the eligibility
6 requirements for public coverage. For purposes of determining
7 the premium amount, a custodial parent's household size is equal
8 to the parent plus the child who is the subject of the child
9 support order. The court may order the parent with whom the
10 child resides to apply for public coverage for the child.

11 (g) A presumption of no less than \$50 per month must be
12 applied to the actual health care costs of the joint children or
13 to the cost of health care coverage.

14 (h) The commissioner of human services must publish a table
15 with the premium schedule for public coverage and update the
16 chart for changes to the schedule by July 1 of each year.

17 Subd. 5. [MEDICAL SUPPORT COSTS; UNREIMBURSED AND
18 UNINSURED MEDICAL EXPENSES.] (a) Unless otherwise agreed to by
19 the parties and approved by the court, the court must order that
20 the cost of health care coverage and all unreimbursed and
21 uninsured medical expenses be divided between the obligor and
22 obligee based on their proportionate share of the parties'
23 combined monthly adjusted gross income.

24 (b) If a party owes a joint child support obligation for a
25 child and is ordered to carry health care coverage for the joint
26 child, and the other party is ordered to contribute to the
27 carrying party's cost for coverage, the carrying party's child
28 support payment must be reduced by the amount of the
29 contributing party's contribution.

30 (c) If a party owes a joint child support obligation for a
31 child and is ordered to contribute to the other party's cost for
32 carrying health care coverage for the joint child, the
33 contributing party's child support payment must be increased by
34 the amount of the contribution.

35 (d) If the party ordered to carry health care coverage for
36 the joint child already carries dependent health care coverage

1 for other dependents and would incur no additional premium costs
2 to add the joint child to the existing coverage, the court must
3 not order the other party to contribute to the premium costs for
4 coverage of the joint child.

5 (e) If a party ordered to carry health care coverage for
6 the joint child does not already carry dependent health care
7 coverage but has other dependents who may be added to the
8 ordered coverage, the full premium costs of the dependent health
9 care coverage must be allocated between the parties in
10 proportion to the party's share of the parties' combined income,
11 unless the parties agree otherwise.

12 (f) If a party ordered to carry health care coverage for
13 the joint child is required to enroll in a health plan so that
14 the joint child can be enrolled in dependent health care
15 coverage under the plan, the court must allocate the costs of
16 the dependent health care coverage between the parties. The
17 costs of the health care coverage for the party ordered to carry
18 the coverage for the joint child must not be allocated between
19 the parties.

20 Subd. 6. [NOTICE OR COURT ORDER SENT TO PARTY'S EMPLOYER,
21 UNION, OR HEALTH CARRIER.] (a) The public authority must forward
22 a copy of the national medical support notice or court order for
23 health care coverage to the party's employer within two business
24 days after the date the party is entered into the work reporting
25 system under section 256.998.

26 (b) The public authority or a party seeking to enforce an
27 order for health care coverage must forward a copy of the
28 national medical support notice or court order to the obligor's
29 employer or union, or to the health carrier under the following
30 circumstances:

31 (1) the party ordered to carry health care coverage for the
32 joint child fails to provide written proof to the other party or
33 the public authority, within 30 days of the effective date of
34 the court order, that the party has applied for health care
35 coverage for the joint child;

36 (2) the party seeking to enforce the order or the public

1 authority gives written notice to the party ordered to carry
2 health care coverage for the joint child of its intent to
3 enforce medical support. The party seeking to enforce the order
4 or public authority must mail the written notice to the last
5 known address of the party ordered to carry health care coverage
6 for the joint child; and

7 (3) the party ordered to carry health care coverage for the
8 joint child fails, within 15 days after the date on which the
9 written notice under clause (2) was mailed, to provide written
10 proof to the other party or the public authority that the party
11 has applied for health care coverage for the joint child.

12 (c) The public authority is not required to forward a copy
13 of the national medical support notice or court order to the
14 obligor's employer or union, or to the health carrier, if the
15 court orders health care coverage for the joint child that is
16 not employer-based or union-based coverage.

17 Subd. 7. [EMPLOYER OR UNION REQUIREMENTS.] (a) An employer
18 or union must forward the national medical support notice or
19 court order to its health plan within 20 business days after the
20 date on the national medical support notice or after receipt of
21 the court order.

22 (b) Upon determination by an employer's or union's health
23 plan administrator that a joint child is eligible to be covered
24 under the health plan, the employer or union and health plan
25 must enroll the joint child as a beneficiary in the health plan,
26 and the employer must withhold any required premiums from the
27 income or wages of the party ordered to carry health care
28 coverage for the joint child.

29 (c) If enrollment of the party ordered to carry health care
30 coverage for a joint child is necessary to obtain dependent
31 health care coverage under the plan, and the party is not
32 enrolled in the health plan, the employer or union must enroll
33 the party in the plan.

34 (d) Enrollment of dependents and, if necessary, the party
35 ordered to carry health care coverage for the joint child must
36 be immediate and not dependent upon open enrollment periods.

1 Enrollment is not subject to the underwriting policies under
2 section 62A.048.

3 (e) Failure of the party ordered to carry health care
4 coverage for the joint child to execute any documents necessary
5 to enroll the dependent in the health plan does not affect the
6 obligation of the employer or union and health plan to enroll
7 the dependent in a plan. Information and authorization provided
8 by the public authority, or by a party or guardian, is valid for
9 the purposes of meeting enrollment requirements of the health
10 plan.

11 (f) An employer or union that is included under the federal
12 Employee Retirement Income Security Act of 1974 (ERISA), United
13 States Code, title 29, section 1169(a), may not deny enrollment
14 to the joint child or to the parent if necessary to enroll the
15 joint child based on exclusionary clauses described in section
16 62A.048.

17 (g) A new employer or union of a party who is ordered to
18 provide health care coverage for a joint child must enroll the
19 joint child in the party's health plan as required by a national
20 medical support notice or court order.

21 Subd. 8. [HEALTH PLAN REQUIREMENTS.] (a) If a health plan
22 administrator receives a completed national medical support
23 notice or court order, the plan administrator must notify the
24 parties, and the public authority if the public authority
25 provides support enforcement services, within 40 business days
26 after the date of the notice or after receipt of the court
27 order, of the following:

28 (1) whether coverage is available to the joint child under
29 the terms of the health plan and, if not, the reason why
30 coverage is not available;

31 (2) whether the joint child is covered under the health
32 plan;

33 (3) the effective date of the joint child's coverage under
34 the health plan; and

35 (4) what steps, if any, are required to effectuate the
36 joint child's coverage under the health plan.

1 (b) If the employer or union offers more than one plan and
2 the national medical support notice or court order does not
3 specify the plan to be carried, the plan administrator must
4 notify the parents and the public authority if the public
5 authority provides support enforcement services. When there is
6 more than one option available under the plan, the public
7 authority, in consultation with the parent with whom the joint
8 child resides, must promptly select from available plan options.

9 (c) The plan administrator must provide the parents and
10 public authority, if the public authority provides support
11 enforcement services, with a notice of the joint child's
12 enrollment, description of the coverage, and any documents
13 necessary to effectuate coverage.

14 (d) The health plan must send copies of all correspondence
15 regarding the health care coverage to the parents.

16 (e) An insured joint child's parent's signature is a valid
17 authorization to a health plan for purposes of processing an
18 insurance reimbursement payment to the medical services provider
19 or to the parent, if medical services have been prepaid by that
20 parent.

21 Subd. 9. [EMPLOYER OR UNION LIABILITY.] (a) An employer or
22 union that willfully fails to comply with the order or notice is
23 liable for any uninsured medical expenses incurred by the
24 dependents while the dependents were eligible to be enrolled in
25 the health plan and for any other premium costs incurred because
26 the employer or union willfully failed to comply with the order
27 or notice.

28 (b) An employer or union that fails to comply with the
29 order or notice is subject to a contempt finding, a \$250 civil
30 penalty under section 518.615, and is subject to a civil penalty
31 of \$500 to be paid to the party entitled to reimbursement or the
32 public authority. Penalties paid to the public authority are
33 designated for child support enforcement services.

34 Subd. 10. [CONTESTING ENROLLMENT.] (a) A party may contest
35 a joint child's enrollment in a health plan on the limited
36 grounds that the enrollment is improper due to mistake of fact

1 or that the enrollment meets the requirements of section 518.145.

2 (b) If the party chooses to contest the enrollment, the
3 party must do so no later than 15 days after the employer
4 notifies the party of the enrollment by doing the following:

5 (1) filing a motion in district court or according to
6 section 484.702 and the expedited child support process rules if
7 the public authority provides support enforcement services;

8 (2) serving the motion on the other party and public
9 authority if the public authority provides support enforcement
10 services; and

11 (3) securing a date for the matter to be heard no later
12 than 45 days after the notice of enrollment.

13 (c) The enrollment must remain in place while the party
14 contests the enrollment.

15 Subd. 11. [DISENROLLMENT; CONTINUATION OF COVERAGE;
16 COVERAGE OPTIONS.] (a) Unless a court order provides otherwise,
17 a child for whom a party is required to provide health care
18 coverage under this section must be covered as a dependent of
19 the party until the child is emancipated, until further order of
20 the court, or as consistent with the terms of the coverage.

21 (b) The health carrier, employer, or union may not
22 disenroll or eliminate coverage for the child unless:

23 (1) the health carrier, employer, or union is provided
24 satisfactory written evidence that the court order is no longer
25 in effect;

26 (2) the joint child is or will be enrolled in comparable
27 health care coverage through another health plan that will take
28 effect no later than the effective date of the disenrollment;

29 (3) the employee is no longer eligible for dependent
30 coverage; or

31 (4) the required premium has not been paid by or on behalf
32 of the joint child.

33 (c) The health plan must provide 30 days' written notice to
34 the joint child's parents, and the public authority if the
35 public authority provides support enforcement services, before
36 the health plan disenrolls or eliminates the joint child's

1 coverage.

2 (d) A joint child enrolled in health care coverage under a
3 qualified medical child support order, including a national
4 medical support notice, under this section is a dependent and a
5 qualified beneficiary under the Consolidated Omnibus Budget and
6 Reconciliation Act of 1985 (COBRA), Public Law 99-272. Upon
7 expiration of the order, the joint child is entitled to the
8 opportunity to elect continued coverage that is available under
9 the health plan. The employer or union must provide notice to
10 the parties and the public authority, if it provides support
11 services, within ten days of the termination date.

12 (e) If the public authority provides support enforcement
13 services and a plan administrator reports to the public
14 authority that there is more than one coverage option available
15 under the health plan, the public authority, in consultation
16 with the parent with whom the joint child resides, must promptly
17 select coverage from the available options.

18 Subd. 12. [SPOUSAL OR FORMER SPOUSAL COVERAGE.] The court
19 must require the parent with whom the joint child does not
20 reside to provide dependent health care coverage for the benefit
21 of the parent with whom the joint child resides if the parent is
22 ordered to provide dependent health care coverage for the
23 parties' joint child and adding the other parent to the coverage
24 results in no additional premium cost.

25 Subd. 13. [DISCLOSURE OF INFORMATION.] (a) If the public
26 authority provides support enforcement services, the parties
27 must provide the public authority with the following information:

28 (1) information relating to dependent health care coverage
29 or public coverage available for the benefit of the joint child
30 for whom support is sought, including all information required
31 to be included in a medical support order under this section;

32 (2) verification that application for court-ordered health
33 care coverage was made within 30 days of the court's order; and

34 (3) the reason that a joint child is not enrolled in
35 court-ordered health care coverage, if a joint child is not
36 enrolled in coverage or subsequently loses coverage.

1 (b) Upon request from the public authority under section
2 256.978, an employer, union, or plan administrator, including an
3 employer subject to the federal Employee Retirement Income
4 Security Act of 1974 (ERISA), United States Code, title 29,
5 section 1169(a), must provide the public authority the following
6 information:

7 (1) information relating to dependent health care coverage
8 available to a party for the benefit of the joint child for whom
9 support is sought, including all information required to be
10 included in a medical support order under this section; and

11 (2) information that will enable the public authority to
12 determine whether a health plan is appropriate for a joint
13 child, including, but not limited to, all available plan
14 options, any geographic service restrictions, and the location
15 of service providers.

16 (c) The employer, union, or plan administrator must not
17 release information regarding one party to the other party. The
18 employer, union, or plan administrator must provide both parties
19 with insurance identification cards and all necessary written
20 information to enable the parties to utilize the insurance
21 benefits for the covered dependent.

22 (d) The public authority is authorized to release to a
23 party's employer, union, or health plan information necessary to
24 verify availability of dependent health care coverage, or to
25 establish, modify, or enforce medical support.

26 (e) An employee must disclose to an employer if medical
27 support is required to be withheld under this section and the
28 employer must begin withholding according to the terms of the
29 order and under section 518.6111. If an employee discloses an
30 obligation to obtain health care coverage and coverage is
31 available through the employer, the employer must make all
32 application processes known to the individual and enroll the
33 employee and dependent in the plan.

34 Subd. 14. [CHILD SUPPORT ENFORCEMENT SERVICES.] The public
35 authority must take necessary steps to establish and enforce an
36 order for medical support if the joint child receives public

1 assistance or a party completes an application for services from
2 the public authority under section 518.551, subdivision 7.

3 Subd. 15. [ENFORCEMENT.] (a) Remedies available for
4 collecting and enforcing child support apply to medical support.

5 (b) For the purpose of enforcement, the following are
6 additional support:

7 (1) the costs of individual or group health or
8 hospitalization coverage;

9 (2) dental coverage;

10 (3) medical costs ordered by the court to be paid by either
11 party, including health and dental insurance premiums paid by
12 the obligee because of the obligor's failure to obtain coverage
13 as ordered; and

14 (4) liabilities established under this subdivision.

