

STATE OF MINNESOTA

# Journal of the House

NINETY-FIRST SESSION — 2019

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TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 25, 2019

The House of Representatives convened at 3:30 p.m. and was called to order by Melissa Hortman, Speaker of the House.

Prayer was offered by Pastor Steve Perkins, Northgate Church, Ramsey, Minnesota.

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

The roll was called and the following members were present:

|             |            |                 |           |            |              |
|-------------|------------|-----------------|-----------|------------|--------------|
| Acomb       | Davids     | Hamilton        | Lesch     | Murphy     | Sauke        |
| Albright    | Davnie     | Hansen          | Liebling  | Nash       | Schomacker   |
| Anderson    | Dehn       | Hassan          | Lien      | Nelson     | Scott        |
| Backer      | Demuth     | Hausman         | Lillie    | Neu        | Stephenson   |
| Bahner      | Dettmer    | Heinrich        | Lippert   | Noor       | Sundin       |
| Bahr        | Drazkowski | Heintzeman      | Lislegard | Nornes     | Swedzinski   |
| Baker       | Ecklund    | Her             | Loeffler  | O'Driscoll | Tabke        |
| Becker-Finn | Edelson    | Hertaus         | Long      | Olson      | Theis        |
| Bennett     | Elkins     | Hornstein       | Lucero    | Pelowski   | Torkelson    |
| Bernardy    | Erickson   | Howard          | Lueck     | Persell    | Urdahl       |
| Bierman     | Fischer    | Huot            | Mahoney   | Petersburg | Vang         |
| Boe         | Franson    | Johnson         | Mann      | Pinto      | Vogel        |
| Brand       | Freiberg   | Jurgens         | Mariani   | Poppe      | Wagenius     |
| Cantrell    | Garofalo   | Kiel            | Marquart  | Poston     | Wazlawik     |
| Carlson, A. | Gomez      | Klevorn         | Masin     | Pryor      | Winkler      |
| Carlson, L. | Green      | Koegel          | McDonald  | Quam       | Wolgamott    |
| Christensen | Grossell   | Kotyza-Witthuhn | Mekeland  | Richardson | Xiong, J.    |
| Claflin     | Gruenhagen | Koznick         | Miller    | Robbins    | Xiong, T.    |
| Considine   | Gunther    | Kunesh-Podein   | Moller    | Runbeck    | Youakim      |
| Daniels     | Haley      | Layman          | Morrison  | Sandell    | Zerwas       |
| Daudt       | Halverson  | Lee             | Munson    | Sandstede  | Spk. Hortman |

A quorum was present.

Fabian, Kresha, Moran, O'Neill, Pierson, Schultz and West were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

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## REPORTS OF CHIEF CLERK

S. F. No. 307 and H. F. No. 682, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Pelowski moved that S. F. No. 307 be substituted for H. F. No. 682 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 492, A bill for an act relating to public safety; establishing a misdemeanor for traffic violations that cause great bodily harm or death to another; amending Minnesota Statutes 2018, section 169.13, subdivision 2.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 810, A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the Capitol grounds to honor all Minnesota veterans who served in the United States armed forces, both at home and abroad, during World War I.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Pinto from the Early Childhood Finance and Policy Division to which was referred:

H. F. No. 1230, A bill for an act relating to education; modifying eligibility for early learning scholarships; expanding voluntary prekindergarten programs to five groups; amending Minnesota Statutes 2018, sections 124D.151, subdivisions 2, 5; 124D.165, subdivisions 2, 3, 4.

Reported the same back with the following amendments:

Page 5, line 23, delete "designated as a child in need of protection or services" and insert "a child in need of protective services or in foster care"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

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

H. F. No. 1285, A bill for an act relating to human services; modifying consumer-directed community supports; establishing a onetime grant program to promote consumer-directed community supports; appropriating money; amending Laws 2017, First Special Session chapter 6, article 1, section 45.

Reported the same back with the following amendments:

Page 2, delete subdivisions 2 and 3 and insert:

"Subd. 2. **Behavioral interventions.** (a) Behavioral interventions may include any services not identified in the community support plan but are needed to prevent imminent crisis placement or institutionalization, or to intervene in a crisis.

(b) Behavioral interventions must be calculated outside of the individual's consumer-directed community supports budget and paid for using aggregate waiver funds from the county of financial responsibility.

(c) No later than September 30, 2019, the commissioner of human services shall submit an amendment to the federal Centers for Medicare and Medicaid Services for the home and community-based services waivers authorized under Minnesota Statutes, sections 256B.092 and 256B.49, to exclude the cost of behavioral interventions as described in paragraph (a) from an individual's consumer-directed community supports budget.

Subd. 3. **Shared services.** (a) Medical assistance payments for shared services under consumer-directed community supports are limited to this subdivision.

(b) For purposes of this subdivision, "shared services" means services provided at the same time by the same direct care staff for individuals who have entered into an agreement to share consumer-directed community supports services.

(c) Shared services may include but are not limited to any services in the categories of personal supports or treatment and training as outlined in the consumer-directed community supports plan and shared services agreement, except for the following:

(1) services for more than three individuals provided by one direct support staff at one time;

(2) use of more than one provider for the shared services; and

(3) a child care program licensed under Minnesota Statutes, chapter 245A, or operated by a local school district or private school.

(d) Individuals sharing services must use the same financial management services provider.

(e) The individuals or, as needed, their representatives shall develop the plan for shared services when developing or amending the consumer-directed community supports plan and must follow the consumer-directed community supports process for approval of the plan by the lead agency. The plan for shared services in an individual's consumer-directed community supports plan shall include:

(1) the grouping of shared services based on individuals' needs and preferences;

(2) training specific to each individual served; and

(3) instructions to follow all required documentation for time and services provided.

