

the state treasurer with the approval of the commissioner of finance, to Karen Kukkonen or her successor in interest as compensation therefor, and the moneys required for payment are hereby appropriated for such purposes.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved March 19, 1982

CHAPTER 487 — S.F.No. 1078

An act relating to game and fish; allowing the commissioner of natural resources to authorize the use of snowmobiles in connection with taking beaver or otter; amending Minnesota Statutes 1980, Section 100.29, Subdivision 30.

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

Section 1. Minnesota Statutes 1980, Section 100.29, Subdivision 30, is amended to read:

Subd. 30. It shall be unlawful to use a snowmobile or any type of all-terrain vehicle during the season open for the taking of beaver or otter and for two days thereafter, for the purpose of transporting or checking beaver or otter traps or transporting beaver or otter carcasses or pelts. However, the commissioner may issue a special permit to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts, to any licensed trapper having any of the physical disabilities described in section 98.48, subdivision 12. The permit shall be issued in the same manner as provided in section 98.48, subdivision 12. *In addition, the commissioner may by order authorize the use of a snowmobile or other type of all-terrain vehicle in any county to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts in Lake of the Woods and Koochiching Counties.*

Approved March 19, 1982

CHAPTER 488 — S.F.No. 1561

An act relating to child support and maintenance payments; authorizing release of information for location of certain parents of deserted children; providing for the collection and withholding of payments; amending Minnesota Statutes 1980, Section 256.978; Minnesota Statutes 1981 Supplement, Sections 256.872, Subdivisions 1, as amended, and 2; 518.551, Subdivisions 1 and 2; and 518.611, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 518; repealing Minnesota Statutes 1980, Sections 256.874 and 256.878; and Minnesota Statutes 1981 Supplement, Sections 256.875 and 256.877.

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

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

Section 1. Minnesota Statutes 1980, Section 256.978, is amended to read:

256.978 LOCATION OF PARENTS DESERTING THEIR CHILDREN, ACCESS TO RECORDS.

The commissioner of public welfare, in order to carry out the child support enforcement program and to assist in the locating of fathers and mothers location of parents who have, or appear to have, deserted their children, may request ~~and shall receive~~ information from the records of all departments, boards, bureaus or other agencies of this state ~~and they, which~~ shall, notwithstanding the provisions of section 290.61, section 268.12, subdivision 12 or any other ~~existing~~ law to the contrary, provide ~~such~~ the information as is necessary for this purpose. ~~Only~~ Information directly bearing on relative to the identity and, whereabouts, employment, income, and property of a person owing or alleged to be owing an obligation of support ~~shall~~ may be requested and used or transmitted by the commissioner pursuant to the authority conferred by this section. The commissioner of public welfare may make such information available only to public officials and agencies of this state and its political subdivisions and other states of the union and their political subdivisions who are seeking to locate mothers and fathers enforce the support liability of parents or to locate parents who have, or appear to have, deserted their children, ~~for the purpose of enforcing their liability for support.~~ Any person who, pursuant to this section, obtains information from the department of revenue the confidentiality of which is protected by law shall not divulge the information except to the extent necessary for the administration of the child support enforcement program or when otherwise authorized by law.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 256.872, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 3, Section 14, is amended to read:

Sec. 14. Minnesota Statutes 1981 Supplement, Section 256.872, Subdivision 1, is amended to read:

Subdivision 1. **WITHHOLDING ORDER.** Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, ~~the public agency responsible for child support enforcement may move and the district or county that court shall grant an order providing for the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance.~~ If the public agency responsible for child support enforcement determines that the obligor's arrearages have accumulated for more than one month, and if the agency is not pursuing another appropriate remedy, the agency shall move the district or county court for an order for withholding under this section or shall document a reason or

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reasons why withholding would not result in payment being made. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order. "Income" means any form of periodic payments to an individual, including, but not limited to, wages, salary, income as an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payments.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 256.872, Subdivision 2, is amended to read:

Subd. 2. **CONDITIONS.** Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The obligee or public agency responsible for child support enforcement determines that the obligor is at least 30 days in arrears;

(b) The obligee or agency serves written notice of its determination on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The obligee or agency serves a copy of its determination of delinquency and a copy of the court's withholding order on the payor of funds; and

(e) The obligee serves on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services if the obligee is not receiving public assistance.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 518.551, Subdivision 1, is amended to read:

Subdivision 1. **ORDER.** A court having jurisdiction over proceedings for dissolution, legal separation or determination of parentage shall direct that all payments ordered for maintenance and support shall be made to the public authority so long as the obligee is receiving or has applied for public assistance. Amounts received by the public authority greater than the amount granted to the obligee shall be remitted to the obligee. Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order,

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from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.

Each order shall provide that the obligor's employer, trustee, or other payor of funds shall withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance.

The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance. Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 518.551, Subdivision 2, is amended to read:

Subd. 2. **NOTICE OF CONDITIONS.** Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The obligee or public authority determines that the obligor is at least 30 days in arrears;

(b) The obligee or public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; ~~and~~

(d) The obligee or public authority serves a copy of its determination of arrearage and a copy of the court's withholding order on the payor of funds; and

(e) The obligee serves on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services if the obligee is not receiving public assistance.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 518.611, Subdivision 1, is amended to read:

Subdivision 1. **ORDER TO WITHHOLD INCOME.** The obligee or the public authority may at any time move the court to order, and the court shall order the employer, trustee or other payor of funds to withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or

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maintenance. Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.

Sec. 7. [518.645] FORM OF ORDER.

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued pursuant to sections 256.872, subdivision 1, 518.551, subdivision 1, or 518.611, subdivision 1, shall be substantially in the following form:

IT IS ORDERED:

1. That the sum of per, representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on by (his/her) present employer, and any future employer, and shall be remitted at least monthly to:, monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the employee's name shall be included with each remittance.

2. That the parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) or the Obligee determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) or the Obligee serves written notice on the Obligor of its determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice, the Obligor either fails to pay all past due payments or to move the Court, Minnesota Statutes, Section 518.64, to modify the order respecting the amount of child support and/or spousal maintenance and, ex parte, to stay service of withholding on the employer until the motion to modify is heard; and

(d) Not sooner than fifteen days after service of written notice in paragraph (b) on the Obligor, or the Obligee serves a copy of its determination of a thirty-day delinquency and a copy of the Court's withholding order on the employer, who will then be obligated to withhold payments from income and forward the amount withheld to

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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.

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