15 (c) A party who fails to carry court-ordered dependent
16 health care coverage is liable for the joint child's uninsured
17 medical expenses unless a court order provides otherwise. A
18 party's failure to carry court-ordered coverage, or to provide
19 other medical support as ordered, is a basis for modification of
20 a support order under section 518.64, subdivision 2.

21 (d) Payments by the health carrier or employer for services
22 rendered to the dependents that are directed to a party not owed
23 reimbursement must be endorsed over to and forwarded to the
24 vendor or appropriate party or the public authority. A party
25 retaining insurance reimbursement not owed to the party is
26 liable for the amount of the reimbursement.

27 Subd. 16. [INCOME WITHHOLDING; OFFSET.] (a) If a party
28 owes no joint child support obligation for a child and is an
29 obligor ordered to contribute to the other party's cost for
30 carrying health care coverage for the joint child, the obligor
31 is subject to an offset under subdivision 5 or income
32 withholding under section 518.6111.

33 (b) If a party's court-ordered health care coverage for the
34 joint child terminates and the joint child is not enrolled in
35 other health care coverage or public coverage, and a
36 modification motion is not pending, the public authority may

1 remove the offset to a party's child support obligation or
2 terminate income withholding instituted against a party under
3 section 518.6111. The public authority must provide notice to
4 the parties of the action.

5 (c) A party may contest the public authority's action to
6 remove the offset to the child support obligation or terminate
7 income withholding if the party makes a written request for a
8 hearing within 30 days after receiving written notice. If a
9 party makes a timely request for a hearing, the public authority
10 must schedule a hearing and send written notice of the hearing
11 to the parties by mail to the parties' last known addresses at
12 least 14 days before the hearing. The hearing must be conducted
13 in district court or in the expedited child support process if
14 section 484.702 applies. The district court or child support
15 magistrate must determine whether removing the offset or
16 terminating income withholding is appropriate and, if
17 appropriate, the effective date for the removal or termination.

18 (d) If the party does not request a hearing, the district
19 court or child support magistrate must order the offset or
20 income withholding termination effective the first day of the
21 month following termination of the joint child's health care
22 coverage.

23 Subd. 17. [COLLECTING UNREIMBURSED AND UNINSURED MEDICAL
24 EXPENSES.] (a) A party must initiate a request for reimbursement
25 of unreimbursed and uninsured medical expenses within two years
26 of the date that the party incurred the unreimbursed or
27 uninsured medical expenses. The time period in this paragraph
28 does not apply if the location of the other party is unknown.

29 (b) A party seeking reimbursement of unreimbursed and
30 uninsured medical expenses must mail a written notice of intent
31 to collect the expenses and a copy of an affidavit of health
32 care expenses to the other party at the other party's last known
33 address.

34 (c) The written notice must include a statement that the
35 party has 30 days from the date the notice was mailed to (1) pay
36 in full; (2) enter a payment agreement; or (3) file a motion

1 requesting a hearing contesting the matter. If the public
2 authority provides support enforcement services, the written
3 notice also must include a statement that the requesting party
4 must submit the amount due to the public authority for
5 collection.

6 (d) The affidavit of health care expenses must itemize and
7 document the joint child's unreimbursed or uninsured medical
8 expenses and include copies of all bills, receipts, and
9 insurance company explanations of benefits.

10 (e) If the public authority provides support enforcement
11 services, the party seeking reimbursement must send to the
12 public authority a copy of the written notice, the original
13 affidavit, and copies of all bills, receipts, and insurance
14 company explanations of benefits.

15 (f) If the party does not respond to the request for
16 reimbursement within 30 days, the party seeking reimbursement or
17 public authority, if the public authority provides support
18 enforcement services, must commence an enforcement action
19 against the party under subdivision 18.

20 (g) The public authority must serve the other party with a
21 notice of intent to enforce unreimbursed and uninsured medical
22 expenses and file an affidavit of service by mail with the
23 district court administrator. The notice must state that,
24 unless the party (1) pays in full; (2) enters into a payment
25 agreement; or (3) files a motion contesting the matter within 14
26 days of service of the notice, the public authority will
27 commence enforcement of the expenses as medical support arrears
28 under subdivision 18.

29 (h) If the party files a timely motion for a hearing
30 contesting the requested reimbursement, the contesting party
31 must schedule a hearing in district court or in the expedited
32 child support process if section 484.702 applies. The
33 contesting party must provide the party seeking reimbursement
34 and the public authority, if the public authority provides
35 support enforcement services, with written notice of the hearing
36 at least 14 days before the hearing by mailing notice of the

1 hearing to the public authority and the party at the party's
2 last known address. The party seeking reimbursement must file
3 the original affidavit of health care expenses with the court at
4 least five days before the hearing. Based upon the evidence
5 presented, the district court or child support magistrate must
6 determine liability for the expenses and order that the liable
7 party is subject to enforcement of the expenses as medical
8 support arrears under subdivision 18.

9 Subd. 18. [ENFORCING AN ORDER FOR MEDICAL SUPPORT
10 ARREARS.] (a) If a party liable for unreimbursed and uninsured
11 medical expenses owes a child support obligation to the party
12 seeking reimbursement of the expenses, the expenses must be
13 collected as medical support arrears.

14 (b) If a party liable for unreimbursed and uninsured
15 medical expenses does not owe a child support obligation to the
16 party seeking reimbursement, and the party seeking reimbursement
17 owes the liable party basic support arrears, the liable party's
18 medical support arrears must be deducted from the amount of the
19 basic support arrears.

20 (c) If a liable party owes medical support arrears after
21 deducting the amount owed from the amount of the child support
22 arrears owed by the party seeking reimbursement, it must be
23 collected as follows:

24 (1) if the party seeking reimbursement owes a child support
25 obligation to the liable party, the child support obligation
26 must be reduced by 20 percent until the medical support arrears
27 are satisfied;

28 (2) if the party seeking reimbursement does not owe a child
29 support obligation to the liable party, the liable party's
30 income must be subject to income withholding under section
31 518.6111 for an amount required under section 518.553 until the
32 medical support arrears are satisfied; or

33 (3) if the party seeking reimbursement does not owe a child
34 support obligation, and income withholding under section
35 518.6111 is not available, payment of the medical support
36 arrears must be required under a payment agreement under section

1 518.553.

2 (d) If a liable party fails to enter into or comply with a
3 payment agreement, the party seeking reimbursement or the public
4 authority, if it provides support enforcement services, may
5 schedule a hearing to have a court order payment. The party
6 seeking reimbursement or the public authority must provide the
7 liable party with written notice of the hearing at least 14 days
8 before the hearing.

9 Sec. 24. [518.72] [CHILD CARE SUPPORT.]

10 Subdivision 1. [CHILD CARE COSTS.] Unless otherwise agreed
11 to by the parties and approved by the court, the court must
12 order that work-related or education-related child care costs of
13 joint children be divided between the obligor and obligee based
14 on their proportionate share of the parties' combined monthly
15 adjusted gross income. Child care costs shall be adjusted by
16 the amount of the estimated federal and state child care credit
17 payable on behalf of a joint child. The Department of Human
18 Services shall develop tables to calculate the applicable credit
19 based upon the custodial parent's adjusted gross income.

20 Subd. 2. [LOW-INCOME OBLIGOR.] (a) If the obligor's
21 adjusted gross income meets the income eligibility requirements
22 for child care assistance under the basic sliding fee program
23 under chapter 119B, the court must order the obligor to pay the
24 lesser of the following amounts:

25 (1) the amount of the obligor's monthly co-payment for
26 child care assistance under the basic sliding fee schedule
27 established by the commissioner of education under chapter 119B,
28 based on an obligor's monthly adjusted gross income and the size
29 of the obligor's household provided that the obligee is actually
30 receiving child care assistance under the basic sliding fee
31 program. For purposes of this subdivision, the obligor's
32 household includes the obligor and the number of joint children
33 for whom child support is being ordered; or

34 (2) the amount of the obligor's child care obligation under
35 subdivision 1.

36 (b) The commissioner of human services must publish a table

1 with the child care assistance basic sliding fee amounts and
2 update the table for changes to the basic sliding fee schedule
3 by July 1 of each year.

4 Subd. 3. [DETERMINING COSTS.] (a) The court must require
5 verification of employment or school attendance and
6 documentation of child care expenses from the obligee and the
7 public authority, if applicable.

8 (b) If child care expenses fluctuate during the year
9 because of the obligee's seasonal employment or school
10 attendance or extended periods of parenting time with the
11 obligor, the court must determine child care expenses based on
12 an average monthly cost.

13 (c) The amount allocated for child care expenses is
14 considered child support but is not subject to a cost-of-living
15 adjustment under section 518.641.

16 (d) The court may allow the parent with whom the joint
17 child does not reside to care for the joint child while the
18 parent with whom the joint child resides is working or attending
19 school, as provided in section 518.175, subdivision 8. Allowing
20 the parent with whom the joint child does not reside to care for
21 the joint child under section 518.175, subdivision 8, is not a
22 reason to deviate from the guidelines.

23 Subd. 4. [CHANGE IN CHILD CARE.] (a) When a court order
24 provides for child care expenses and the public authority
25 provides child support enforcement services, the public
26 authority must suspend collecting the amount allocated for child
27 care expenses when:

28 (1) either party informs the public authority that no child
29 care costs are being incurred; and

30 (2) the public authority verifies the accuracy of the
31 information with the other party.

32 The public authority will resume collecting child care expenses
33 when either party provides information that child care costs
34 have resumed.

35 (b) If the parties provide conflicting information to the
36 public authority regarding whether child care expenses are being

1 incurred, the public authority will continue or resume
 2 collecting child care expenses. Either party, by motion to the
 3 court, may challenge the suspension or resumption of the
 4 collection of child care expenses. If the public authority
 5 suspends collection activities for the amount allocated for
 6 child care expenses, all other provisions of the court order
 7 remain in effect.

8 (c) In cases where there is a substantial increase or
 9 decrease in child care expenses, the parties may modify the
 10 order under section 518.64.

11 Sec. 25. [518.722] [PARENTING EXPENSE ADJUSTMENT.]

12 (a) This section shall apply when the amount of parenting
 13 time granted to an obligor is ten percent or greater. Every
 14 child support order shall specify the total percent of parenting
 15 time granted to each parent.

16 (b) The obligor shall be entitled to a parenting expense
 17 adjustment calculated as follows:

18 (1) find the adjustment percentage corresponding to the
 19 percentage of parenting time allowed to the obligor below:

	<u>Percentage Range of</u>	<u>Adjustment</u>
	<u>Parenting Time</u>	<u>Percentage</u>
22 (i)	<u>less than 10 percent</u>	<u>no adjustment</u>
23 (ii)	<u>10 percent to 45 percent</u>	<u>12 percent</u>
24 (iii)	<u>45.1 percent to 50 percent</u>	<u>presume parenting</u>
25		<u>time is equal</u>

26 (2) multiply the adjustment percentage by the obligor's
 27 basic child support obligation to arrive at the parenting
 28 expense adjustment.

29 (c) Subtract the parenting expense adjustment from the
 30 obligor's basic child support obligation. The result is the
 31 obligor's obligation after parenting expense adjustment.

32 (d) If the parenting time is equal, the expenses for the
 33 children are equally shared, and the adjusted gross incomes of
 34 the parents also are equal, no support shall be paid.

35 (e) If the parenting time is equal but the parents'
 36 adjusted gross incomes are not equal, the parent having the

1 greater adjusted gross income shall be obligated for basic child
2 support, calculated as follows:

3 (1) multiply the combined basic support by 1.5;

4 (2) prorate the basic child support obligation between the
5 parents, subtract the lower amount from the higher amount and
6 divide the balance in half; and

7 (3) the resulting figure is the obligation after parenting
8 expense adjustment for the parent with the greater adjusted
9 gross income.

10 (f) This parenting expense adjustment reflects the
11 presumption that while exercising parenting time, a parent is
12 responsible for and incurs costs of caring for the child,
13 including, but not limited to, food, transportation, recreation,
14 and household expenses.

15 Sec. 26. [518.724] [ABILITY TO PAY; SELF-SUPPORT
16 ADJUSTMENT.]

17 It is a rebuttable presumption that a child support order
18 should not exceed the obligor's ability to pay. To determine
19 the amount of child support the obligor has the ability to pay,
20 follow the procedure set out in this section:

21 (1) calculate the obligor's income available for support by
22 subtracting a monthly self-support reserve equal to the percent
23 of the federal poverty guidelines used to determine the MFIP
24 transitional standard for one person from the obligor's gross
25 income;

26 (2) compare the obligor's income available for support to
27 the amount of support calculated as per section 518.713, clauses
28 (1) to (15). The amount of child support that is presumed to be
29 correct as defined in section 518.713 is the lesser of these two
30 amounts;

31 (3) this section does not apply to an incarcerated obligor;

32 (4) if the obligor's child support is reduced under clause
33 (2), then the court must apply the reduction to the child
34 support obligation in the following order:

35 (i) medical support obligation;

36 (ii) child support obligation; and

1 (iii) basic support obligation; and
2 (5) [MINIMUM BASIC SUPPORT AMOUNT.] if the obligor's income
3 available for support is less than the self-support reserve,
4 then the court must order minimum support as follows:

5 (i) for one or two children, the obligor's basic support
6 obligation is \$50 per month;

7 (ii) for three or four children, the obligor's basic
8 support obligation is \$75 per month; and

9 (iii) for five or more children, the obligor's basic
10 support obligation is \$100 per month.

11 If the court orders the obligor to pay the minimum basic support
12 amount under this paragraph, the obligor is presumed unable to
13 pay child care support and medical support.

14 If the court finds the obligor receives no income and completely
15 lacks the ability to earn income, the minimum basic support
16 amount under this paragraph does not apply.