(f) Individuals whose consumer-directed community supports plans include shared services must also jointly develop, with the support of their representatives as needed, a consumer-directed community supports shared services agreement. The agreement must include:

(1) the names of the individuals receiving shared services;

(2) the individuals' representatives, if identified in their consumer-directed community supports plans, and their duties;

(3) the case managers;

(4) the financial management services provider;

(5) the shared services that must be provided;

(6) the schedule for shared services;

(7) where shared services must be provided;

(8) a contingency plan for each of the recipients that accounts for service provision and billing in the absence of one of the recipients in a shared services setting due to illness or other circumstances;

(9) signatures of all parties involved in the shared services; and

(10) agreement by each of the recipients who are sharing services on the number of shared hours for services provided.

(g) Any recipient or any recipient's representative may withdraw from participating in a shared services agreement at any time.

(h) The financial management services provider shall follow all required documentation for time and services provided.

(i) The case manager for each recipient shall:

(1) authorize the use of the shared services option based on the criteria that the shared service is appropriate to meet the needs, health, and safety of each individual for whom case management services are provided;

(2) visit the shared setting as services are being provided at least once every six months or whenever needed for response to a recipient's request;

(3) provide quarterly monitoring and evaluation of the effectiveness and appropriateness of the shared services plan;

(4) develop a contingency plan with each of the recipients that accounts for the absence of one of the recipients in a shared services setting due to illness or other circumstances; and

(5) document the training completed by the provider specific to the shared services setting and individuals sharing services.

(j) Nothing in this subdivision must be construed to reduce the total authorized consumer-directed community supports budget for an individual recipient.

(k) No later than September 30, 2019, the commissioner of human services shall:

(1) submit an amendment to the federal Centers for Medicare and Medicaid Services for the home and community-based services waivers authorized under Minnesota Statutes, sections 256B.092 and 256B.49, to allow for a shared services option under consumer-directed community supports; and

(2) with stakeholder input, develop guidance for shared services in consumer-directed community supports within the Community Based Services Manual. The guidance must include:

(i) recommendations for negotiating payment for one-to-two and one-to-three services; and

(ii) a template of the shared services agreement."

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

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 1369, A bill for an act relating to energy; requiring public schools to maintain monthly utility consumption data; proposing coding for new law in Minnesota Statutes, chapter 123B.

Reported the same back with the following amendments:

Page 1, line 9, after the period, insert "Reporting by a third party, including automatic reporting by an electric or gas utility, may be used to meet this requirement. A school or school district must not be penalized for failure to comply with this section."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

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

H. F. No. 1543, A bill for an act relating to human services; modifying background study set aside criteria; amending Minnesota Statutes 2018, sections 144.057, subdivision 3; 245C.02, by adding a subdivision; 245C.22, subdivisions 4, 5.

Reported the same back with the following amendments:

Page 2, line 29, delete "that" and insert "for" and delete "are prohibitory offenses"

Page 3, line 6, after "245G" insert ", and has had no disqualifying crimes or conduct under section 245C.15 after the successful completion of treatment"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 1568, A bill for an act relating to transportation; subjecting light rail transit operators to the reckless or careless driving law; requiring light rail transit safety features study; requiring a report; amending Minnesota Statutes 2018, sections 169.13, subdivisions 1, 2; 473.4056, subdivision 2.

Reported the same back with the following amendments:

Page 2, delete sections 3 and 4

Amend the title as follows:

Page 1, line 3, delete everything after the first semicolon

Page 1, line 4, delete "report;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Lesch from the Judiciary Finance and Civil Law Division to which was referred:

H. F. No. 2065, A bill for an act relating to civil actions; extending the 70-day period from date of service of garnishment to 90 days for earnings; modifying amount of earnings subject to garnishment; amending Minnesota Statutes 2018, sections 571.72, subdivisions 2, 7; 571.73, subdivision 3; 571.74; 571.75, subdivisions 1, 2; 571.922; 571.923.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2018, section 550.136, subdivision 3, is amended to read:

Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support, the maximum part of the aggregate disposable earnings of an individual for any pay period subjected to an execution levy may not exceed the lesser of:

(1) 25 percent of the judgment debtor's disposable earnings; or

(2) the amount by which the judgment debtor's disposable earnings exceed the ~~following product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1, paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number of work weeks in the pay period. When a pay period consists of other than a whole number of work weeks, each day of that pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of excess workdays divided by the number of days in the normal work week.

(b) If the judgment is for child support, the levy may not exceed:

(1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received).

Execution levies under this section on judgments for child support are effective until the judgments are satisfied if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied.

(c) No court may make, execute, or enforce an order or any process in violation of this section.

Sec. 2. Minnesota Statutes 2018, section 550.136, subdivision 4, is amended to read:

Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or section 518A.53, the priority of multiple earnings execution levies is determined by the order in which the execution levies were served on the employer. If the employer is served with two or more writs of execution at the same time on the same day, the writ of execution issued pursuant to the first judgment entered has priority. If two or more execution levies are served on the same day and are based on judgments entered on the same day, then the employer shall select the priority of the earnings levies. However, in all cases except earnings execution levies on judgments for child support if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied, the execution levies shall be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

Sec. 3. Minnesota Statutes 2018, section 550.136, subdivision 5, is amended to read:

Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by sections 550.37 and 571.922, and any other applicable statute, and except as otherwise provided in paragraph (b), the service of a writ of execution under this chapter attaches all unpaid nonexempt disposable earnings owing or to be owed by the third party and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ of execution. "Paydays" means the days upon which the third party pays earnings to the judgment debtor in the ordinary course of business. If the judgment debtor has no regular paydays, paydays means the 15th day and the last day of each month. If the levy attaches less than \$10, the third party shall not retain and remit the sum.

