

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 8, 1999

Signed by the governor April 12, 1999, 2:11 p.m.

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**CHAPTER 37—H.F.No. 1258**

*An act relating to family law; reviving the summary dissolution process; repealing Laws 1991, chapter 271, section 9, as amended.*

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

**Section 1. REPEALER; REVIVAL OF SECTION 518.195.**

Laws 1991, chapter 271, section 9, as amended by Laws 1996, chapter 408, article 11, section 9, is repealed effective July 1, 1997. Notwithstanding Minnesota Statutes, section 645.36, Minnesota Statutes 1996, section 518.195, as amended by Laws 1997, chapter 245, article 2, section 5, is revived effective July 1, 1997.

Presented to the governor April 8, 1999

Signed by the governor April 12, 1999, 2:12 p.m.

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**CHAPTER 38—S.F.No. 117**

*An act relating to crime; limiting the time period during which a defendant may challenge a restitution request; amending Minnesota Statutes 1998, section 611A.045, subdivision 3.*

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

Section 1. Minnesota Statutes 1998, section 611A.045, subdivision 3, is amended to read:

**Subd. 3. DISPUTE; EVIDENTIARY BURDEN; PROCEDURES.** (a) At the sentencing, dispositional hearing, or hearing on the restitution request, the offender shall have the burden to produce evidence if the offender intends to challenge the amount of restitution or specific items of restitution or their dollar amounts. This burden of production must include a detailed sworn affidavit of the offender setting forth all challenges to the restitution or items of restitution, and specifying all reasons justifying dollar amounts of restitution which differ from the amounts requested by the victim or victims. The affidavit must be served on the prosecuting attorney and the court at least five business days before the hearing. A dispute as to the proper amount or type of restitution must be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution is on the prosecution.

**New language is indicated by underline, deletions by ~~strikeout~~.**

(b) An offender may challenge restitution, but must do so by requesting a hearing within 30 days of receiving written notification of the amount of restitution requested, or within 30 days of sentencing, whichever is later. Notice to the offender's attorney is deemed notice to the offender. The hearing request must be made in writing and filed with the court administrator. A defendant may not challenge restitution after the 30-day time period has passed.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective August 1, 1999, and applies to crimes committed on or after that date.

Presented to the governor April 8, 1999

Signed by the governor April 12, 1999, 2:13 p.m.

**CHAPTER 39—H.F.No. 640**

*An act relating to mental health; modifying membership, duties, and reporting requirements for the state advisory council on mental health; amending Minnesota Statutes 1998, section 245.697.*

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

Section 1. Minnesota Statutes 1998, section 245.697, is amended to read:

**245.697 STATE ADVISORY COUNCIL ON MENTAL HEALTH.**

Subdivision 1. **CREATION.** A state advisory council on mental health is created. The council must have 30 members appointed by the governor in accordance with federal requirements. In making the appointments, the governor shall consider appropriate representation of communities of color. The council must be composed of:

- (1) the assistant commissioner of mental health for the department of human services;
- (2) a representative of the department of human services responsible for the medical assistance program;
- (3) one member of each of the four core mental health professional disciplines (psychiatry, psychology, social work, nursing);
- (4) one representative from each of the following advocacy groups: mental health association of Minnesota, Minnesota alliance for the mentally ill NAMI-MN, mental health consumer/survivor network of Minnesota, and Minnesota mental health law project disability law center;
- (5) providers of mental health services;
- (6) consumers of mental health services;
- (7) family members of persons with mental illnesses;

**New language is indicated by underline, deletions by strikeout.**