17 Sec. 27. [518.725] [GUIDELINE USED IN CHILD SUPPORT
18 DETERMINATIONS.]

19 Subdivision 1. [DETERMINATION OF SUPPORT OBLIGATION.] (a)
20 The guideline in this section is a rebuttable presumption and
21 shall be used in any judicial or administrative proceeding to
22 establish or modify a support obligation under chapter 518.

23 (b) The basic child support obligation shall be determined
24 by referencing the guideline for the appropriate number of joint
25 children and the combined adjusted gross income of the parents.

26 (c) If a child is not in the custody of either parent and a
27 support order is sought against one or both parents, the basic
28 child support obligation shall be determined by referencing the
29 guideline for the appropriate number of joint children, and the
30 parent's individual adjusted gross income, not the combined
31 adjusted gross income of the parents.

32 (d) For combined adjusted gross incomes exceeding \$15,000
33 per month, the presumed basic child support obligations shall be
34 as for parents with combined adjusted gross income of \$15,000
35 per month. A basic child support obligation in excess of this
36 level may be demonstrated for those reasons set forth in section

1 518.714.

2 Subd. 2. [BASIC SUPPORT; GUIDELINE.] Unless otherwise
 3 agreed to by the parents and approved by the court, when
 4 establishing basic support, the court must order that basic
 5 support be divided between the parents based on their
 6 proportionate share of the parents' combined monthly income, as
 7 determined under section 518.713. Basic support must be
 8 computed using the following guideline:

9	Parents'		Number of Children					
	10 Combined Adjusted		One	Two	Three	Four	Five	Six
11	Gross Income							
12	\$0-	\$799	\$50	\$50	\$75	\$75	\$100	\$100
13	800-	899	80	129	149	173	201	233
14	900-	999	90	145	167	194	226	262
15	1,000-	1,099	116	161	186	216	251	291
16	1,100-	1,199	145	205	237	275	320	370
17	1,200-	1,299	177	254	294	341	396	459
18	1,300-	1,399	212	309	356	414	480	557
19	1,400-	1,499	251	368	425	493	573	664
20	1,500-	1,599	292	433	500	580	673	780
21	1,600-	1,699	337	502	580	673	781	905
22	1,700-	1,799	385	577	666	773	897	1,040
23	1,800-	1,899	436	657	758	880	1,021	1,183
24	1,900-	1,999	490	742	856	994	1,152	1,336
25	2,000-	2,099	516	832	960	1,114	1,292	1,498
26	2,100-	2,199	528	851	981	1,139	1,320	1,531
27	2,200-	2,299	538	867	1,000	1,160	1,346	1,561
28	2,300-	2,399	546	881	1,016	1,179	1,367	1,586
29	2,400-	2,499	554	893	1,029	1,195	1,385	1,608
30	2,500-	2,599	560	903	1,040	1,208	1,400	1,625
31	2,600-	2,699	570	920	1,060	1,230	1,426	1,655
32	2,700-	2,799	580	936	1,078	1,251	1,450	1,683
33	2,800-	2,899	589	950	1,094	1,270	1,472	1,707
34	2,900-	2,999	596	963	1,109	1,287	1,492	1,730
35	3,000-	3,099	603	975	1,122	1,302	1,509	1,749
36	3,100-	3,199	613	991	1,141	1,324	1,535	1,779
37	3,200-	3,299	623	1,007	1,158	1,344	1,558	1,807

1	<u>3,300- 3,399</u>	<u>632</u>	<u>1,021</u>	<u>1,175</u>	<u>1,363</u>	<u>1,581</u>	<u>1,833</u>
2	<u>3,400- 3,499</u>	<u>640</u>	<u>1,034</u>	<u>1,190</u>	<u>1,380</u>	<u>1,601</u>	<u>1,857</u>
3	<u>3,500- 3,599</u>	<u>648</u>	<u>1,047</u>	<u>1,204</u>	<u>1,397</u>	<u>1,621</u>	<u>1,880</u>
4	<u>3,600- 3,699</u>	<u>657</u>	<u>1,062</u>	<u>1,223</u>	<u>1,418</u>	<u>1,646</u>	<u>1,909</u>
5	<u>3,700- 3,799</u>	<u>667</u>	<u>1,077</u>	<u>1,240</u>	<u>1,439</u>	<u>1,670</u>	<u>1,937</u>
6	<u>3,800- 3,899</u>	<u>676</u>	<u>1,018</u>	<u>1,257</u>	<u>1,459</u>	<u>1,693</u>	<u>1,963</u>
7	<u>3,900- 3,999</u>	<u>684</u>	<u>1,104</u>	<u>1,273</u>	<u>1,478</u>	<u>1,715</u>	<u>1,988</u>
8	<u>4,000- 4,099</u>	<u>692</u>	<u>1,116</u>	<u>1,288</u>	<u>1,496</u>	<u>1,736</u>	<u>2,012</u>
9	<u>4,100- 4,199</u>	<u>701</u>	<u>1,132</u>	<u>1,305</u>	<u>1,516</u>	<u>1,759</u>	<u>2,039</u>
10	<u>4,200- 4,299</u>	<u>710</u>	<u>1,147</u>	<u>1,322</u>	<u>1,536</u>	<u>1,781</u>	<u>2,064</u>
11	<u>4,300- 4,399</u>	<u>718</u>	<u>1,161</u>	<u>1,338</u>	<u>1,554</u>	<u>1,802</u>	<u>2,088</u>
12	<u>4,400- 4,499</u>	<u>726</u>	<u>1,175</u>	<u>1,353</u>	<u>1,572</u>	<u>1,822</u>	<u>2,111</u>
13	<u>4,500- 4,599</u>	<u>734</u>	<u>1,184</u>	<u>1,368</u>	<u>1,589</u>	<u>1,841</u>	<u>2,133</u>
14	<u>4,600- 4,699</u>	<u>743</u>	<u>1,200</u>	<u>1,386</u>	<u>1,608</u>	<u>1,864</u>	<u>2,160</u>
15	<u>4,700- 4,799</u>	<u>753</u>	<u>1,215</u>	<u>1,402</u>	<u>1,627</u>	<u>1,887</u>	<u>2,186</u>
16	<u>4,800- 4,899</u>	<u>762</u>	<u>1,231</u>	<u>1,419</u>	<u>1,645</u>	<u>1,908</u>	<u>2,212</u>
17	<u>4,900- 4,999</u>	<u>771</u>	<u>1,246</u>	<u>1,435</u>	<u>1,663</u>	<u>1,930</u>	<u>2,236</u>
18	<u>5,000- 5,099</u>	<u>780</u>	<u>1,260</u>	<u>1,450</u>	<u>1,680</u>	<u>1,950</u>	<u>2,260</u>
19	<u>5,100- 5,199</u>	<u>788</u>	<u>1,275</u>	<u>1,468</u>	<u>1,701</u>	<u>1,975</u>	<u>2,289</u>
20	<u>5,200- 5,299</u>	<u>797</u>	<u>1,290</u>	<u>1,485</u>	<u>1,722</u>	<u>1,999</u>	<u>2,317</u>
21	<u>5,300- 5,399</u>	<u>805</u>	<u>1,304</u>	<u>1,502</u>	<u>1,743</u>	<u>2,022</u>	<u>2,345</u>
22	<u>5,400- 5,499</u>	<u>812</u>	<u>1,318</u>	<u>1,518</u>	<u>1,763</u>	<u>2,046</u>	<u>2,372</u>
23	<u>5,500- 5,599</u>	<u>820</u>	<u>1,331</u>	<u>1,535</u>	<u>1,782</u>	<u>2,068</u>	<u>2,398</u>
24	<u>5,600- 5,699</u>	<u>829</u>	<u>1,346</u>	<u>1,551</u>	<u>1,801</u>	<u>2,090</u>	<u>2,424</u>
25	<u>5,700- 5,799</u>	<u>838</u>	<u>1,357</u>	<u>1,568</u>	<u>1,819</u>	<u>2,111</u>	<u>2,449</u>
26	<u>5,800- 5,899</u>	<u>847</u>	<u>1,376</u>	<u>1,583</u>	<u>1,837</u>	<u>2,132</u>	<u>2,473</u>
27	<u>5,900- 5,999</u>	<u>856</u>	<u>1,390</u>	<u>1,599</u>	<u>1,855</u>	<u>2,152</u>	<u>2,497</u>
28	<u>6,000- 6,099</u>	<u>864</u>	<u>1,404</u>	<u>1,614</u>	<u>1,872</u>	<u>2,172</u>	<u>2,520</u>
29	<u>6,100- 6,199</u>	<u>874</u>	<u>1,419</u>	<u>1,631</u>	<u>1,892</u>	<u>2,195</u>	<u>2,546</u>
30	<u>6,200- 6,299</u>	<u>883</u>	<u>1,433</u>	<u>1,645</u>	<u>1,912</u>	<u>2,217</u>	<u>2,572</u>
31	<u>6,300- 6,399</u>	<u>892</u>	<u>1,448</u>	<u>1,664</u>	<u>1,932</u>	<u>2,239</u>	<u>2,597</u>
32	<u>6,400- 6,499</u>	<u>901</u>	<u>1,462</u>	<u>1,682</u>	<u>1,951</u>	<u>2,260</u>	<u>2,621</u>
33	<u>6,500- 6,599</u>	<u>910</u>	<u>1,476</u>	<u>1,697</u>	<u>1,970</u>	<u>2,282</u>	<u>2,646</u>
34	<u>6,600- 6,699</u>	<u>919</u>	<u>1,490</u>	<u>1,713</u>	<u>1,989</u>	<u>2,305</u>	<u>2,673</u>
35	<u>6,700- 6,799</u>	<u>927</u>	<u>1,505</u>	<u>1,730</u>	<u>2,009</u>	<u>2,328</u>	<u>2,700</u>
36	<u>6,800- 6,899</u>	<u>936</u>	<u>1,519</u>	<u>1,746</u>	<u>2,028</u>	<u>2,350</u>	<u>2,727</u>

1	<u>6,900- 6,999</u>	<u>944</u>	<u>1,533</u>	<u>1,762</u>	<u>2,047</u>	<u>2,379</u>	<u>2,753</u>
2	<u>7,000- 7,099</u>	<u>952</u>	<u>1,547</u>	<u>1,778</u>	<u>2,065</u>	<u>2,394</u>	<u>2,779</u>
3	<u>7,100- 7,199</u>	<u>961</u>	<u>1,561</u>	<u>1,795</u>	<u>2,085</u>	<u>2,417</u>	<u>2,805</u>
4	<u>7,200- 7,299</u>	<u>971</u>	<u>1,574</u>	<u>1,812</u>	<u>2,104</u>	<u>2,439</u>	<u>2,830</u>
5	<u>7,300- 7,399</u>	<u>980</u>	<u>1,587</u>	<u>1,828</u>	<u>2,123</u>	<u>2,462</u>	<u>2,854</u>
6	<u>7,400- 7,499</u>	<u>989</u>	<u>1,600</u>	<u>1,844</u>	<u>2,142</u>	<u>2,483</u>	<u>2,879</u>
7	<u>7,500- 7,599</u>	<u>998</u>	<u>1,613</u>	<u>1,860</u>	<u>2,160</u>	<u>2,505</u>	<u>2,903</u>
8	<u>7,600- 7,699</u>	<u>1,006</u>	<u>1,628</u>	<u>1,877</u>	<u>2,180</u>	<u>2,528</u>	<u>2,929</u>
9	<u>7,700- 7,799</u>	<u>1,015</u>	<u>1,643</u>	<u>1,894</u>	<u>2,199</u>	<u>2,550</u>	<u>2,955</u>
10	<u>7,800- 7,899</u>	<u>1,023</u>	<u>1,658</u>	<u>1,911</u>	<u>2,218</u>	<u>2,572</u>	<u>2,981</u>
11	<u>7,900- 7,999</u>	<u>1,032</u>	<u>1,673</u>	<u>1,928</u>	<u>2,237</u>	<u>2,594</u>	<u>3,007</u>
12	<u>8,000- 8,099</u>	<u>1,040</u>	<u>1,688</u>	<u>1,944</u>	<u>2,256</u>	<u>2,616</u>	<u>3,032</u>
13	<u>8,100- 8,199</u>	<u>1,048</u>	<u>1,703</u>	<u>1,960</u>	<u>2,274</u>	<u>2,637</u>	<u>3,057</u>
14	<u>8,200- 8,299</u>	<u>1,056</u>	<u>1,717</u>	<u>1,976</u>	<u>2,293</u>	<u>2,658</u>	<u>3,082</u>
15	<u>8,300- 8,399</u>	<u>1,064</u>	<u>1,731</u>	<u>1,992</u>	<u>2,311</u>	<u>2,679</u>	<u>3,106</u>
16	<u>8,400- 8,499</u>	<u>1,072</u>	<u>1,746</u>	<u>2,008</u>	<u>2,328</u>	<u>2,700</u>	<u>3,130</u>
17	<u>8,500- 8,599</u>	<u>1,080</u>	<u>1,760</u>	<u>2,023</u>	<u>2,346</u>	<u>2,720</u>	<u>3,154</u>
18	<u>8,600- 8,699</u>	<u>1,092</u>	<u>1,780</u>	<u>2,047</u>	<u>2,374</u>	<u>2,752</u>	<u>3,191</u>
19	<u>8,700- 8,799</u>	<u>1,105</u>	<u>1,801</u>	<u>2,071</u>	<u>2,401</u>	<u>2,784</u>	<u>3,228</u>
20	<u>8,800- 8,899</u>	<u>1,118</u>	<u>1,822</u>	<u>2,094</u>	<u>2,429</u>	<u>2,816</u>	<u>3,265</u>
21	<u>8,900- 8,999</u>	<u>1,130</u>	<u>1,842</u>	<u>2,118</u>	<u>2,456</u>	<u>2,848</u>	<u>3,302</u>
22	<u>9,000- 9,099</u>	<u>1,143</u>	<u>1,863</u>	<u>2,142</u>	<u>2,484</u>	<u>2,880</u>	<u>3,339</u>
23	<u>9,100- 9,199</u>	<u>1,156</u>	<u>1,884</u>	<u>2,166</u>	<u>2,512</u>	<u>2,912</u>	<u>3,376</u>
24	<u>9,200- 9,299</u>	<u>1,168</u>	<u>1,904</u>	<u>2,190</u>	<u>2,539</u>	<u>2,944</u>	<u>3,413</u>
25	<u>9,300- 9,399</u>	<u>1,181</u>	<u>1,925</u>	<u>2,213</u>	<u>2,567</u>	<u>2,976</u>	<u>3,450</u>
26	<u>9,400- 9,499</u>	<u>1,194</u>	<u>1,946</u>	<u>2,237</u>	<u>2,594</u>	<u>3,008</u>	<u>3,487</u>
27	<u>9,500- 9,599</u>	<u>1,207</u>	<u>1,967</u>	<u>2,261</u>	<u>2,622</u>	<u>3,040</u>	<u>3,525</u>
28	<u>9,600- 9,699</u>	<u>1,219</u>	<u>1,987</u>	<u>2,285</u>	<u>2,650</u>	<u>3,072</u>	<u>3,562</u>
29	<u>9,700- 9,799</u>	<u>1,232</u>	<u>2,008</u>	<u>2,309</u>	<u>2,677</u>	<u>3,104</u>	<u>3,599</u>
30	<u>9,800- 9,899</u>	<u>1,245</u>	<u>2,029</u>	<u>2,332</u>	<u>2,705</u>	<u>3,136</u>	<u>3,636</u>
31	<u>9,900- 9,999</u>	<u>1,257</u>	<u>2,049</u>	<u>2,356</u>	<u>2,732</u>	<u>3,168</u>	<u>3,673</u>
32	<u>10,000-10,099</u>	<u>1,270</u>	<u>2,070</u>	<u>2,380</u>	<u>2,760</u>	<u>3,200</u>	<u>3,710</u>
33	<u>10,100-10,199</u>	<u>1,283</u>	<u>2,091</u>	<u>2,404</u>	<u>2,788</u>	<u>3,232</u>	<u>3,747</u>
34	<u>10,200-10,299</u>	<u>1,295</u>	<u>2,111</u>	<u>2,428</u>	<u>2,815</u>	<u>3,264</u>	<u>3,784</u>
35	<u>10,300-10,399</u>	<u>1,308</u>	<u>2,132</u>	<u>2,451</u>	<u>2,843</u>	<u>3,296</u>	<u>3,821</u>
36	<u>10,400-10,499</u>	<u>1,321</u>	<u>2,153</u>	<u>2,475</u>	<u>2,870</u>	<u>3,328</u>	<u>3,858</u>