(b) The service of a writ of execution on a judgment for child support attaches to all unpaid nonexempt disposable earnings owing or to be owed by the third party and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods until the judgment is satisfied if the judgment creditor is a county and the third party is notified by the county when the judgment is satisfied.

Sec. 4. Minnesota Statutes 2018, section 550.136, subdivision 9, is amended to read:

Subd. 9. **Execution earnings disclosure form and worksheet.** The judgment creditor shall provide to the sheriff for service upon the judgment debtor's employer an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

|                           |  |                        |
|---------------------------|--|------------------------|
| STATE OF MINNESOTA        |  | DISTRICT COURT         |
| COUNTY OF .....           |  | .....JUDICIAL DISTRICT |
|                           |  | FILE NO. ....          |
| ..... (Judgment Creditor) |  |                        |
| against                   |  | EARNINGS               |
| ..... (Judgment Debtor)   |  | EXECUTION              |
| and                       |  | DISCLOSURE             |
| ..... (Third Party)       |  |                        |

DEFINITIONS

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

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

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

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

(1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

Yes ..... No .....

(2) Does the judgment debtor earn more than \$... per week? (this amount is the greater of \$9.50 per hour or the federal minimum wage per week)

Yes ..... No .....

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

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

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



For each payday that falls within ~~70~~ 90 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

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

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

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

- |      |           |  |
|------|-----------|--|
| (3)  | COLUMN A. | Enter the date of judgment debtor's payday.  |
| (4)  | COLUMN B. | Enter judgment debtor's gross earnings for each payday.  |
| (5)  | COLUMN C. | Enter judgment debtor's disposable earnings for each payday.   |
| (6)  | COLUMN D. | Enter 25 percent of disposable earnings. (Multiply column C by .25.)   |
| (7)  | COLUMN E. | Enter here <u>the greater of 40 times \$9.50 or 40 times the hourly federal minimum wage (\$.....) times the number of work weeks included in each payday. (Note: If a payday includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of workdays in excess of a whole work week divided by the number of workdays in a normal work week.)</u>   |
| (8)  | COLUMN F. | Subtract the amount in column E from the amount in column C, and enter here.   |
| (9)  | COLUMN G. | Enter here the lesser of the amount in column D and the amount in column F.  |
| (10) | COLUMN H. | Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)<br>You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.<br>Enter zero in column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor. |
| (11) | COLUMN I. | Subtract the amount in column H from the amount in column G and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.  |

#### AFFIRMATION

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

DATED: .....

Signature

Title

Telephone Number

Debtor's Name

EARNINGS DISCLOSURE WORKSHEET

| A                                  | B  | C                          |
|------------------------------------|--|----------------------------|
| Payday Date                        | Gross Earnings   | Disposable Earnings        |
| 1. ....                            | \$.....  | \$.....                    |
| 2. ....                            | .....  | .....                      |
| 3. ....                            | .....  | .....                      |
| 4. ....                            | .....  | .....                      |
| 5. ....                            | .....  | .....                      |
| 6. ....                            | .....  | .....                      |
| 7. ....                            | .....  | .....                      |
| 8. ....                            | .....  | .....                      |
| 9. ....                            | .....  | .....                      |
| 10. ....                           | .....  | .....                      |
| D                                  | E  | F                          |
| 25% of Column C                    | <u>Greater of 40 X</u><br><u>\$9.50 or 40 X Fed.</u><br><u>Min. Wage</u> | Column C minus<br>Column E |
| 1. ....                            | .....  | .....                      |
| 2. ....                            | .....  | .....                      |
| 3. ....                            | .....  | .....                      |
| 4. ....                            | .....  | .....                      |
| 5. ....                            | .....  | .....                      |
| 6. ....                            | .....  | .....                      |
| 7. ....                            | .....  | .....                      |
| 8. ....                            | .....  | .....                      |
| 9. ....                            | .....  | .....                      |
| 10. ....                           | .....  | .....                      |
| G                                  | H  | I                          |
| Lesser of Column D and<br>Column F | Setoff, Lien,<br>Adverse Interest, or<br>Other Claims                    | Column G minus<br>Column H |
| 1. ....                            | .....  | .....                      |
| 2. ....                            | .....  | .....                      |
| 3. ....                            | .....  | .....                      |

|     |       |                   |       |
|-----|-------|-------------------|-------|
| 4.  | ..... | .....             | ..... |
| 5.  | ..... | .....             | ..... |
| 6.  | ..... | .....             | ..... |
| 7.  | ..... | .....             | ..... |
| 8.  | ..... | .....             | ..... |
| 9.  | ..... | .....             | ..... |
| 10. | ..... | .....             | ..... |
|     |       | TOTAL OF COLUMN I | ..... |

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

.....  
 .....

AFFIRMATION

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

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

Sec. 5. Minnesota Statutes 2018, section 550.136, subdivision 10, is amended to read:

Subd. 10. **Execution earnings disclosure form and worksheet for child support judgments.** The judgment creditor shall provide to the sheriff for service upon a child support judgment debtor's employer an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA .....DISTRICT COURT  
 COUNTY OF .....JUDICIAL DISTRICT  
 FILE NO. ....  
 ..... (Judgment Creditor)  
 against .....  
 ..... (Judgment Debtor)  
 and .....  
 ..... (Third Party)

EARNINGS  
 EXECUTION  
 DISCLOSURE

DEFINITIONS

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

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

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

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

Yes .....

No .....

#### INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

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

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

For each payday that falls within ~~70~~ 90 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

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

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

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

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

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

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

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

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

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

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

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

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

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

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

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

AFFIRMATION

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

DATED: .....  
Signature  
Title  
Telephone Number  
Debtor's Name

EARNINGS DISCLOSURE WORKSHEET

Table with 3 columns: A (Payday Date), B (Gross Earnings), C (Disposable Earnings). Rows 1-10.

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

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

.....  
 .....

