

1.1 Senator moves to amend S.F. No. 3463 as follows:

1.2 Page 12, after line 26, insert:

1.3 "Sec. 24. [549.405] APPOINTMENT OF ATTORNEY.

1.4 Subdivision 1. Discretionary appointment. The court is authorized and may, in its
1.5 discretion, appoint an attorney to make an independent assessment and advise the court
1.6 whether the proposed transfer is in the best interest of the payee, taking into consideration
1.7 the payee's dependents, if any. All costs and reasonable fees for the appointed attorney shall
1.8 be borne by the transferee, not to exceed \$1,500.

1.9 Subd. 2. Mandatory appointment. The court shall appoint an attorney in any case
1.10 involving:

1.11 (1) a proposed transfer of a minor's structured settlement payments rights by a parent
1.12 or guardian; or

1.13 (2) a proposed transfer of structured settlement payment rights involving a payee if it
1.14 appears to the court that the payee may suffer from a mental or cognitive impairment.

1.15 Subd. 3. Required motion; mental or cognitive impairment of payee. (a) The transferee
1.16 shall file a motion for the appointment of an attorney prior to a hearing on the proposed
1.17 transfer if the transferee:

1.18 (1) is aware that the underlying structured settlement arose from a case in which a finding
1.19 was made in a court record of a mental or cognitive impairment on the part of the payee;
1.20 or

1.21 (2) is aware of any other case in which a finding was made in a court record of a mental
1.22 or cognitive impairment on the part of the payee.

1.23 (b) In conjunction with the motion, the transferee shall provide to the court, either
1.24 in-camera or as directed by the court in a way to protect the privacy of the payee, any such
1.25 findings known to the transferee that describe the nature, extent, or consequences of the
1.26 payee's cognitive mental or cognitive impairment."

1.27 Renumber the sections in sequence and correct the internal references

1.28 Amend the title accordingly