1	<u>10,500-10,599</u>	<u>1,334</u>	<u>2,174</u>	<u>2,499</u>	<u>2,898</u>	<u>3,360</u>	<u>3,896</u>
2	<u>10,600-10,699</u>	<u>1,346</u>	<u>2,194</u>	<u>2,523</u>	<u>2,926</u>	<u>3,392</u>	<u>3,933</u>
3	<u>10,700-10,799</u>	<u>1,359</u>	<u>2,215</u>	<u>2,547</u>	<u>2,953</u>	<u>3,424</u>	<u>3,970</u>
4	<u>10,800-10,899</u>	<u>1,372</u>	<u>2,236</u>	<u>2,570</u>	<u>2,981</u>	<u>3,456</u>	<u>4,007</u>
5	<u>10,900-10,999</u>	<u>1,384</u>	<u>2,256</u>	<u>2,594</u>	<u>3,008</u>	<u>3,488</u>	<u>4,044</u>
6	<u>11,000-11,099</u>	<u>1,397</u>	<u>2,277</u>	<u>2,618</u>	<u>3,036</u>	<u>3,520</u>	<u>4,081</u>
7	<u>11,100-11,199</u>	<u>1,410</u>	<u>2,298</u>	<u>2,642</u>	<u>3,064</u>	<u>3,552</u>	<u>4,118</u>
8	<u>11,200-11,299</u>	<u>1,422</u>	<u>2,318</u>	<u>2,666</u>	<u>3,091</u>	<u>3,584</u>	<u>4,155</u>
9	<u>11,300-11,399</u>	<u>1,435</u>	<u>2,339</u>	<u>2,689</u>	<u>3,119</u>	<u>3,616</u>	<u>4,192</u>
10	<u>11,400-11,499</u>	<u>1,448</u>	<u>2,360</u>	<u>2,713</u>	<u>3,146</u>	<u>3,648</u>	<u>4,229</u>
11	<u>11,500-11,599</u>	<u>1,461</u>	<u>2,381</u>	<u>2,737</u>	<u>3,174</u>	<u>3,680</u>	<u>4,267</u>
12	<u>11,600-11,699</u>	<u>1,473</u>	<u>2,401</u>	<u>2,761</u>	<u>3,202</u>	<u>3,712</u>	<u>4,304</u>
13	<u>11,700-11,799</u>	<u>1,486</u>	<u>2,422</u>	<u>2,785</u>	<u>3,229</u>	<u>3,744</u>	<u>4,341</u>
14	<u>11,800-11,899</u>	<u>1,499</u>	<u>2,443</u>	<u>2,808</u>	<u>3,257</u>	<u>3,776</u>	<u>4,378</u>
15	<u>11,900-11,999</u>	<u>1,511</u>	<u>2,463</u>	<u>2,832</u>	<u>3,284</u>	<u>3,808</u>	<u>4,415</u>
16	<u>12,000-12,099</u>	<u>1,524</u>	<u>2,484</u>	<u>2,856</u>	<u>3,312</u>	<u>3,840</u>	<u>4,452</u>
17	<u>12,100-12,199</u>	<u>1,537</u>	<u>2,505</u>	<u>2,880</u>	<u>3,340</u>	<u>3,872</u>	<u>4,489</u>
18	<u>12,200-12,299</u>	<u>1,549</u>	<u>2,525</u>	<u>2,904</u>	<u>3,367</u>	<u>3,904</u>	<u>4,526</u>
19	<u>12,300-12,399</u>	<u>1,562</u>	<u>2,546</u>	<u>2,927</u>	<u>3,395</u>	<u>3,936</u>	<u>4,563</u>
20	<u>12,400-12,499</u>	<u>1,575</u>	<u>2,567</u>	<u>2,951</u>	<u>3,422</u>	<u>3,968</u>	<u>4,600</u>
21	<u>12,500-12,599</u>	<u>1,588</u>	<u>2,588</u>	<u>2,975</u>	<u>3,450</u>	<u>4,000</u>	<u>4,638</u>
22	<u>12,600-12,699</u>	<u>1,600</u>	<u>2,608</u>	<u>2,999</u>	<u>3,478</u>	<u>4,032</u>	<u>4,675</u>
23	<u>12,700-12,799</u>	<u>1,613</u>	<u>2,629</u>	<u>3,023</u>	<u>3,505</u>	<u>4,064</u>	<u>4,712</u>
24	<u>12,800-12,899</u>	<u>1,626</u>	<u>2,650</u>	<u>3,046</u>	<u>3,533</u>	<u>4,096</u>	<u>4,749</u>
25	<u>12,900-12,999</u>	<u>1,638</u>	<u>2,670</u>	<u>3,070</u>	<u>3,560</u>	<u>4,128</u>	<u>4,786</u>
26	<u>13,000-13,099</u>	<u>1,651</u>	<u>2,691</u>	<u>3,094</u>	<u>3,588</u>	<u>4,160</u>	<u>4,823</u>
27	<u>13,100-13,199</u>	<u>1,664</u>	<u>2,712</u>	<u>3,118</u>	<u>3,616</u>	<u>4,192</u>	<u>4,860</u>
28	<u>13,200-13,299</u>	<u>1,676</u>	<u>2,732</u>	<u>3,142</u>	<u>3,643</u>	<u>4,224</u>	<u>4,897</u>
29	<u>13,300-13,399</u>	<u>1,689</u>	<u>2,753</u>	<u>3,165</u>	<u>3,671</u>	<u>4,256</u>	<u>4,934</u>
30	<u>13,400-13,499</u>	<u>1,702</u>	<u>2,774</u>	<u>3,189</u>	<u>3,698</u>	<u>4,288</u>	<u>4,971</u>
31	<u>13,500-13,599</u>	<u>1,715</u>	<u>2,795</u>	<u>3,213</u>	<u>3,726</u>	<u>4,320</u>	<u>5,009</u>
32	<u>13,600-13,699</u>	<u>1,727</u>	<u>2,815</u>	<u>3,237</u>	<u>3,754</u>	<u>4,352</u>	<u>5,046</u>
33	<u>13,700-13,799</u>	<u>1,740</u>	<u>2,836</u>	<u>3,261</u>	<u>3,781</u>	<u>4,384</u>	<u>5,083</u>
34	<u>13,800-13,899</u>	<u>1,753</u>	<u>2,857</u>	<u>3,284</u>	<u>3,809</u>	<u>4,416</u>	<u>5,120</u>
35	<u>13,900-13,999</u>	<u>1,765</u>	<u>2,877</u>	<u>3,308</u>	<u>3,836</u>	<u>4,448</u>	<u>5,157</u>
36	<u>14,000-14,009</u>	<u>1,778</u>	<u>2,898</u>	<u>3,332</u>	<u>3,864</u>	<u>4,480</u>	<u>5,194</u>

1	<u>14,100-14,199</u>	<u>1,791</u>	<u>2,919</u>	<u>3,356</u>	<u>3,892</u>	<u>4,512</u>	<u>5,231</u>
2	<u>14,200-14,299</u>	<u>1,803</u>	<u>2,939</u>	<u>3,380</u>	<u>3,919</u>	<u>4,544</u>	<u>5,268</u>
3	<u>14,300-14,399</u>	<u>1,816</u>	<u>2,960</u>	<u>3,403</u>	<u>3,947</u>	<u>4,576</u>	<u>5,305</u>
4	<u>14,400-14,499</u>	<u>1,829</u>	<u>2,981</u>	<u>3,427</u>	<u>3,974</u>	<u>4,608</u>	<u>5,342</u>
5	<u>14,500-14,599</u>	<u>1,842</u>	<u>3,002</u>	<u>3,451</u>	<u>4,002</u>	<u>4,640</u>	<u>5,380</u>
6	<u>14,600-14,699</u>	<u>1,854</u>	<u>3,022</u>	<u>3,475</u>	<u>4,030</u>	<u>4,672</u>	<u>5,417</u>
7	<u>14,700-14,799</u>	<u>1,867</u>	<u>3,043</u>	<u>3,499</u>	<u>4,057</u>	<u>4,704</u>	<u>5,454</u>
8	<u>14,800-14,899</u>	<u>1,880</u>	<u>3,064</u>	<u>3,522</u>	<u>4,085</u>	<u>4,736</u>	<u>5,491</u>
9	<u>14,900-14,999</u>	<u>1,892</u>	<u>3,084</u>	<u>3,546</u>	<u>4,112</u>	<u>4,768</u>	<u>5,528</u>
10	<u>15,000, or</u>	<u>1,905</u>	<u>3,105</u>	<u>3,570</u>	<u>4,140</u>	<u>4,800</u>	<u>5,565</u>

11 the amount
 12 in effect
 13 under subd. 4

14 Subd. 3. [INCOME CAP ON DETERMINING BASIC SUPPORT.] (a)
 15 The basic support obligation for parents with a combined monthly
 16 income in excess of the income limit currently in effect under
 17 subdivision 1 must be the same dollar amount as provided for
 18 parties with a combined monthly income equal to the income limit
 19 in effect under subdivision 1.

20 (b) A court may order a basic support obligation in a child
 21 support order in an amount that exceeds the income limit in
 22 subdivision 1 if it finds that a child has a disability or other
 23 substantial, demonstrated need for the additional support and
 24 that the additional support will directly benefit the child.

25 (c) The dollar amount for the cap in subdivision 1 must be
 26 adjusted on July 1 of every even-numbered year to reflect
 27 cost-of-living changes. The Supreme Court must select the index
 28 for the adjustment from the indices listed in section 518.641,
 29 subdivision 1. The state court administrator must make the
 30 changes in the dollar amounts required by this paragraph
 31 available to courts and the public on or before April 30 of the
 32 year in which the amount is to change.

33 Subd. 4. [MORE THAN SIX CHILDREN.] If a child support
 34 proceeding involves more than six children, the court may derive
 35 a support order without specifically following the guidelines.
 36 However, the court must consider the basic principles
 37 encompassed by the guidelines and must consider both parents'

1 needs, resources, and circumstances.

2 Subd. 5. [REPORT TO LEGISLATURE.] No later than 2006 and
3 every four years after that, the commissioner of human services
4 shall conduct a review of the child support guidelines.

5 Subd. 6. [FINDINGS; DEVIATION.] The guidelines in this
6 section are a rebuttable presumption and shall be used in all
7 cases when establishing or modifying child support. If the
8 court does not deviate from the guidelines, the court shall make
9 written findings concerning the amount of the obligor's income
10 used as the basis for the guidelines calculation and any other
11 significant evidentiary factors affecting the determination of
12 child support. If the court deviates from the guidelines, the
13 court shall make written findings giving the amount of support
14 calculated under the guidelines, the reasons for the deviation,
15 and shall specifically address the criteria in section 518.714
16 and how the deviation serves the best interest of the child.
17 The court may deviate from the guidelines if both parties agree
18 and the court makes written findings that it is in the best
19 interests of the child, except that in cases where child support
20 payments are assigned to the public agency under section
21 256.741, the court may deviate downward only as provided in
22 subdivision 7 of that section. Nothing in this paragraph
23 prohibits the court from deviating in other cases. The
24 provisions of this paragraph apply whether or not the parties
25 are each represented by independent counsel and have entered
26 into a written agreement. The court shall review stipulations
27 presented to it for conformity to the guidelines and the court
28 is not required to conduct a hearing, but the parties shall
29 provide the required documentation of earnings.