AFFIRMATION

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

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

Sec. 6. Minnesota Statutes 2018, section 550.136, subdivision 12, is amended to read:

Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable earnings, the third party shall serve the execution earnings disclosure form upon the sheriff within 20 days after service of the writ of execution. However, if the judgment debtor has attachable earnings, the third party shall serve the execution earnings disclosure form and remit to the sheriff the attached earnings within ten days of the last payday to occur within the ~~70~~ 90 days after the date of the service of the execution. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~ 90-day period, the disclosure and remittance should be made within ten days after the last payday for which earnings were attached. The amount of the third party's execution earnings disclosure form and remittance need not exceed 110 percent of the amount of the judgment creditor's judgment that remains unpaid, after subtracting the total of setoffs, defenses, exemption, or other adverse interests. If the disclosure is by a corporation, it shall be made by an officer or an authorized agent having knowledge of the facts.

Sec. 7. Minnesota Statutes 2018, section 551.04, subdivision 2, is amended to read:

Subd. 2. **Property attachable.** Subject to the exemptions provided by subdivision 3 and section 550.37, and any other applicable statute, the service of a writ of execution under this chapter attaches:

(a) Except as otherwise provided in paragraph (c), all unpaid nonexempt disposable earnings owing or to be owed by the third party and earned or to be earned by the judgment debtor within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ of execution. "Payday" means the day upon which the third party pays earnings to the judgment debtor in the ordinary course of business. If the judgment debtor has no regular paydays, payday means the 15th day and the last day of each month.

(b) All other nonexempt indebtedness or money due or belonging to the judgment debtor and owing by the third party or in the possession or under the control of the third party at the time of service of the writ of execution, whether or not the same, has become payable. The third party shall not be compelled to pay or deliver the same before the time specified by any agreement unless the agreement was fraudulently contracted to defeat an execution levy or other collection remedy.

(c) For an execution on a judgment for child support, all unpaid nonexempt disposable earnings owing or to be owed by the third party and earned or to be earned by the judgment debtor within the pay period in which the writ of execution is served and within all subsequent pay periods until the judgment is satisfied if the judgment creditor is a county and the third party is notified by the county when the judgment is satisfied.

Sec. 8. Minnesota Statutes 2018, section 551.04, subdivision 11, is amended to read:

Subd. 11. **Forms.** No judgment creditor shall use a form that contains alterations or changes from the statutory forms that mislead judgment debtors as to their rights and the execution procedure generally. If a court finds that a judgment creditor has used a misleading form, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's fees resulting from additional proceedings, and an amount not to exceed \$100. All forms must be clearly legible and printed in not less than the equivalent of 10-point type. A form that uses both sides of a sheet must clearly indicate on the front side that there is additional information on the back side of the sheet.

Forms, including the statutory forms, used in executions upon earnings for the satisfaction of judgments for child support must be changed by the creditor to reflect the fact that the ~~70-day~~ 90-day period of effectiveness does not apply to these executions if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied.

Sec. 9. Minnesota Statutes 2018, section 551.06, subdivision 3, is amended to read:

Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support, the maximum part of the aggregate disposable earnings of an individual for any pay period subjected to an execution levy may not exceed the lesser of:

(1) 25 percent of the judgment debtor's disposable earnings; or

(2) the amount by which the judgment debtor's disposable earnings exceed the ~~following product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1, paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number of work weeks in the pay period. When a pay period consists of other than a whole number of work weeks, each day of that pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of excess workdays divided by the number of days in the normal work week.

(b) If the judgment is for child support, the levy may not exceed:

(1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received).

Execution levies under this section on judgments for child support are effective until the judgments are satisfied if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied.

(c) No court may make, execute, or enforce an order or any process in violation of this section.

Sec. 10. Minnesota Statutes 2018, section 551.06, subdivision 4, is amended to read:

Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or section 518A.53, the priority of multiple earnings execution levies is determined by the order in which the execution levies were served on the employer. If the employer is served with two or more writs of execution at the same time on the same day, the writ of execution issued pursuant to the first judgment entered has priority. If two or more execution levies are served on the same day and are based on judgments entered on the same day, then the employer shall select the priority of the earnings levies. However, in all cases except earnings execution levies on judgments for child support if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied, the execution levies shall be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

Sec. 11. Minnesota Statutes 2018, section 551.06, subdivision 5, is amended to read:

Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by subdivision 3 and section 550.37, and any other applicable statute, and except as otherwise provided in paragraph (b), the service of a writ of execution under this chapter attaches all unpaid nonexempt disposable earnings owing or to be owed by the third party and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ of execution. "Paydays" means the days upon which the third party pays earnings to the judgment debtor in the ordinary course of business. If the judgment debtor has no regular paydays, paydays means the 15th day and the last day of each month. If the levy attaches less than \$10, the third party shall not retain and remit the sum.

(b) The service of a writ of execution on a judgment for child support attaches to all unpaid nonexempt disposable earnings owing or to be owed by the third party and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods until the judgment is satisfied if the judgment creditor is a county and the third party is notified by the county when the judgment is satisfied.



Sec. 12. Minnesota Statutes 2018, section 551.06, subdivision 9, is amended to read:

Subd. 9. **Notice of levy on earnings, disclosure, and worksheet.** The attorney for the judgment creditor shall serve upon the judgment debtor's employer a notice of levy on earnings and an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA  
COUNTY OF .....

DISTRICT COURT  
.....JUDICIAL DISTRICT  
FILE NO. ....

..... (Judgment Creditor)  
against

NOTICE OF LEVY ON  
EARNINGS AND DISCLOSURE

..... (Judgment Debtor)  
and

..... (Third Party)

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

This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by you and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days after the service of this levy.

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

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

DISCLOSURE  
DEFINITIONS

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

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

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

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

1. Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

Yes ..... No .....

