

3. That the parties and the employer are further notified that NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY. Minnesota Statutes, Sections 256.873 and 518.611, Subdivision 4. A VIOLATION OF THIS PROVISION IS A MISDEMEANOR. Minnesota Statutes, Section 256.878.

4. That, in the event the Obligee performs service on the employer under paragraph 2 (d), the determination and order shall also be served on together with an application to use collection services.

5. That service of this Order shall be

Sec. 8. REPEALER.

Minnesota Statutes 1980, Sections 256.874 and 256.878; and Minnesota Statutes 1981 Supplement, Sections 256.875 and 256.877 are repealed.

Approved March 19, 1982

CHAPTER 489 — S.F.No. 1666

An act relating to legal services; providing for a surcharge on civil filing fees; authorizing the supreme court to appoint an advisory committee; authorizing the distribution of the surcharge funds to qualified programs providing legal services to certain persons; requiring a report to the legislature; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 375.167, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 480.

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

Section 1. Minnesota Statutes 1981 Supplement, Section 375.167, Subdivision 1, is amended to read:

375.167 NONPROFIT LEGAL ASSISTANCE CORPORATIONS.

Subdivision 1. **APPROPRIATIONS.** Notwithstanding the provisions and limitations of section 275.09, and any other law to the contrary, the county board of any county may appropriate from the general revenue fund to any nonprofit corporation a sum not to exceed one-fourth of a mill on the dollar of the taxable valuation of the county for the purpose of providing legal assistance to persons who are unable to afford private legal counsel. This levy shall not be subject to the levy limits established by sections 275.50 to 275.59 or ~~First Special Session Laws 1981, Chapter 1, Article 5, Sections 3 to 7~~ and shall be disregarded in the calculation of levies subject to them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 2. [480.24] DEFINITIONS.

Subdivision 1. TERMS. As used in sections 2 to 6, the terms defined in this section have the meanings given them.

Subd. 2. ELIGIBLE CLIENT. "Eligible client" means an individual that is financially unable to afford legal assistance, as determined by a recipient on the basis of eligibility guidelines established by the supreme court pursuant to section 5, subdivision 1.

Subd. 3. QUALIFIED LEGAL SERVICES PROGRAM. "Qualified legal services program" means a nonprofit corporation which provides or proposes to provide legal services to eligible clients in civil matters and which is governed by a board of directors composed of attorneys-at-law and consumers of legal services.

Subd. 4. RECIPIENT. "Recipient" means a qualified legal services program that receives funds from the supreme court to provide legal services to eligible clients.

Sec. 3. [480.241] FILING FEE SURCHARGE IN CIVIL ACTIONS.

Subdivision 1. AMOUNT OF SURCHARGE; COLLECTION BY COURT CLERKS AND ADMINISTRATORS. A plaintiff, petitioner, defendant, respondent, intervenor or moving party in any district, county or municipal court civil action or civil proceeding in which an initial filing fee is payable by that party, except a marriage dissolution or conciliation court action, shall pay to the clerk of district or county court or court administrator of the municipal courts of Hennepin County or Ramsey County a surcharge of \$10 in addition to the initial filing fee otherwise prescribed. A plaintiff, defendant or moving party in any conciliation court action in which an initial filing fee is payable shall pay to the clerk of conciliation court a surcharge of one dollar in addition to the initial filing fee otherwise prescribed. Notwithstanding any other law or rule to the contrary, no surcharge shall be paid by any governmental unit of the state of Minnesota, any local unit of government, or agency thereof, when the governmental unit, local government, or agency thereof is a party to any civil action or civil proceeding in the municipal courts of Hennepin or Ramsey counties, or in any county court.

Subd. 2. TRANSMITTAL OF SURCHARGE TO SUPREME COURT. Notwithstanding any other law or rule to the contrary, all surcharges collected pursuant to subdivision 1 shall be transmitted monthly by the district, county and conciliation court clerks and municipal court administrators to the supreme court for deposit in the general fund.

Sec. 4. [480.242] DISTRIBUTION OF SURCHARGE FUNDS TO QUALIFIED LEGAL SERVICES PROGRAMS.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. ADVISORY COMMITTEE. The supreme court shall establish an advisory committee to assist it in performing its responsibilities under sections 2 to 6. The advisory committee shall consist of eleven members appointed by the supreme court including seven attorneys-at-law who are well acquainted with the provision of legal services in civil matters, two public members who are not attorneys and two persons who would qualify as eligible clients. Four of the attorney-at-law members shall be nominated by the state bar association in the manner determined by it, and three of the attorney-at-law members shall be nominated by the programs in Minnesota providing legal services in civil matters on July 1, 1982, with funds provided by the federal Legal Services Corporation in the manner determined by them. In making the appointments of the attorney-at-law members, the supreme court shall not be bound by the nominations prescribed by this section. In making appointments to the advisory committee, the supreme court shall ensure that urban and rural areas of the state are represented. The supreme court shall adopt by rule policies and procedures for the operation of the advisory committee including, but not limited to, policies and procedures governing membership terms, removal of members, and the filling of membership vacancies.