30 Sec. 28. [518.729] [WORKSHEET.]

31 The commissioner of human services must create and publish
32 a worksheet to assist in calculating child support under
33 sections 518.712 to 518.729. The worksheet must not impose
34 substantive requirements other than requirements contained in
35 sections 518.712 to 518.729. The commissioner must update the
36 worksheet by July 1 of each year. The commissioner must make an

1 interactive version of the worksheet available on the Department
 2 of Human Services Web site.

3 Sec. 29. [STUDY OF ECONOMIC IMPACT OF CHILD SUPPORT
 4 GUIDELINES.]

5 The commissioner of human services shall contract with a
 6 private provider to conduct an economic analysis of the child
 7 support guidelines contained in this act to evaluate whether the
 8 guidelines fairly represent the cost of raising children for the
 9 respective parental income levels, excluding medical support,
 10 child care, and education costs.

11 The results of the study shall be completed by no later
 12 than January 30, 2006. The private provider must have
 13 experience in evaluating or establishing child support
 14 guidelines, using the income shares approach, in other states.

15 Sec. 30. [REVISOR'S INSTRUCTION.]

16 The revisor of statutes shall renumber the provisions of
 17 Minnesota Statutes listed in column A to the references listed
 18 in column B. The revisor shall also make necessary
 19 cross-reference changes in Minnesota Statutes and Minnesota
 20 Rules consistent with the renumbering.

	<u>Column A</u>	<u>Column B</u>
21		
22	<u>518.5513</u>	<u>518.741</u>
23	<u>518.553</u>	<u>518.743</u>
24	<u>518.57</u>	<u>518.745</u>
25	<u>518.575</u>	<u>518.747</u>
26	<u>518.585</u>	<u>518.749</u>
27	<u>518.5851</u>	<u>518.751</u>
28	<u>518.5852</u>	<u>518.752</u>
29	<u>518.5853</u>	<u>518.753</u>
30	<u>518.6111</u>	<u>518.755</u>
31	<u>518.612</u>	<u>518.757</u>
32	<u>518.614</u>	<u>518.759</u>
33	<u>518.615</u>	<u>518.761</u>
34	<u>518.616</u>	<u>518.763</u>
35	<u>518.617</u>	<u>518.765</u>
36	<u>518.618</u>	<u>518.767</u>

1	<u>518.6195</u>	<u>518.769</u>
2	<u>518.6196</u>	<u>518.770</u>
3	<u>518.641</u>	<u>518.771</u>
4	<u>518.642</u>	<u>518.773</u>

5 Sec. 31. [APPROPRIATIONS.]

6 \$..... is appropriated in fiscal year 2006 and \$.....
7 is appropriated in fiscal year 2007 from the general fund to the
8 commissioner of human services to fund implementation of this
9 act and to reimburse counties for their implementation costs.
10 The commissioner of human services shall distribute funds to the
11 counties for their costs of implementation based upon their
12 total county IV-D caseload. The appropriation base in fiscal
13 year 2008 for grants to counties shall be \$.....

14 \$..... is appropriated in fiscal year 2007 from the
15 general fund to the supreme court administrator to fund
16 implementation of this act. This is a onetime appropriation.

17 Sec. 32. [REPEALER.]

18 Minnesota Statutes 2004, sections 518.171; 518.54,
19 subdivisions 2, 4, and 4a; and 518.551, subdivisions 1, 5a, 5c,
20 and 5f, are repealed.

21 Sec. 33. [EFFECTIVE DATE.]

22 This act is effective January 1, 2007, and applies to
23 orders adopted or modified after that date.

APPENDIX
Repealed Minnesota Statutes for S0630-1

518.171 MEDICAL SUPPORT.

Subdivision 1. Order. A completed national medical support notice issued by the public authority or a court order that complies with this section is a qualified medical child support order as described in the federal Employee Retirement Income Security Act of 1974 (ERISA) as amended by the federal Omnibus Budget Reconciliation Act of 1993 (OBRA).

(a) Every child support order must:

(1) expressly assign or reserve the responsibility for maintaining medical insurance for the minor children and the division of uninsured medical and dental costs; and

(2) contain the names, last known addresses, and Social Security numbers of the parents of the dependents unless the court prohibits the inclusion of an address or Social Security number and orders the parents to provide their addresses and Social Security numbers to the administrator of the health plan. The court shall order the parent with the better group dependent health and dental insurance coverage or health insurance plan to name the minor child as beneficiary on any health and dental insurance plan that is available to the parent on:

(i) a group basis;

(ii) through an employer or union; or

(iii) through a group health plan governed under the ERISA and included within the definitions relating to health plans found in section 62A.011, 62A.048, or 62E.06, subdivision 2. "Health insurance" or "health insurance coverage" as used in this section means coverage that is comparable to or better than a number two qualified plan as defined in section 62E.06, subdivision 2. "Health insurance" or "health insurance coverage" as used in this section does not include medical assistance provided under chapter 256, 256B, 256J, 256K, or 256D.

(b) If the court finds that dependent health or dental insurance is not available to the obligor or obligee on a group basis or through an employer or union, or that group insurance is not accessible to the obligee, the court may require the obligor (1) to obtain other dependent health or dental insurance, (2) to be liable for reasonable and necessary medical or dental expenses of the child, or (3) to pay no less than \$50 per month to be applied to the medical and dental expenses of the children or to the cost of health insurance dependent coverage.

(c) If the court finds that the available dependent health or dental insurance does not pay all the reasonable and necessary medical or dental expenses of the child, including any existing or anticipated extraordinary medical expenses, and the court finds that the obligor has the financial ability to contribute to the payment of these medical or dental expenses, the court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the child not covered by the required health or dental plan. Medical and dental expenses include, but are not limited to, necessary orthodontia and eye care, including prescription lenses.

(d) Unless otherwise agreed by the parties and approved by the court, if the court finds that the obligee is not receiving public assistance for the child and has the financial ability to contribute to the cost of medical and dental expenses for the child, including the cost of insurance, the court shall order the obligee and obligor to each assume a portion of these

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expenses based on their proportionate share of their total net income as defined in section 518.551, subdivision 5.

(e) Payments ordered under this section are subject to section 518.6111. An obligee who fails to apply payments received to the medical expenses of the dependents may be found in contempt of this order.

Subd. 2. **Spousal or ex-spousal coverage.** The court shall require the obligor to provide dependent health and dental insurance for the benefit of the obligee if it is available at no additional cost to the obligor and in this case the provisions of this section apply.

Subd. 2a. **Employer and obligor responsibility.** An individual shall disclose at the time of hiring if medical support is required to be withheld. If an employee discloses that medical support is required to be withheld, the employer shall begin withholding according to the terms of the order and pursuant to section 518.6111. If an individual discloses an obligation to obtain health and dental dependent insurance coverage and coverage is available through the employer, the employer shall make all application processes known to the individual upon hiring and enroll the employee and dependent in the plan pursuant to subdivision 3.

Subd. 3. **Notice to employer or union.** (a) For purposes of this chapter, "national medical support notice" means an administrative notice issued by the public authority to enforce health insurance provisions of a support order in IV-D cases under the Code of Federal Regulations.

(b) A copy of the national medical support notice or court order for insurance coverage shall be forwarded to the obligor's employer or union or to the health or dental insurance carrier if necessary by the obligee or the public authority responsible for support enforcement only when ordered by the court or when the following conditions are met:

(1) the obligor fails to provide written proof to the obligee or the public authority, within 30 days of the effective date of the court order, that the obligor has applied for insurance for the child;

(2) the obligee or the public authority serves written notice of its intent to enforce medical support. The obligee or the public authority must mail the written notice to the obligor at the obligor's last known post office address; and

(3) the obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee or the public authority that the obligor has applied for insurance coverage for the child.

(c) If an obligor is ordered to carry health insurance coverage for the child and has not enrolled the child in health insurance coverage, the public authority must forward a copy of the national medical support notice to the obligor's employer or union within two business days after the date the obligor is entered into the work reporting system under section 256.998.

Subd. 4. **Effect of order.** (a) The national medical support notice or court order is binding on the employer or union and the health and dental insurance plan when service under subdivision 3 has been made. In the case of an obligor who changes employment and is required to provide health coverage for the child, a new employer that provides health care coverage shall enroll the child in the obligor's health plan upon receipt of an order or notice for health insurance, unless

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the obligor contests the enrollment.

(b) The obligor may contest the enrollment on the limited grounds that the enrollment is improper due to mistake of fact or that the enrollment meets the requirements of section 518.64, subdivision 2. If the obligor chooses to contest the enrollment, the obligor must do so no later than 15 days after the employer notifies the obligor of the enrollment, by doing all of the following:

(1) filing a motion in district court or according to section 484.702 and the rules of the expedited child support process if the public authority provides support enforcement services;

(2) mailing a copy of the motion to the public authority, if the public authority provides support enforcement services, and the obligee; and

(3) securing a date for the contested hearing no later than 45 days after the notice of enrollment.

The enrollment must remain in place during the time period in which the obligor contests the enrollment.

(c) An employer or union that is included under ERISA may not deny enrollment based on exclusionary clauses described in section 62A.048. Enrollment of dependents and, if necessary, the obligor shall be immediate and not dependent upon open enrollment periods. Enrollment is not subject to the underwriting policies described in section 62A.048.

(d) An employer or union that willfully fails to comply with the order is liable for any health or dental expenses incurred by the dependents during the period of time the dependents were eligible to be enrolled in the insurance program, and for any other premium costs incurred because the employer or union willfully failed to comply with the order. An employer or union that fails to comply with the order is subject to contempt under section 518.615 and is also subject to a fine of \$500 to be paid to the obligee or public authority. Fines paid to the public authority are designated for child support enforcement services.

(e) Failure of the obligor to execute any documents necessary to enroll the dependent in the group health and dental insurance plan will not affect the obligation of the employer or union and group health and dental insurance plan to enroll the dependent in a plan. Information and authorization provided by the public authority responsible for child support enforcement, or by the obligee or guardian, is valid for the purposes of meeting enrollment requirements of the health plan.

(f) The insurance coverage for a child eligible under subdivision 5 shall not be terminated except as authorized in subdivision 5.

Subd. 4a. Employer, union and health plan administrator requirements. (a) An employer or union must forward the national medical support notice or court order to its health plan within 20 business days after the date on the national medical support notice or after receipt of the court order.

(b) If a health plan administrator receives a completed national medical support notice or court order, the plan administrator must notify the parties and the public authority if the public authority provides support enforcement services within 40 business days after the date of the notice or after receipt of the court order, of the following:

(1) whether coverage is available to the child under the

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terms of the health plan;

(2) whether the child is covered under the health plan;

(3) the effective date of the child's coverage under the health plan; and

(4) what steps, if any, are required to effectuate the child's coverage under the health plan. The plan administrator must also provide the parties and the public authority if the public authority provides support enforcement services with a notice of enrollment of the child, description of the coverage, and any documents necessary to effectuate coverage.

(c) Upon determination by the health plan administrator that the child may be covered under the health plan, the employer or union and health plan must enroll the child as a beneficiary in the health plan and withhold any required premiums from the income or wages of the obligor.

(d) If more than one plan is offered by the employer or union and the national medical support notice or court order does not specify the plan to be carried, the plan administrator must notify the parents and the public authority if the public authority provides support enforcement services.

(e) If enrollment of the obligor is necessary to obtain dependent health care coverage under the plan and the obligor is not enrolled in the health plan, the employer or union must also enroll the obligor in the plan.

Subd. 5. Disenrollment; coverage options. (a) Unless a court order provides otherwise, a minor child that an obligor is required to cover as a beneficiary pursuant to this section is eligible for insurance coverage as a dependent of the obligor until the child is emancipated, until further order of the court, or as consistent with the terms of coverage. The health or dental insurance carrier or employer may not disenroll or eliminate coverage of the child unless the health or dental insurance carrier or employer is provided satisfactory written evidence that the court order is no longer in effect, or the child is or will be enrolled in comparable health coverage through another health or dental insurance plan that will take effect no later than the effective date of the disenrollment, or the employee is no longer eligible for dependent coverage, or that the required premium has not been paid by or on behalf of the child. The health or dental insurance plan must provide 30 days' written notice to the child's parents and the public authority if the public authority provides support enforcement services prior to the disenrollment or elimination of coverage for the child.

(b) If the public authority provides support enforcement services and a plan administrator reports to the public authority that there is more than one coverage option available under the health plan, the public authority, in consultation with the parent with whom the child resides, must promptly select coverage from the available options.

Subd. 6. Plan reimbursement; correspondence and notice.

(a) The signature of either parent of the insured dependent is a valid authorization to a health or dental insurance plan for purposes of processing an insurance reimbursement payment to the provider of the medical services or to the parent who has prepaid for the medical services.

(b) The health or dental insurance plan shall send copies of all correspondence regarding the insurance coverage to both parents. When an order for dependent insurance coverage is in

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effect and the obligor's employment is terminated, or the insurance coverage is terminated, the health or dental insurance plan shall notify the obligee within ten days of the termination date with notice of conversion privileges.