2. Does the judgment debtor earn more than \$... per week? (This amount is the greater of \$9.50 per hour of the federal minimum wage per week.)

Yes ..... No .....

INSTRUCTIONS FOR COMPLETING THE  
EARNINGS DISCLOSURE

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

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

For each payday that falls within ~~70~~ 90 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

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

You must pay the attached earnings and return this Earnings Disclosure Form and the Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~ 90-day period.

If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

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

- |    |           |  |
|----|-----------|--|
| 3. | COLUMN A. | Enter the date of judgment debtor's payday.                          |
| 4. | COLUMN B. | Enter judgment debtor's gross earnings for each payday.              |
| 5. | COLUMN C. | Enter judgment debtor's disposable earnings for each payday.         |
| 6. | COLUMN D. | Enter 25 percent of disposable earnings. (Multiply Column C by .25.) |

- 7. COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the hourly federal minimum wage (\$.....) times the number of work weeks included in each payday. (Note: If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of workdays in excess of a whole work week divided by the number of workdays in a normal work week.)
- 8. COLUMN F. Subtract the amount in Column E from the amount in Column C, and enter here.
- 9. COLUMN G. Enter here the lesser of the amount in Column D and the amount in Column F.
- 10. COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)  
You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.  
Enter zero in Column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.
- 11. COLUMN I. Subtract the amount in Column H from the amount in Column G and enter here. This is the amount of earnings that you must retain for the payday for which the calculations were made. The total of all amounts entered in Column I is the amount to be remitted to the attorney for the judgment creditor.

AFFIRMATION

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

Dated: .....

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

EARNINGS DISCLOSURE WORKSHEET

.....

Judgment Debtor's Name

| A           | B              | C                   |
|-------------|----------------|---------------------|
| Payday Date | Gross Earnings | Disposable Earnings |
| 1. ....     | \$.....        | \$.....             |
| 2. ....     | .....          | .....               |
| 3. ....     | .....          | .....               |

|     |       |       |       |
|-----|-------|-------|-------|
| 4.  | ..... | ..... | ..... |
| 5.  | ..... | ..... | ..... |
| 6.  | ..... | ..... | ..... |
| 7.  | ..... | ..... | ..... |
| 8.  | ..... | ..... | ..... |
| 9.  | ..... | ..... | ..... |
| 10. | ..... | ..... | ..... |

D

E

F

25% of Column C

Greater of 40 X  
\$9.50 or 40 X Fed.  
Min. Wage

Column C minus  
Column E

|     |       |       |       |
|-----|-------|-------|-------|
| 1.  | ..... | ..... | ..... |
| 2.  | ..... | ..... | ..... |
| 3.  | ..... | ..... | ..... |
| 4.  | ..... | ..... | ..... |
| 5.  | ..... | ..... | ..... |
| 6.  | ..... | ..... | ..... |
| 7.  | ..... | ..... | ..... |
| 8.  | ..... | ..... | ..... |
| 9.  | ..... | ..... | ..... |
| 10. | ..... | ..... | ..... |

G

H

I

Lesser of Column D and  
Column F

Setoff, Lien,  
Adverse Interest, or  
Other Claims

Column G minus  
Column H

|     |       |       |       |
|-----|-------|-------|-------|
| 1.  | ..... | ..... | ..... |
| 2.  | ..... | ..... | ..... |
| 3.  | ..... | ..... | ..... |
| 4.  | ..... | ..... | ..... |
| 5.  | ..... | ..... | ..... |
| 6.  | ..... | ..... | ..... |
| 7.  | ..... | ..... | ..... |
| 8.  | ..... | ..... | ..... |
| 9.  | ..... | ..... | ..... |
| 10. | ..... | ..... | ..... |

TOTAL OF COLUMN I .....

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

.....  
.....

AFFIRMATION

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

|              |           |              |
|--------------|-----------|--------------|
| Dated: ..... | .....     | .....        |
|              | Signature | Title        |
|              |           | (...) .....  |
|              |           | Phone Number |

Sec. 13. Minnesota Statutes 2018, section 551.06, subdivision 12, is amended to read:

Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable earnings, the third party shall serve the execution earnings disclosure form upon the attorney for the judgment creditor within 20 days after service of the writ of execution. However, if the judgment debtor has attachable earnings, the third party shall serve the execution earnings disclosure form upon both the attorney for the judgment creditor and the judgment debtor and remit to the attorney for the judgment creditor the attached earnings within ten days of the last payday to occur within the ~~70~~ 90 days after the date of the service of the writ of execution. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~ 90-day period, the disclosure and remittance should be made within ten days after the last payday for which earnings were attached. The amount of the third party's execution earnings disclosure form and remittance need not exceed 100 percent of the amount of the judgment creditor's judgment that remains unpaid, after subtracting the total of setoffs, defenses, exemption, or other adverse interests. If the disclosure is by a corporation, it shall be made by an officer or an authorized agent having knowledge of the facts."

Page 8, line 8, after the second "the" insert "greater of \$9.50 per hour or the"

Page 9, line 10, after "here" insert "the greater of 40 times \$9.50 or"

Page 10, line 27, strike "40 X Min. Wage" and insert "Greater of 40 X \$9.50 or 40 X Fed. Min. Wage"

Page 17, line 29, delete "state minimum" and delete "prescribed by" and insert "described in"

Page 17, line 30, before the semicolon, insert ", paragraph (b), clause (1), item (iii)"

Page 19, after line 14, insert:

"Sec. 22. **EFFECTIVE DATE.**

Sections 1 to 21 are effective August 1, 2019, and apply to all earnings garnished or levied, or all attorney's summary execution upon earnings, on or after that date."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Sundin from the Committee on Labor to which was referred:

H. F. No. 2181, A bill for an act relating to economic development; creating a Telecommuter Forward! certification; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 1, line 11, delete everything after "application"

Page 1, line 12, delete everything before the period and delete "any"

Page 1, line 13, delete everything before the first "the"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 2259, A bill for an act relating to education; allowing Independent School District No. 846, Breckenridge, to enter into an agreement for postsecondary enrollment options.

