

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2762

03/12/2012 Authored by Westrom

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance

03/19/2012 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act

1.2 relating to courts; modifying service of petition for certain election errors;

1.3 modifying certain appeals of referee orders; adding to requirements for notice of

1.4 a transfer of structure settlement payment rights; amending Minnesota Statutes

1.5 2010, sections 204B.44; 243.166, subdivision 2; 484.013, subdivision 3; 549.32,

1.6 subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2010, section 204B.44, is amended to read:

1.9 **204B.44 ERRORS AND OMISSIONS; REMEDY.**

1.10 Any individual may file a petition in the manner provided in this section for the

1.11 correction of any of the following errors, omissions, or wrongful acts which have occurred

1.12 or are about to occur:

1.13 (a) an error or omission in the placement or printing of the name or description of

1.14 any candidate or any question on any official ballot;

1.15 (b) any other error in preparing or printing any official ballot;

1.16 (c) failure of the chair or secretary of the proper committee of a major political party

1.17 to execute or file a certificate of nomination;

1.18 (d) any wrongful act, omission, or error of any election judge, municipal clerk,

1.19 county auditor, canvassing board or any of its members, the secretary of state, or any other

1.20 individual charged with any duty concerning an election.

1.21 The petition shall describe the error, omission, or wrongful act and the correction

1.22 sought by the petitioner. The petition shall be filed with any judge of the Supreme Court in

1.23 the case of an election for state or federal office or any judge of the district court in that

1.24 county in the case of an election for county, municipal, or school district office. The

1.25 petitioner shall serve a copy of the petition on the officer, board or individual charged with

2.1 the error, omission, or wrongful act, on all candidates for the office in the case of an  
 2.2 election for state, federal, county, municipal, or school district office, and on any other  
 2.3 party as required by the court. Upon receipt of the petition the court shall immediately  
 2.4 set a time for a hearing on the matter and order the officer, board or individual charged  
 2.5 with the error, omission or wrongful act to correct the error or wrongful act or perform the  
 2.6 duty or show cause for not doing so. The court shall issue its findings and a final order  
 2.7 for appropriate relief as soon as possible after the hearing. Failure to obey the order is  
 2.8 contempt of court.

2.9 Sec. 2. Minnesota Statutes 2010, section 243.166, subdivision 2, is amended to read:

2.10 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,  
 2.11 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the  
 2.12 court shall tell the person of the duty to register under this section and that, if the person  
 2.13 fails to comply with the registration requirements, information about the offender may  
 2.14 be made available to the public through electronic, computerized, or other accessible  
 2.15 means. The court may not modify the person's duty to register in the pronounced  
 2.16 sentence or disposition order. The court shall require the person to read and sign a  
 2.17 form, completed by the assigned corrections agent, stating that the duty of the person to  
 2.18 register under this section has been explained. The court shall forward the signed sex  
 2.19 offender registration form, the complaint, and sentencing documents to the bureau. If a  
 2.20 person required to register under subdivision 1b, paragraph (a), was not notified by the  
 2.21 court of the registration requirement at the time of sentencing or disposition, the assigned  
 2.22 corrections agent shall notify the person of the requirements of this section. When a  
 2.23 person who is required to register under subdivision 1b, paragraph (c) or (d), is released  
 2.24 from commitment, the treatment facility shall notify the person of the requirements of this  
 2.25 section. The treatment facility shall also obtain the registration information required under  
 2.26 this section and forward it to the bureau.

2.27 Sec. 3. Minnesota Statutes 2010, section 484.013, subdivision 3, is amended to read:

2.28 Subd. 3. **Referee.** The chief judge of district court may appoint a referee for the  
 2.29 housing calendar program. The referee must be learned in the law. The referee must be  
 2.30 compensated according to the same scale used for other referees in the district court.  
 2.31 Section 484.70, subdivision 6, ~~applies~~ does not apply to the housing calendar program.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to  
 2.33 actions commencing on or after that date.

3.1 Sec. 4. Minnesota Statutes 2010, section 549.32, subdivision 2, is amended to read:

3.2 Subd. 2. **Notice.** Not less than 20 days before the scheduled hearing on an  
3.3 application for authorization of a transfer of structured settlement payment rights under  
3.4 section 549.31, the transferee shall file with the court or responsible administrative  
3.5 authority and serve on: any other government authority that previously approved the  
3.6 structured settlement; and all interested parties, a notice of the proposed transfer and the  
3.7 application for its authorization. The notice must include:

3.8 (1) a copy of the transferee's application to the court or responsible administrative  
3.9 authority;

3.10 (2) a copy of the transfer agreement;

3.11 (3) a copy of the disclosure statement required under section 549.31, subdivision 1,  
3.12 paragraph (b);

3.13 (4) notification that an interested party is entitled to support, oppose, or otherwise  
3.14 respond to the transferee's application, either in person or by counsel, by submitting  
3.15 written comments to the court or responsible administrative authority or by participating  
3.16 in the hearing; ~~and~~

3.17 (5) notification of the time and place of the hearing and notification of the manner in  
3.18 which and the time by which written responses to the application must be filed, in order to  
3.19 be considered by the court or responsible administrative authority. Written responses to  
3.20 the application must be filed within 15 days after service of the transferee's notice; and

3.21 (6) notification of the date and judicial district of any prior application for transfer  
3.22 by the transferee, including whether the prior application was granted or denied. If the  
3.23 prior application was granted, the petition shall provide the amount and due dates of  
3.24 any structured settlement payments that were transferred, the aggregate amount of the  
3.25 payments, the discounted present value of the payments, and the gross amount that was  
3.26 payable to the payee in exchange for the payments.