Subd. 7. **Release of information.** When an order for dependent insurance coverage is in effect, the obligor's employer, union, or insurance agent shall release to the obligee or the public authority, upon request, information on the dependent coverage, including the name of the health or dental insurance carrier or employer. The employer, union, or health or dental insurance plan shall provide the obligee with insurance identification cards and all necessary written information to enable the obligee to utilize the insurance benefits for the covered dependents. Notwithstanding any other law, information reported pursuant to section 268.044 shall be released to the public agency responsible for support enforcement that is enforcing an order for health or dental insurance coverage under this section. The public agency responsible for support enforcement is authorized to release to the obligor's health or dental insurance carrier or employer information necessary to obtain or enforce medical support.

Subd. 8. **Obligor liability.** (a) An obligor who fails to maintain medical or dental insurance for the benefit of the children as ordered or fails to provide other medical support as ordered is liable to the obligee for any medical or dental expenses incurred from the effective date of the court order, including health and dental insurance premiums paid by the obligee because of the obligor's failure to obtain coverage as ordered. Proof of failure to maintain insurance or noncompliance with an order to provide other medical support constitutes a showing of increased need by the obligee pursuant to section 518.64 and provides a basis for a modification of the obligor's child support order.

(b) Payments for services rendered to the dependents that are directed to the obligor, in the form of reimbursement by the health or dental insurance carrier or employer, must be endorsed over to and forwarded to the vendor or obligee or public authority when the reimbursement is not owed to the obligor. An obligor retaining insurance reimbursement not owed to the obligor may be found in contempt of this order and held liable for the amount of the reimbursement. Upon written verification by the health or dental insurance carrier or employer of the amounts paid to the obligor, the reimbursement amount is subject to all enforcement remedies available under subdivision 10, including income withholding pursuant to section 518.6111. The monthly amount to be withheld until the obligation is satisfied is 20 percent of the original debt or \$50, whichever is greater.

Subd. 9. **Application for service.** The public agency responsible for support enforcement shall take necessary steps to implement and enforce an order for dependent health or dental insurance whenever the children receive public assistance, or upon application of the obligee to the public agency and payment by the obligee of any fees required by section 518.551.

Subd. 10. **Enforcement.** Remedies available for the collection and enforcement of child support apply to medical support. For the purpose of enforcement, the costs of individual or group health or hospitalization coverage, dental coverage, all medical costs ordered by the court to be paid by the obligor, including health and dental insurance premiums paid

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by the obligee because of the obligor's failure to obtain coverage as ordered, or liabilities established pursuant to subdivision 8, are additional child support.

518.54 DEFINITIONS.

Subd. 2. **Child.** "Child" means an individual under 18 years of age, an individual under age 20 who is still attending secondary school, or an individual who, by reason of physical or mental condition, is incapable of self-support.

Subd. 4. **Support money; child support.** "Support money" or "child support" means:

(1) an award in a dissolution, legal separation, annulment, or parentage proceeding for the care, support and education of any child of the marriage or of the parties to the proceeding; or

(2) a contribution by parents ordered under section 256.87.

Subd. 4a. **Support order.** "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, child care, medical support including expenses for confinement and pregnancy, arrearages, or reimbursement, and that may include related costs and fees, interest and penalties, income withholding, and other relief. This definition applies to orders issued under this chapter and chapters 256, 257, and 518C.

518.551 MAINTENANCE AND SUPPORT PAYMENTS.

Subdivision 1. **Scope; payment to public agency.** (a) This section applies to all proceedings involving a support order, including, but not limited to, a support order establishing an order for past support or reimbursement of public assistance.

(b) The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance, or has applied for child support and maintenance collection services. Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child support enforcement. This includes the authority to represent the legal interests of or execute documents on behalf of the other public authority in connection with the establishment, enforcement, and collection of child support, maintenance, or medical support, and collection on judgments.

(c) Payments made to the public authority other than payments under section 518.6111 must be credited as of the date the payment is received by the central collections unit.

(d) Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Subd. 5a. **Order for community services.** If the court finds that the obligor earns \$400 or less per month and does not have the ability to provide support based on the guidelines and factors under subdivision 5, the court may order the obligor to perform community services to fulfill the obligor's support obligation. In ordering community services under this subdivision, the court shall consider whether the obligor has

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the physical capability of performing community services, and shall order community services that are appropriate for the obligor's abilities.

Subd. 5c. Child support guidelines to be reviewed every four years. No later than 1994 and every four years after that, the Department of Human Services shall conduct a review of the child support guidelines.

Subd. 5f. Subsequent children. The needs of subsequent children shall not be factored into a support guidelines calculation under subdivision 5. The fact that an obligor had additional children after the entry of a child support order is not grounds for a modification to decrease the amount of support owed. However, the fact that an obligor has subsequent children shall be considered in response to a request by an obligee for a modification to increase child support. In order to deviate from the support guidelines in subdivision 5 to consider the needs of subsequent children, the trial court must:

(1) find the obligor's total ability to contribute to dependent children, taking into account the obligor's income and reasonable expenses exclusive of child care. The obligor's expenses must be:

(i) reduced as appropriate to take into account contributions to those costs by other adults who share the obligor's current household; and

(ii) apportioned between the parent and any subsequent child with regard to shared benefits, including but not limited to, housing and transportation;

(2) find the total needs of all the obligor's children, and if these needs are less than the obligor's ability to pay, the needs may become the obligor's child support obligation. When considering the needs of subsequent children, the trial court must reduce those amounts as appropriate to take into account the ability to contribute to those needs by another parent of the children;

(3) make specific findings on the needs of the child or children who are the subject of the support order under consideration; and

(4) exercise discretion to fairly determine the current support obligation and the contribution left available for other children, considering that the support obligation being determined should be in an amount at least equal to the contribution for a subsequent child.

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0630-1E Complete Date: 05/02/05

Chief Author: NEUVILLE, THOMAS

Title: MARRIAGE DIS & CHILD SUPPORT PROV

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

Agencies: Supreme Court (05/02/05)

Human Services Dept (04/21/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund	0	2,529	1,087	1,818	2,396
Human Services Dept	0	2,529	0	0	0
Supreme Court			1,087	1,818	2,396
Federal Fund			843	1,221	1,627
Supreme Court			843	1,221	1,627
Revenues					
General Fund			274	547	547
Supreme Court			274	547	547
Federal Fund	0	1,669	843	1,221	1,627
Human Services Dept	0	1,669	0	0	0
Supreme Court			843	1,221	1,627
Net Cost <Savings>					
General Fund	0	2,529	813	1,271	1,849
Human Services Dept	0	2,529	0	0	0
Supreme Court			813	1,271	1,849
Federal Fund	0	(1,669)	0	0	0
Human Services Dept	0	(1,669)	0	0	0
Supreme Court			0	0	0
Total Cost <Savings> to the State	0	860	813	1,271	1,849

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund			7.00	11.00	16.00
Supreme Court			7.00	11.00	16.00
Federal Fund			12.50	25.00	25.00
Supreme Court			12.50	25.00	25.00
Total FTE			19.50	36.00	41.00

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 05/02/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0630-1E **Complete Date:** 05/02/05

Chief Author: NEUVILLE, THOMAS

Title: MARRIAGE DIS & CHILD SUPPORT PROV

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund			1,087	1,818	2,396
Federal Fund			843	1,221	1,627
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund			1,087	1,818	2,396
Federal Fund			843	1,221	1,627
Revenues					
General Fund			274	547	547
Federal Fund			843	1,221	1,627
Net Cost <Savings>					
General Fund			813	1,271	1,849
Federal Fund			0	0	0
Total Cost <Savings> to the State			813	1,271	1,849

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund			7.00	11.00	16.00
Federal Fund			12.50	25.00	25.00
Total FTE			19.50	36.00	41.00

Bill Description

The bill deals exclusively with changes in the determination/calculation of child support, medical support and child care contribution. The biggest change is in the calculation of basic support, which will be determined by considering the gross income of both parents, rather than the current system, which only considers the non-custodial parent's income (and uses net income) to determine the base child support amount. The bill delays the effective date of the new guidelines to January 1, 2007 to allow changes to the DHS computer system, development of a web based calculator and training of child support officers, county attorneys, private bar and the judiciary. The bill provides that no modification of an existing order shall occur during the first year following the effective date except in specified situations. The bar on modifications expires January 1, 2008. Under this bill, the court may be asked to impute income to a custodial parent after consideration of certain factors. The proposed self-support reserve will require the court to continue to determine income and payroll taxes of some non-custodial parents, and probably will require additional effort by the courts. Medical support will require more effort from the courts. One new medical support related provision allows a party to contest enrollment of the child in health plan by filing a motion, hearing to be held no later than 45 days after the notice of enrollment. Another new provision in the medical support area provides that the public authority may remove the offset to an obligation if the court ordered health coverage terminates, by providing notice to the parties. A party may contest this decision by "requesting a hearing". The matter is then to be scheduled for hearing. If no hearing is requested, an order is still supposed to issue from the court, although it is unclear how the issues would come to the attention of the court. These provisions represent new work for the courts. The bill allows the public authority to stop and re-start collection of court ordered childcare contribution in certain circumstances. The bill proposes an additional fee at the time a dissolution or marriage, legal separation or proceedings to establish child support are filed.

Assumptions

Revenue Assumptions

With respect to the marriage dissolution fee, there were 16,587 dissolution cases filed in 2003. A like number of filings are assumed for FY04 through FY07. The filing information is the basis of the revenue projection. The filings have been discounted by 1/3 because many parties file *in forma pauperis* and many cases do not have an appearance by both parties. The bill does not yet specify the dollar amount of the fee. If the fee were increased by \$25 the amount of revenue would be approximately

To the extent that child support matters are IV-D cases, they may be heard in the Expedited Child Support Process. The expenses associated with that process are eligible for federal financial participation at the rate of 66% of the total cost.

Change in Circumstance Hearings

IV-D Modification Hearings

In 2002, 2003 and 2004, the Expedited Child Support Process considered more than 11,000 motions to modify support per year. Whenever a change in the law is enacted, the volume of cases increases for a period of time until the case law resolves the ambiguities in the new law. In the instant case, there is a change in the way child support is calculated that is being widely advertised as resulting in a lower child support obligation in many, if not most, cases. Although the bill attempts to reduce the number of people seeking modification by indicating that modifications may only occur during the first year following enactment in certain situations, many pro se parties will file anyway, just in case it will reduce their child support order. There are approximately 247,000 IV-D Child Support cases and an unknown number of cases not registered for IV-D child support collection. The number of IV-D cases with current support due is 143,423. If the number with a true change in circumstances remain at 11,000 hearings per year and 90% of those with current support orders heed the prohibition, the number of modification hearings is still likely to double in the Expedited Process (that represents less than 10% of the existing orders for current support). The majority of the modification motions in the Expedited Child Support Process are from pro se individuals.

Based on the conservative estimate that less than 10% of the cases current support due will allege a change in circumstances under this bill and that most, if not all of those would be heard in the Expedited Child Support Process, that translates into an additional 11,000 or more motions to modify. This is in addition to the 11,000 modifications that typically occur in the system each year for other reasons. This fiscal note assumes that the number of motions to modify presented by unrepresented parties will double from the effective date of the bill, January 1, 2007, in spite of the statutory prohibition and will required magistrate adjudication to dispose of them by denial. The same is likely to occur in the first six months of FY2008, with a bigger spike in the second half of

FY08, when the guidelines apply to modifications without reservation effective January 1, 2008. The level of publicity surrounding the proposed legislative changes to child support laws continues to indicate that support modifications may be significant due to the new legislation. The number of persons, including unrepresented individuals, who may petition to have their child support obligations reviewed, is anticipated to be significant. This fiscal note assumes that the number of motions to modify child support during the first three to five years will double or triple.

Judicial Multiple Issue Modification Hearings

Not all cases with child support issues are IV-D cases. Some IV-D cases will be handled in district court due to other issues (such as parenting time or property issues) that also need resolution. The same assumption of a 10% increase in the number of hearings is used. For this reason, it is estimated that an additional 500 motions will be heard in district court in the second half of FY08 when the modification provisions of this bill become effective and an additional 1,000 cases on an annualized basis in FY09. Representation is assumed for these cases with a consequent recognition of the modification effective date delay until 2008.

Permanent Judicial Workload Increase

Furthermore several provisions of the bill, including the possibility of income imputation for primary caretakers, not just the obligor, and the requirement of extensive additional findings with respect to health care and data that is currently not collected by courts, are likely to create additional and longer hearings and more work preparing the findings. This is especially true where an estimated 70-80% of the parties on one side are representing themselves. On a permanent basis an additional 5% increase in time to process these cases is estimated.

Expenditure and/or Revenue Formula

- Hearings for Change in Support as a Result of Changed Guidelines

IV-D Cases

Child support magistrates handle many of the motions dealing solely with support issues. Even with the provisions stating that a change in the law is not a change in circumstances for the purpose of modification and that no modifications shall occur in the first year, except in certain limited circumstances, the courts assume that many people will still petition for a recalculation of child support. Assuming that an additional 11,000 petitions per year will be filed to modify child support under the new guidelines at 1.5 hours to hear and write a dispositional order at \$62.50 per contractor hour, the total cost for a full year would be \$1,031,250. Applying the Minnesota Court Staff Workload Assessment Study, 25 additional administrative staff would be required to file, schedule, and record the hearing, and administratively process these 11,000 additional cases. A senior court clerk costs \$57,400 annually for salary, fringe benefits, and operating costs. The annual total for 25 positions would be \$1,435,000. The total annual cost would be \$2,466,000 for administrative and adjudicative staff. The effective date of the bill is January 1, 2007. Therefore, in FY07, the cost would be half of \$2,466,000, or \$1,233,000. Sixty-six percent of this cost, or \$813,400, is reimbursable by the federal government. The state cost for FY07 is \$419,600. Thereafter of the total annual \$2,466,000, \$1,627,725 is reimbursable by the federal government and the state general fund cost would be \$838,525.