Reported the same back with the following amendments:

Page 1, line 7, after "agreement" insert "under Minnesota Statutes, section 124D.09, subdivision 10,"

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 492, 1230, 1369, 1543, 1568, 2065 and 2181 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. No. 307 was read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Clafin and Hansen introduced:

H. F. No. 2676, A bill for an act relating to environment; appropriating money for food reclamation.

The bill was read for the first time and referred to the Committee on Ways and Means.

Xiong, T., and Sandell introduced:

H. F. No. 2677, A bill for an act relating to capital investment; appropriating money for a bridge over I-694 in Washington County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Ways and Means.

Gomez and Lesch introduced:

H. F. No. 2678, A bill for an act relating to taxation; income; modifying tax rates and brackets; amending Minnesota Statutes 2018, section 290.06, subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Gomez introduced:

H. F. No. 2679, A bill for an act relating to taxation; tobacco; increasing the tax rate on premium cigars; amending Minnesota Statutes 2018, sections 297F.01, subdivision 13a; 297F.05, subdivisions 3a, 4a.

The bill was read for the first time and referred to the Committee on Taxes.

Gomez introduced:

H. F. No. 2680, A bill for an act relating to taxation; tobacco; reinstating the cigarette tax rate inflator; amending Minnesota Statutes 2018, section 297F.05, subdivision 1, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Long introduced:

H. F. No. 2681, A bill for an act relating to utilities; providing access rights to energy usage data maintained by utilities; amending Minnesota Statutes 2018, section 13.685; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division.

Lillie introduced:

H. F. No. 2682, A bill for an act relating to legacy; appropriating money to maintain dedicated funding website.

The bill was read for the first time and referred to the Committee on Ways and Means.

Murphy, by request, introduced:

H. F. No. 2683, A bill for an act relating to retirement; Minnesota State; eliminating the expiration of an early retirement incentive program; modifying eligibility rules in the higher education supplemental retirement plan; making various nonsubstantive style and form changes; amending Minnesota Statutes 2018, sections 136F.47; 136F.481; 354.05, subdivision 2a; 354.51, subdivision 5; 354A.011, subdivision 27; 354B.20, subdivisions 4, 7, 12, by adding a subdivision; 354B.22, subdivision 2; 354B.23, subdivision 5; 354C.11, subdivisions 1, 2; 354C.12, subdivisions 1, 2; 355.01, subdivision 3c; 355.091; proposing coding for new law in Minnesota Statutes, chapter 354B; repealing Minnesota Statutes 2018, sections 354B.20, subdivision 8; 354B.21, subdivisions 1, 1a, 2, 3, 3a, 3b, 4, 5, 6, 7.

The bill was read for the first time and referred to the Committee on Government Operations.

Daniels, Edelson, Noor, Richardson, Wolgamott, Cantrell, Hamilton, Hornstein, Hassan, Gomez, Bahner and Long introduced:

H. F. No. 2684, A bill for an act relating to workforce development; appropriating money for a grant to Somali American Women Action Center.

The bill was read for the first time and referred to the Committee on Ways and Means.

Youakim, Dehn, Kiel and Edelson introduced:

H. F. No. 2685, A bill for an act relating to health; appropriating money to the commissioner of health for a grant to Cassia Learning Lab for activities to connect older adults with technology devices.

The bill was read for the first time and referred to the Committee on Ways and Means.

Pierson, Ecklund, Sundin, Torkelson and Boe introduced:

H. F. No. 2686, A bill for an act relating to environment; establishing a grant program to clean up contaminated tax-forfeited property; appropriating money.

The bill was read for the first time and referred to the Committee on Ways and Means.

Sundin, Persell, Sandstede, Lee, Her, Brand, Lislegard, Huot, Nelson, Mahoney, Lippert, Vang and Freiberg introduced:

H. F. No. 2687, A bill for an act relating to workforce development; appropriating money for a preapprenticeship training pilot program; requiring a report.

The bill was read for the first time and referred to the Committee on Ways and Means.



Erickson, Kunesh-Podein, Kresha, Edelson and Theis introduced:

H. F. No. 2688, A bill for an act relating to education finance; expanding extended time revenue to all students placed at residential treatment facilities providing mental health and juvenile justice services; amending Minnesota Statutes 2018, section 126C.10, subdivision 2a.

The bill was read for the first time and referred to the Committee on Ways and Means.

Bahner, Bernardy, Sandell and Edelson introduced:

H. F. No. 2689, A bill for an act relating to campaign finance; modifying definition of expressly advocating; providing for disclosure of electioneering communications; amending prorating method for contributions or use of general treasury money; providing penalties; amending Minnesota Statutes 2018, sections 10A.01, subdivision 16a; 10A.121, subdivision 1; 10A.20, subdivision 3; 10A.244; 10A.25, subdivision 3a; 10A.27, subdivision 15; proposing coding for new law in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on Government Operations.

Poston, Lueck, Draskowski, Munson, Anderson, Gunther, Pierson, Davids, Quam, Mekeland, Heinrich, Hamilton, Baker, Torkelson, Heintzeman, Backer, Miller and Franson introduced:

H. F. No. 2690, A bill for an act relating to agriculture; appropriating money for Agricultural Centers of Excellence.

The bill was read for the first time and referred to the Committee on Ways and Means.

Marquart introduced:

H. F. No. 2691, A bill for an act relating to public safety; increasing penalties for criminal vehicular homicide; requiring driver education programs to instruct on the penalties for criminal vehicular homicide; appropriating money; amending Minnesota Statutes 2018, section 609.2112, subdivision 1, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Ways and Means.