Subd. 2. REVIEW OF APPLICATIONS; SELECTION OF RECIPIENTS. At times and in accordance with any procedures as the supreme court adopts in the form of court rules, applications for the expenditure of funds collected pursuant to section 3 shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the supreme court, shall distribute the funds received pursuant to section 3, subdivision 2 to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. Subject to the provisions of subdivision 4, the funds shall be distributed in accordance with the following formula.

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the supreme court on the basis of the 1980 national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil matters to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar

to perform services and programs for qualified alternative dispute resolution. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

Subd. 3. TIMING OF DISTRIBUTION OF FUNDS. The funds to be distributed to recipients selected in accordance with the provisions of subdivision 2 shall be distributed by the supreme court no less than twice per calendar year.

Subd. 4. ADMINISTRATION. The supreme court may retain up to five percent of the funds received pursuant to section 3, subdivision 2 to defray the costs incurred in executing its responsibilities and the responsibilities of the advisory committee under sections 2 to 6.

Sec. 5. [480.243] CLIENT ELIGIBILITY; RECEIPT OF OTHER FUNDS.

Subdivision 1. COMMITTEE ELIGIBILITY GUIDELINES. The supreme court, with the advice of the advisory committee, shall establish guidelines in the form of court rules to be used by recipients to determine the eligibility of individuals and organizations for legal services provided with funds received pursuant to section 4. The guidelines shall be designed solely to assist recipients in determining whether an individual or organization is able to afford or secure legal assistance from private counsel with respect to the particular matter for which assistance is requested.

Subd. 2. RECEIPT OF OTHER FUNDS BY RECIPIENTS. Nothing in this section shall be construed to prohibit a recipient from soliciting and accepting other public or private funds to be used for the provision of legal services in civil matters to persons who are not eligible clients, and the guidelines established pursuant to subdivision 1 shall not apply to the use of other funds.

Sec. 6. [480.244] REVENUE AND EXPENDITURE RECORDS; POST-AWARD AUDITS.

A recipient of funds distributed pursuant to section 4 shall maintain revenue and expenditure records regarding those funds in accordance with acceptable general accounting principles for a period of five years following their receipt. The legislative auditor may conduct post-award audits of the funds distributed pursuant to section 4 upon the request of the supreme court and the approval of the legislative audit commission.

Sec. 7. REPORTS TO THE LEGISLATURE.

The supreme court shall prepare and submit to the legislature on or before January 1, 1985 a report analyzing the effectiveness of the filing fee surcharge as a means of funding legal services in civil matters to persons unable to afford private counsel and making recommendations regarding the funding of services.

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The judicial planning committee shall submit a report to the chairmen of the house appropriations and senate finance committees by February 1, 1983, with recommendations relative to the appropriate placement of the administrative responsibilities of this act. The committee shall consider merging administrative functions with the duties of the board of public defense.

Sec. 8. APPROPRIATIONS.

There is appropriated from the general fund to the supreme court all monies deposited pursuant to section 3, subdivision 2, for the fiscal year ending June 30, 1983.

Sec. 9. APPROPRIATION LIMITATION.

Effective immediately the appropriation provided in Laws 1981, Chapter 356, Section 3 for the fiscal year ending June 30, 1983 shall be available, to the extent it is awarded as grants, only to alternative dispute resolution programs designed to train or reimburse persons other than attorneys in the resolution of disputes.

Sec. 10. EFFECTIVE DATE.

Sections 2 to 9 are effective July 1, 1982. Section 3 applies to filings made on or after July 1, 1982.

Sec. 11. SUNSET PROVISION.

Sections 2 to 8 are repealed effective June 30, 1985.

Approved March 19, 1982

CHAPTER 490 — S.F.No. 1677

An act relating to local government; changing municipal and county planning and zoning laws; prohibiting exclusion of manufactured homes and other types of single family dwellings; amending Minnesota Statutes 1980, Sections 394.25, Subdivision 3; and 462.357, Subdivision 1.

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

Section 1. Minnesota Statutes 1980, Section 394.25, Subdivision 3, is amended to read:

Subd. 3. Within each such district zoning ordinances or maps may also be adopted designating or limiting the location, height, width, bulk, type of foundation, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may be erected or altered; the minimum and maximum

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