Judicial Workload Increase

Because of the additional and longer hearings contemplated under this bill, an additional 5% increase in the family court workload for divorces with children and support cases is considered likely. A 5% increase in the workload on those case types on a permanent basis would require an additional 1.7 judge units. The total annual cost for 1.7 judge units is \$521,900. In the first year a chambers set up cost of \$49,000 would be required. In order to allow new judges an opportunity to be trained and to develop policies and procedures for handling the substantive changes of this bill, these judgeships should be created prior to the effective date of this bill. At least 2 administrative staff would be required to support these judgeships. At an annual cost of \$57,400 each, the total annual cost for the administrative support would be \$114,800.

Judicial Multiple Issue Modification Hearings

Where post decree motions involve issues in addition to child support, for example adjustments of custody, those issues are adjudicated by judges. Because multiple issues hearings take additional hearing and order preparation time, two hours on average have been assumed for hearing time and two hours order preparation time. In any recent year since 1999 approximately 10,000 post decree hearings in addition to those processed by the child support magistrates are considered by the courts. If an additional 10% request modification of support or custody results under this bill beginning January 1, 2008, as part of the initial reassessment of cases that had previously been adjudicated in the system, an additional 1000 hearings might

result. An additional 3 judge units would be required to hear the additional readjudication hearings that might result from this bill in the initial spike of cases beginning in January 2008, FY08. A judge unit costs \$307,000 in FY05. A judge unit consists of a judge, law clerk and court reporter. The total cost for three additional judge units would be \$921,000 with an additional amount for initial chambers set up costs of \$73,500 in the first year. These costs are not reimbursed by the federal government. With a starting date of January 1, 2007, and a delay for most modifications for a year, the cost in FY08 would be half the annual amount or \$476,000. Thereafter for a period of time the annual cost would be \$921,000 until the initial modification reviews had been completed. Because the judicial branch is currently 10 judges below the complement needed to process the existing workload, it is unable to absorb this additional spike in work or the additional continuing workload that results from this bill.

- **Revision of Family Court Forms and Child Support Forms Required by This Bill**

More than 50 family court forms currently contain references to M.S. Chapter 518. Revision and posting to the Web of these forms is estimated to cost \$7,500.

Replacement initially of forms for distribution to the public is estimated to cost \$170,000. Packets of family court forms contain 157 pages in many counties. (157 pages X .025 each X 43,500 copies). Practice for form distribution varies by county.

Child Support Forms Replacement (35,000 copies X .025 X 50 pages) \$44,000
 Cost of replacing child support forms would be reimbursed .66 by the federal government.
 Federal cost is \$29,000 and state general fund cost is \$15,000

- Training would be required for state court judicial and administrative personnel prior to implementation at an estimated cost of \$50,000.

Summary of Costs –

If requests for modification exceed the 11,000 additional estimated for child support magistrates and the 1000 additional multiple issue hearings for judges, the hearing costs would increase or adjudication would be delayed. The timeframe for modifying the existing child support orders to conform to the new method of calculation is uncertain but, given the volume, is likely to require at least three to five years.

Revenue

Federal Revenue of \$842,863 in FY07, \$1,220,794 in FY08 and \$1,627,725 in FY09 or 2/3 of the child support enforcement related costs is anticipated through a cooperative agreement with DHS.

Expense

<u>STATE</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>
CSM-IV-D	\$419,600	\$628,894	\$838,525
Jud. Incr.	\$260,850	\$521,900	\$521,900
Chambers	\$49,000		
Admin	\$114,800	\$114,800	\$114,800
Judge Mod		\$476,000	\$921,000
Chambers		\$76,500	
Web Site	\$7,500		
Family Forms	\$170,000		
Support Forms	\$15,000		
Training	\$50,000		
Total	\$1,086,850	\$1,818,094	\$2,396,225
<u>FEDERAL</u>			
CSM-IV-D	\$813,863	\$1,220,794	\$1,627,725
Support Forms	\$29,000		
Total	\$842,863	\$1,220,794	\$1,627,725

Revenue Summary

Dissolution Filing fee increase effective 1-1-07 assuming a \$25 increase
Estimated Federal Revenue equal to 2/3 of IV-D expenditures.

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: JUDY REHAK
Date: 04/26/05 Phone: 297-7800

EBO Comments

Marriage dissolution filing fees are increased an unspecified amount in the bill. The agency has assumed a \$25 dollar increase for purposes of calculating the fiscal note.

EBO Signature: JIM KING
Date: 05/02/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0630-1E **Complete Date:** 04/21/05

Chief Author: NEUVILLE, THOMAS

Title: MARRIAGE DIS & CHILD SUPPORT PROV

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Human Services Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund	0	2,529	0	0	0
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund	0	2,529	0	0	0
Revenues					
Federal Fund	0	1,669	0	0	0
Net Cost <Savings>					
General Fund	0	2,529	0	0	0
Federal Fund	0	(1,669)	0	0	0
Total Cost <Savings> to the State	0	860	0	0	0

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Narrative: SF 630-1E

Bill Description

This proposal contains provisions to change the Minnesota child support guideline formula and adds new coding and sections to Minnesota statute Chapter 518, which contains family law provisions. The bill replaces current child support guidelines with an income shares model that uses the income of both parents to determine child support amounts. The bill adds parenting time expenses to the new child support guideline computation. The bill contains provisions to significantly change the establishment and enforcement of medical support obligations, including some enforcement remedies to collect medical support amounts from custodial parents.

Assumptions

A significant department effort and commitment of resources is required to implement changes to a new child support and medical support guideline. Three major policy initiatives are impacted; family law changes; medical support; and child support guidelines. Each area requires significant review and revision of the PRISM system. The PRISM forms and documents require updating, county and state worker training is necessary, and child support manual materials require revisions. The primary policy initiatives are listed below.

- Family law new sections: The new sections of family law have the effect of changing many legal citations used in the child support program. All forms, manuals, and major components of the PRISM system will need to be reviewed and updated to reflect new legal citations.
- Medical support changes: Requires major changes to the PRISM computer system. The Department will need to update the PRISM system to track obligations owed by two parties rather than one. In addition, a different range of enforcement remedies will be applicable to the parties. The changes needed to implement the medical support provisions are equivalent to designing an entirely new administrative system and they are complex changes that require substantial effort to implement. New PRISM policy and procedures, training materials, and PRISM training is necessary.
- Guideline computation changes: These provisions require substantial changes to the PRISM system, in addition a comprehensive update of all policy and procedures for calculating support. Training of child support staff is required in each county. Department staff will likely be asked to provide training to other state and local agencies as well. Numerous new and updated forms will be needed, including computer-generated forms. A web-based tool for calculating the new guideline is included in the estimate.
- The department is required to contract for an economic impact study of child support guidelines.
- The proposal estimates are based on an implementation date of January 1, 2007.

The cost estimates for PRISM technical system changes are increased from estimates of similar bills in previous legislative sessions. The estimates are informed by recent experience with major PRISM programming changes. The implementation of the proposed guidelines is expected to be as complex, if not more so, than the recent systems changes.

Expenditure and/or Revenue Formula

Summary of Implementation Costs

The project is forecasted to require a variety of different job skills and technical level support. A blended hourly rate of \$34 per hour is the forecasted hourly rate to fund this pool of state staff resources.

State staff hours 20,600 hours @ \$34/hour (includes benefits)	\$700,400
Outside technical consultant hours 23,768 hours @ \$75 per hour	1,782,600
Economic impact study contract	20,000
Outside technical web consultant hours 120 hours @ \$100 per hour	12,000
Other administrative expenditures	14,500
Total All Fund Expenditures	\$2,529,500
Less: Less: non dedicated federal financial participation (FFP) @ 66% for economic study	\$13,200
Less: Dedicated federal financial participation (FFP) @66%	1,656,270
General Fund Share	\$860,030

A one-time general fund amount of \$860,000 is required in state fiscal year 2006. This amount would be supplemented by \$1,669,470 in federal financial participation (FFP) funds for a total implementation budget of \$2,529,500. Federal financial participation (FFP) is earned on PRISM system expenditures and dedicated to the child support PRISM special revenue fund to

offset the costs of this proposal. Non-dedicated federal financial participation (FFP) is also earned for the cost of the economic impact study.

Long-Term Fiscal Considerations

None

Local Government Costs

Cost of the on-going administration of the new guidelines is unknown, but significant.

References/Sources

Bill Lansing, DHS, Child Support Enforcement Division
297-4783

Agency Contact Name: John Anderson 296-1257
FN Coord Signature: STEVE BARTA
Date: 04/21/05 Phone: 296-5685

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KATIE BURNS
Date: 04/21/05 Phone: 296-7289

1 Senator moves to amend S.F. No. 630 as follows:

2 Page 1, after line 14, insert:

3 "Section 1. Minnesota Statutes 2004, section 357.021,
4 subdivision 1a, is amended to read:

5 Subd. 1a. [TRANSMITTAL OF FEES TO COMMISSIONER OF
6 FINANCE.] (a) Every person, including the state of Minnesota and
7 all bodies politic and corporate, who shall transact any
8 business in the district court, shall pay to the court
9 administrator of said court the sundry fees prescribed in
10 subdivision 2. Except as provided in paragraph (d), the court
11 administrator shall transmit the fees monthly to the
12 commissioner of finance for deposit in the state treasury and
13 credit to the general fund.

14 (b) In a county which has a screener-collector position,
15 fees paid by a county pursuant to this subdivision shall be
16 transmitted monthly to the county treasurer, who shall apply the
17 fees first to reimburse the county for the amount of the salary
18 paid for the screener-collector position. The balance of the
19 fees collected shall then be forwarded to the commissioner of
20 finance for deposit in the state treasury and credited to the
21 general fund. In a county in a judicial district under section
22 480.181, subdivision 1, paragraph (b), which has a
23 screener-collector position, the fees paid by a county shall be
24 transmitted monthly to the commissioner of finance for deposit
25 in the state treasury and credited to the general fund. A
26 screener-collector position for purposes of this paragraph is an
27 employee whose function is to increase the collection of fines
28 and to review the incomes of potential clients of the public
29 defender, in order to verify eligibility for that service.

30 (c) No fee is required under this section from the public
31 authority or the party the public authority represents in an
32 action for:

33 (1) child support enforcement or modification, medical
34 assistance enforcement, or establishment of parentage in the
35 district court, or in a proceeding under section 484.702;

36 (2) civil commitment under chapter 253B;

1 (3) the appointment of a public conservator or public
2 guardian or any other action under chapters 252A and 525;

3 (4) wrongfully obtaining public assistance under section
4 256.98 or 256D.07, or recovery of overpayments of public
5 assistance;

6 (5) court relief under chapter 260;

7 (6) forfeiture of property under sections 169A.63 and
8 609.531 to 609.5317;

9 (7) recovery of amounts issued by political subdivisions or
10 public institutions under sections 246.52, 252.27, 256.045,
11 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331,
12 and 260C.331, or other sections referring to other forms of
13 public assistance;

14 (8) restitution under section 611A.04; or

15 (9) actions seeking monetary relief in favor of the state
16 pursuant to section 16D.14, subdivision 5.

17 (d) ~~The fees~~ \$20 from each fee collected for child support
18 modifications under subdivision 2, clause (13), must be
19 transmitted to the county treasurer for deposit in the county
20 general fund and \$35 from each fee shall be credited to the
21 state general fund. The fees must be used by the county to pay
22 for child support enforcement efforts by county attorneys.

23 Sec. 2 Minnesota Statutes 2004, section 357.021,
24 subdivision 2, is amended to read:

25 Subd. 2. [FEE AMOUNTS.] The fees to be charged and
26 collected by the court administrator shall be as follows:

27 (1) In every civil action or proceeding in said court,
28 including any case arising under the tax laws of the state that
29 could be transferred or appealed to the Tax Court, the
30 plaintiff, petitioner, or other moving party shall pay, when the
31 first paper is filed for that party in said action, a fee of
32 \$235.

33 The defendant or other adverse or intervening party, or any
34 one or more of several defendants or other adverse or
35 intervening parties appearing separately from the others, shall
36 pay, when the first paper is filed for that party in said

1 action, a fee of \$235.

2 The party requesting a trial by jury shall pay \$75.

3 The fees above stated shall be the full trial fee
4 chargeable to said parties irrespective of whether trial be to
5 the court alone, to the court and jury, or disposed of without
6 trial, and shall include the entry of judgment in the action,
7 but does not include copies or certified copies of any papers so
8 filed or proceedings under chapter 103E, except the provisions
9 therein as to appeals.

10 (2) Certified copy of any instrument from a civil or
11 criminal proceeding, \$10, and \$5 for an uncertified copy.

12 (3) Issuing a subpoena, \$12 for each name.

13 (4) Filing a motion or response to a motion in civil,
14 family, excluding child support, and guardianship cases, \$55.

15 (5) Issuing an execution and filing the return thereof;
16 issuing a writ of attachment, injunction, habeas corpus,
17 mandamus, quo warranto, certiorari, or other writs not
18 specifically mentioned, \$40.

19 (6) Issuing a transcript of judgment, or for filing and
20 docketing a transcript of judgment from another court, \$30.

21 (7) Filing and entering a satisfaction of judgment, partial
22 satisfaction, or assignment of judgment, \$5.

23 (8) Certificate as to existence or nonexistence of
24 judgments docketed, \$5 for each name certified to.

25 (9) Filing and indexing trade name; or recording basic
26 science certificate; or recording certificate of physicians,
27 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

28 (10) For the filing of each partial, final, or annual
29 account in all trusteeships, \$40.

30 (11) For the deposit of a will, \$20.

31 (12) For recording notary commission, \$100, of which,
32 notwithstanding subdivision 1a, paragraph (b), \$80 must be
33 forwarded to the commissioner of finance to be deposited in the
34 state treasury and credited to the general fund.