Marquart introduced:

H. F. No. 2692, A bill for an act relating to taxation; sales and use; expanding the exemption to certain purchases by nonprofit organizations; amending Minnesota Statutes 2018, section 297A.70, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Marquart introduced:

H. F. No. 2693, A bill for an act relating to taxation; income; modifying certain underpayment penalties.

The bill was read for the first time and referred to the Committee on Taxes.

Franson, Zerwas, Runbeck, Haley, Heintzeman, Boe, Heinrich, Swedzinski, Torkelson, Mekeland, O'Neill, Urdahl, Green, Hertaus, Albright, Baker, Bennett, Daniels, Daudt, Demuth, Dettmer, Erickson, Fabian, Garofalo, Jurgens, Kiel, Lueck, Neu, Poston, Robbins, Schomacker, Scott, Theis, Lucero and Pierson introduced:

H. F. No. 2694, A bill for an act relating to human services; providing for public assistance and child care assistance program fraud prevention; establishing penalties for certain theft offenses; modifying eligibility for early learning scholarships; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 13.46, subdivisions 2, 3; 13.461, subdivision 28; 119B.02, subdivision 6, by adding a subdivision; 119B.09, subdivisions 4, 7, 9a; 119B.125, subdivisions 6, 9, by adding subdivisions; 119B.13, subdivisions 6, 7; 124D.142; 124D.165, subdivisions 2, 4, by adding a subdivision; 245.095; 245A.07, subdivisions 2, 2a, 3; 245E.03, subdivision 2; 245E.04; 256.98, subdivision 8, by adding a subdivision; 256.984, subdivision 1; 256B.02, by adding a subdivision; 256B.056, subdivisions 3, 4; 256J.08, subdivision 47; 256J.21, subdivision 2; 256L.01, subdivision 5; 256P.04, subdivision 4; 256P.06, subdivision 3; 609.27, subdivision 2; 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 245A; 256; 609; proposing coding for new law as Minnesota Statutes, chapter 245I.

The bill was read for the first time and referred to the Committee on Ways and Means.

Clafin, Lee, Bahner, Sandell, Wazlawik and Hansen introduced:

H. F. No. 2695, A bill for an act relating to education finance; increasing career and technical revenue; appropriating money; amending Minnesota Statutes 2018, section 124D.4531.

The bill was read for the first time and referred to the Committee on Ways and Means.

Mahoney and Theis introduced:

H. F. No. 2696, A bill for an act relating to financial institutions; requiring certain insurance proceeds checks to be promptly countersigned; amending Minnesota Statutes 2018, section 58.13, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce.

Murphy introduced:

H. F. No. 2697, A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

The bill was read for the first time and referred to the Committee on Ways and Means.

Albright, by request, Masin, Davids and Jurgens introduced:

H. F. No. 2698, A bill for an act relating to public finance; providing an alternative general system to issue state and local debt obligations; enacting the "Minnesota All-Government Bond Act"; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 16F.

The bill was read for the first time and referred to the Committee on Government Operations.

Vang; Her; Xiong, J.; Noor; Hassan; Liebling; Cantrell; Ecklund; Klevorn; Xiong, T.; Lee; Brand; Hansen and Freiberg introduced:

H. F. No. 2699, A bill for an act relating to the legislature; requiring the legislature to offer translation services to individuals who are members of a language minority; amending Minnesota Statutes 2018, section 3.055, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Government Operations.

Dehn and Vang introduced:

H. F. No. 2700, A bill for an act relating to economic development; appropriating money to make workforce training and entrepreneurship investments intended to help close the state's opportunity gaps for Minnesotans of color.

The bill was read for the first time and referred to the Committee on Ways and Means.

Dehn introduced:

H. F. No. 2701, A resolution memorializing Congress to overturn the United States Supreme Court decision *Citizens United v. FEC*; requesting that Congress clarify that the rights protected under the Constitution are the rights of natural persons and not the rights of artificial entities and that spending money to influence elections is not speech under the First Amendment; asking that Congress propose a constitutional amendment to provide such clarification.

The bill was read for the first time and referred to the Committee on Government Operations.

Dehn introduced:

H. F. No. 2702, A bill for an act relating to elections; requiring the names of partisan candidates to be rotated on the state general election ballot; amending Minnesota Statutes 2018, section 204D.13, by adding a subdivision; repealing Minnesota Statutes 2018, section 204D.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Government Operations.

Masin introduced:

H. F. No. 2703, A bill for an act relating to legacy; modifying requirements for certain grants from the parks and trails fund; amending Minnesota Statutes 2018, section 85.53, subdivisions 2, 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Ways and Means.

Murphy; Winkler; Carlson, L., and Lee introduced:

H. F. No. 2704, A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; modifying previous appropriations; establishing new programs and modifying existing programs; authorizing the sale and issuance of

state bonds; appropriating money; amending Minnesota Statutes 2018, sections 16A.641, by adding a subdivision; 363A.36, subdivisions 1, 4; 363A.44, subdivision 1; 462A.37, subdivision 5, by adding a subdivision; Laws 2017, First Special Session chapter 8, article 1, section 18, subdivision 3; Laws 2018, chapter 214, article 1, sections 7, subdivision 1; 21, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 174.

The bill was read for the first time and referred to the Committee on Ways and Means.

Lesch, Mariani, Moller, Her and Cantrell introduced:

H. F. No. 2705, A bill for an act relating to judiciary; appropriating money for courts, human rights, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, and Board of Public Defense.

The bill was read for the first time and referred to the Committee on Ways and Means.

Loeffler introduced:

H. F. No. 2706, A bill for an act relating to taxation; corporate franchise; reducing the dividends received deduction; amending Minnesota Statutes 2018, section 290.21, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Loeffler and Bernardy introduced:

H. F. No. 2707, A bill for an act relating to capital investment; appropriating money for renovation of the State Office Building hearing room HVAC systems; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Ways and Means.

Loeffler and Masin introduced:

H. F. No. 2708, A bill for an act relating to capital investment; appropriating money for a long-term plan for renovation and use of certain buildings on the Capitol campus.

The bill was read for the first time and referred to the Committee on Ways and Means.

Mariani introduced:

H. F. No. 2709, A bill for an act relating to public safety; appropriating money for peace officer training reimbursement.

The bill was read for the first time and referred to the Committee on Ways and Means.

Mariani introduced:

H. F. No. 2710, A bill for an act relating to public safety; modifying distribution of surcharges collected on offenses; appropriating money to the Board of Peace Officer Standards and Training; amending Minnesota Statutes 2018, sections 171.20, subdivision 4; 171.26, subdivision 1; 357.021, subdivision 7.

The bill was read for the first time and referred to the Committee on Ways and Means.

Mariani introduced:

H. F. No. 2711, A bill for an act relating to public safety; modifying certain provisions relating to public safety, corrections, crime, and firearms; requiring reports; providing for penalties; appropriating money for public safety, corrections, Sentencing Guidelines, Peace Officer Standards and Training (POST) Board, and Private Detective Board; amending Minnesota Statutes 2018, sections 299A.55, subdivisions 2, 4; 299A.707, by adding a subdivision; 299C.46, subdivision 3; 299F.857; 340A.22, subdivision 4; 357.021, subdivision 7; 624.713, subdivision 1; 624.7131; 624.7132; proposing coding for new law in Minnesota Statutes, chapter 624.

The bill was read for the first time and referred to the Committee on Ways and Means.

Hornstein, Long and Elkins introduced:

H. F. No. 2712, A bill for an act relating to greenhouse gas emissions; requiring a study.

The bill was read for the first time and referred to the Committee on Commerce.

Robbins, Zerwas, Scott, O'Neill, Franson, Demuth, Kiel, Erickson, Schomacker, Albright, Pierson, Kresha, Swedzinski, Haley and Theis introduced:

H. F. No. 2713, A bill for an act relating to health; providing for informed consent for pelvic examinations of an anesthetized or unconscious patient; establishing a penalty; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Lesch introduced:

H. F. No. 2714, A bill for an act relating to the Minnesota State Retirement System; adding a board member; amending Minnesota Statutes 2018, section 352.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Government Operations.

Cantrell introduced:

H. F. No. 2715, A bill for an act relating to health; requiring transparency in hospital billing within a certain time; amending Minnesota Statutes 2018, section 144.586, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 50, A bill for an act relating to transportation; prohibiting use of cell phones while driving under specified circumstances; requiring a study of traffic stops; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 169.011, subdivision 94; 169.475.

CAL R. LUDEMAN, Secretary of the Senate

Hornstein moved that the House refuse to concur in the Senate amendments to H. F. No. 50, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1618.

CAL R. LUDEMAN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1618, A bill for an act relating to transportation; designating a portion of marked Trunk Highway 25 as Captain Jeffrey Vollmer Memorial Highway; amending Minnesota Statutes 2018, section 161.14, by adding a subdivision.

The bill was read for the first time.

Nash moved that S. F. No. 1618 and H. F. No. 1171, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### CALENDAR FOR THE DAY

H. F. No. 85, A bill for an act relating to health; requiring the Emergency Medical Services Regulatory Board to propose guidelines authorizing patient-assisted medication administration in emergencies.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

|             |            |                 |           |            |              |
|-------------|------------|-----------------|-----------|------------|--------------|
| Acomb       | Davids     | Hamilton        | Lesch     | Murphy     | Sauke        |
| Albright    | Davnie     | Hansen          | Liebling  | Nash       | Schomacker   |
| Anderson    | Dehn       | Hassan          | Lien      | Nelson     | Scott        |
| Backer      | Demuth     | Hausman         | Lillie    | Neu        | Stephenson   |
| Bahner      | Dettmer    | Heinrich        | Lippert   | Noor       | Sundin       |
| Bahr        | Drazkowski | Heintzeman      | Lislegard | Nornes     | Swedzinski   |
| Baker       | Ecklund    | Her             | Loeffler  | O'Driscoll | Tabke        |
| Becker-Finn | Edelson    | Hertaus         | Long      | Olson      | Theis        |
| Bennett     | Elkins     | Hornstein       | Lucero    | Pelowski   | Torkelson    |
| Bernardy    | Erickson   | Howard          | Lueck     | Persell    | Urdahl       |
| Bierman     | Fischer    | Huot            | Mahoney   | Petersburg | Vang         |
| Boe         | Franson    | Johnson         | Mann      | Pinto      | Vogel        |
| Brand       | Freiberg   | Jurgens         | Mariani   | Poppe      | Wagenius     |
| Cantrell    | Garofalo   | Kiel            | Marquart  | Poston     | Wazlawik     |
| Carlson, A. | Gomez      | Klevorn         | Masin     | Pryor      | Winkler      |
| Carlson, L. | Green      | Koegel          | McDonald  | Quam       | Wolgamott    |
| Christensen | Grossell   | Kotyza-Witthuhn | Mekeland  | Richardson | Xiong, J.    |
| Clafin      | Gruenhagen | Koznick         | Miller    | Robbins    | Xiong, T.    |
| Considine   | Gunther    | Kunesh-Podein   | Moller    | Runbeck    | Youakim      |
| Daniels     | Haley      | Layman          | Morrison  | Sandell    | Zerwas       |
| Daudt       | Halverson  | Lee             | Munson    | Sandstede  | Spk. Hortman |

The bill was passed and its title agreed to.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 50:

Hornstein, Noor and Petersburg.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, March 27, 2019. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, March 27, 2019.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