35 (13) Filing a motion or response to a motion for
36 modification of child support, a fee ~~fixed-by-rule-or-order-of~~

1 ~~the-Supreme-Court~~ of \$55.

2 (14) All other services required by law for which no fee is
3 provided, such fee as compares favorably with those herein
4 provided, or such as may be fixed by rule or order of the court.

5 (15) In addition to any other filing fees under this
6 chapter, a surcharge in the amount of \$75 must be assessed in
7 accordance with section 259.52, subdivision 14, for each
8 adoption petition filed in district court to fund the fathers'
9 adoption registry under section 259.52.

10 The fees in clauses (3) and (5) need not be paid by a
11 public authority or the party the public authority represents."

12 Page 1, line 20, delete "\$....." and insert "\$50."

13 Page 62, line 6, delete the first "\$....." and insert
14 "\$860,000" and delete the second "\$....." and insert "\$450,000"

15 Page 62, line 13, delete "\$....." and insert "\$450,000."

16 Page 62, line 14, delete "\$....." and insert "\$440,000"

17 Renumber the sections in sequence and correct the internal
18 references

19 Amend the title accordingly

Child Support Guidelines in Income Share States

Combined Gross Income \$2000

State	1 Child	2	3	4	5
S.F. 630 (Neuville)	516	832	960	1114	1292
Oregon	389	547	634	707	752
Tennessee	421	592	685	764	840
Virginia	338	523	655	739	806
North Carolina	408	574	664	741	810
Kansas	324	508	678	772	845
Arizona	420	590	683	761	838
Ohio	373	542	639	707	766

Combined Gross Income \$3000

State	1 Child	2	3	4	5
S.F. 630 (Neuville)	603	975	1122	1302	1509
Oregon	542	754	867	967	1063
Tennessee	592	822	945	1053	1159
Virginia	445	691	866	975	1064
North Carolina	567	787	904	1008	1109
Kansas	459	708	951	1088	1210
Arizona	589	817	939	1047	1151
Ohio	514	745	877	969	1050

Combined Gross Income \$4000

State	1 Child	2	3	4	5
S.F. 630 (Neuville)	692	1116	1288	1496	1736
Oregon	672	861	1069	1192	1311
Tennessee	742	1027	1175	1310	1441
Virginia	553	861	1071	1214	1325
North Carolina	698	967	1108	1235	1358
Kansas	588	894	1206	1380	1535
Arizona	722	1000	1144	1275	1403
Ohio	590	854	1004	1110	1203

Combined Gross Income \$6000

State	1 Child	2	3	4	5
S.F. 630 (Neuville)	864	1404	1614	1872	2172
Oregon	820	1114	1254	1398	1538
Tennessee	900	1216	1366	1523	1675
Virginia	763	1186	1482	1672	1824
North Carolina	840	1138	1280	1427	1569
Kansas	723	1248	1686	1928	2145
Arizona	863	1168	1312	1463	1609
Ohio	759	1093	1281	1415	1534

Combined Gross Income \$8000

State	1 Child	2	3	4	5
S.F. 630 (Neuville)	1040	1688	1944	2256	2616
Oregon	917	1231	1376	1535	1688
Tennessee	984	1317	1469	1637	1801
Virginia	916	1418	1776	2001	2185
North Carolina	923	1236	1381	1540	1694
Kansas	927	1580	2139	2448	2725
Arizona	937	1254	1400	1561	1717
Ohio	932	1340	1568	1733	1878

Combined Gross Income \$10,000

State	1 Child	2	3	4	5
S.F. 630 (Neuville)	1270	2070	2380	2760	3200
Oregon	1043	1395	1553	1732	1905
Tennessee	1158	1544	1713	1910	2101
Virginia	1014	1577	1977	2222	2427
North Carolina	1064	1423	1583	1765	1941
Kansas	1124	1896	2574	2948	3275
Arizona	1094	1462	1624	1811	1992

Comparison of Current Guidelines To:

SF 630 (Assuming 12% parenting expense adjustment)

One Child – Obligee Gross Income

Obligor Gross Income	Current Support Guideline	1000	2000	3000	4000	5000
1000	135*	114	114	114	114	114
2000	350	356	306	276	255	240
3000	519	459	414	382	362	346
4000	664	553	510	482	460	450
5000	806	637	602	575	562	562

*Assumptions: Based upon income tax deductions (S-1), FICA, \$100/mo. Medical expense and 5% pension reduction from gross income of obligor.

Comparison of Current Guidelines To:

SF 630 (Assuming 12% parenting expense adjustment)

Two Children – Obligor Gross Income

Obligor Gross Income	Current Support Guideline	1000	2000	3000	4000	5000
1000	164*	114	114	114	114	114
2000	420	575	494	446	414	392
3000	623	742	670	621	587	560
4000	797	893	828	782	747	733
5000	967	1036	979	934	916	916

*Assumptions: Based upon income tax withholdings (S-1), FICA, \$100/mo. Medical expense and 5% pension reduction from gross income of obligor.

Comparison of Current Guidelines To:

SF 630 (Assuming 12% parenting expense adjustment)

Three Children – Oblige Gross Income

Obligor Gross Income	Current Support Guideline	1000	2000	3000	4000	5000
1000	193*	114	114	114	114	114
2000	490	658	567	510	473	447
3000	727	850	766	710	671	642
4000	930	1021	947	894	855	838
5000	1128	1184	1118	1069	1047	1047

*Assumptions: Based upon income tax withholdings (S-1), FICA, \$100/mo. Medical expense and 5% pension reduction from gross income of obligor.

SF 630 FISCAL ANALYSIS

FY 06

FY 07

Expenses:

1. DHS		
a) Total. 2529	860	0
b) less Fed. (1669)		
for Training, Sys. Mod.		
2. DHS GRANTS TO Counties 1350		450
(Fed. Contrib. 900		
Motion Fees 200)		
3. Supreme Ct.		
a) Courts (Judges)	0	0
b) Web, Form, Training (Fed. ~ \$480)		240
c) Magistrates. (assume 40 % inc. 10 new magist.) (Fed. Rev. = \$400)	0	200
	<hr/>	<hr/>
TOTAL Expense	860	890

Revenue -

1. Increase Divorce Filing Fee (\$50 x 16,500 x 73) begin 8-1-05	547	547
2. Increase Motion Filing Fee in IV-D (35 x 10,000 cases (assume 40% increase 15,000 cases x 73)	350	350
	<hr/>	<hr/>
TOTAL Revenue	897	897

1 Senator Cohen from the Committee on Finance, to which was
2 referred

3 S.F. No. 2160: A bill for an act relating to claims
4 against the state; providing for settlement of various claims;
5 increasing amount of allowable reimbursement for certain damage
6 by inmates; appropriating money; amending Minnesota Statutes
7 2004, section 3.755.

8 Reports the same back with the recommendation that the bill
9 be amended as follows:

10 Delete everything after the enacting clause and insert:

11 "Section 1. [DEPARTMENT OF CORRECTIONS.]

12 The following amounts are appropriated from the general
13 fund to the commissioner of corrections in fiscal year 2006 as
14 full and final payment of accrued medical bills under Minnesota
15 Statutes, section 3.739, of claims against the state for
16 injuries suffered by and medical services provided to persons
17 injured while performing community service or
18 sentence-to-service work for correctional purposes or while
19 incarcerated in a correctional facility and for reimbursement to
20 a corrections officer for property damaged by an inmate:

21 (1) for claims already paid by the department, \$4,938.44;

22 (2) for payment to James DeNoyer for permanent injuries
23 suffered while performing work at MCF-Lino Lakes, \$8,000;

24 (3) for payment to Brian Dziubak for permanent injuries
25 suffered while performing work at MCF-Stillwater, \$1,875;

26 (4) for payment of medical costs related to the injury
27 suffered by Donna Gregory while performing sentence-to-service
28 work in Martin County, \$3,509;

29 (5) for payment of medical costs related to the injury
30 suffered by Brenden Larsen while performing sentence-to-service
31 work in Dakota County, to the extent those costs are not
32 reimbursed by insurance, \$7,083.29;

33 (6) for payment of medical costs related to the injury
34 suffered by Diane Pierre while performing sentence-to-service
35 work in Beltrami County, \$6,619.96;

36 (7) for payment to Stephen Schweiss for permanent injuries
37 suffered while performing sentence-to-service work in Lyon
38 County, \$3,750; and for payment of medical costs related to that
39 injury; \$4,602.23;

1 (8) for payment of medical costs related to the injury
2 suffered by Merlin Volker while performing community work
3 service in Itasca County, \$4,343.10; and

4 (9) for payment to David Gustafson as reimbursement for
5 property damaged by an inmate, \$421.21.

6 Sec. 2. Minnesota Statutes 2004, section 3.755, is amended
7 to read:

8 3.755 [DAMAGE BY ESCAPING INMATES.]

9 The Department of Corrections and the Department of Human
10 Services shall pay all claims involving property damage, not
11 covered by insurance, resulting from actions of escaping inmates
12 or runaway patients occurring while making their escape. The
13 departments must verify the reasonableness of the amounts
14 claimed. Upon the approval of the commissioner of human
15 services or the commissioner of corrections as to the
16 institutions under their respective control, the superintendent
17 or chief executive officer of an institution may pay out of the
18 current expense appropriation of the institution to an employee
19 of the institution the amount of any property damage sustained
20 by the employee, not in excess of ~~\$250~~ \$500, because of action
21 of a patient or inmate of the institution."

22 And when so amended the bill do pass. Amendments adopted.
23 Report adopted.

24
25 (Committee Chair)

26
27 May 4, 2005.....
28 (Date of Committee recommendation)

Senators Skoglund, Reiter and Chaudhary introduced--

S.F. No. 2160: Referred to the Committee on Finance.

A bill for an act

relating to claims against the state; providing for settlement of various claims; increasing amount of allowable reimbursement for certain damage by inmates; appropriating money; amending Minnesota Statutes 2004, section 3.755.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [DEPARTMENT OF CORRECTIONS.]

The amounts in this section are appropriated from the general fund to the commissioner of corrections in fiscal year 2006 as full and final payment under Minnesota Statutes, section 3.739, of claims against the state for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a correctional facility and for reimbursement to a corrections officer for property damaged by an inmate.

(a) For claims already paid by the department, \$4,938.44.

(b) For payment to David Gustafson as reimbursement for property damaged by an inmate, \$421.21.

Sec. 2. Minnesota Statutes 2004, section 3.755, is amended to read:

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1 or runaway patients occurring while making their escape. The
2 departments must verify the reasonableness of the amounts
3 claimed. Upon the approval of the commissioner of human
4 services or the commissioner of corrections as to the
5 institutions under their respective control, the superintendent
6 or chief executive officer of an institution may pay out of the
7 current expense appropriation of the institution to an employee
8 of the institution the amount of any property damage sustained
9 by the employee, not in excess of ~~\$250~~ \$500, because of action
10 of a patient or inmate of the institution.

1 To: Senator Cohen, Chair

2 Committee on Finance

3 Senator Ranum,


4 Chair of the Public Safety Budget Division, to which was
5 referred

6 S.F. No. 2160: A bill for an act relating to claims
7 against the state; providing for settlement of various claims;
8 increasing amount of allowable reimbursement for certain damage
9 by inmates; appropriating money; amending Minnesota Statutes
10 2004, section 3.755.

11 Reports the same back with the recommendation that the bill
12 do pass and be referred to the full committee.

13

14

.....

.....
(Division Chair)

15

16

17

18

19

April 11, 2005.....
(Date of Division action)

REVISOR'S BILL SUMMARY.
S. F. No. 2160 (Delete everything amendment A05-0623)

S. F. No. 2160, as amended, is the annual Claims Bill consisting of the recommendations of the joint Senate – House of Representatives Subcommittee on Claims.

Section 1 appropriates \$45,142.23 from the general fund to the commissioner of corrections in fiscal year 2006 to pay medical expenses and for permanent partial disabilities related to injuries suffered by inmates and persons doing community service and sentence-to-service work, including claims already paid by the department, and for reimbursement of a department staff member for replacement eyeglasses required because of damage caused by an inmate.

Section 2 increases to \$500 the amount the Department of Corrections or Department of Human Services can pay to reimburse an employee for property damage the employee suffers because of a patient's or inmate's actions.

TOTAL APPROPRIATION IN FISCAL YEAR 2006:

From General Fund.....\$45,142.23

Prepared by

Craig E. Lindeke

1 Senator moves to amend S.F. No. 2160 as
2 follows:

3 Delete everything after the enacting clause and insert:

4 "Section 1. [DEPARTMENT OF CORRECTIONS.]

5 The following amounts are appropriated from the general
6 fund to the commissioner of corrections in fiscal year 2006 as
7 full and final payment of accrued medical bills under Minnesota
8 Statutes, section 3.739, of claims against the state for
9 injuries suffered by and medical services provided to persons
10 injured while performing community service or
11 sentence-to-service work for correctional purposes or while
12 incarcerated in a correctional facility and for reimbursement to
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35 service in Itasca County, \$4,343.10; and

36 (9) for payment to David Gustafson as reimbursement for

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3 to read:

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5 The Department of Corrections and the Department of Human
6 Services shall pay all claims involving property damage, not
7 covered by insurance, resulting from actions of escaping inmates
8 or runaway patients occurring while making their escape. The
9 departments must verify the reasonableness of the amounts
10 claimed. Upon the approval of the commissioner of human
11 services or the commissioner of corrections as to the
12 institutions under their respective control, the superintendent
13 or chief executive officer of an institution may pay out of the
14 current expense appropriation of the institution to an employee
15 of the institution the amount of any property damage sustained
16 by the employee, not in excess of ~~\$250~~ \$500, because of action
17 of a patient or inmate of the institution."