

1987, chapter 370, shall address the issues related to mandated benefits. Consumer choice and access to the most appropriate and cost-effective health care providers must be investigated and considered in light of the structure of managed care plans that are being designed and offered currently. The commission shall consider the long-term savings associated with a broad choice of provider groups available to consumers.

Sec. 15. **EFFECTIVE DATES.**

Section 3, subdivision 1, paragraph (a) is effective August 1, 1988. Section 2 and the remaining provisions of section 3 are effective January 1, 1989. Section 8 is effective the day following final enactment.

Approved April 21, 1988

CHAPTER 593—S.F.No. 1582

An act relating to marriage dissolution; providing for child support enforcement; specifying conditions for judgment by operation of law; amending Minnesota Statutes 1986, sections 256.87, subdivisions 1, 1a, 6, and by adding a subdivision; 257.66, subdivision 5; 518.55, subdivision 2, and by adding a subdivision; 518.551, subdivision 9; 518C.17, subdivision 1; 548.091, subdivisions 2, 3, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 548.091, subdivision 1.

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

Section 1. Minnesota Statutes 1986, section 256.87, subdivision 1, is amended to read:

Subdivision 1. **ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.** A parent of a child is liable for the amount of assistance furnished under sections 256.72 to 256.87 to and for the benefit of the child, including any assistance furnished for the benefit of the caretaker of the child, which the parent has had the ability to pay. Ability to pay must be determined according to chapter 518. The parent's liability is limited to the amount of assistance furnished during the two years immediately preceding the commencement of the action, except that where child support has been previously ordered, the state or county agency providing the assistance, as assignee of the obligee, shall be entitled to judgments for child support payments accruing within ten years preceding the date of the commencement of the action up to the full amount of assistance furnished. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the recovery of the amount of assistance granted, together with the costs and disbursements of the action.

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Sec. 2. Minnesota Statutes 1986, section 256.87, subdivision 1a, is amended to read:

Subd. 1a. **CONTINUING SUPPORT CONTRIBUTIONS.** In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing support contributions by a parent found able to reimburse the county or state agency. Except as provided in subdivision 4, the order shall be effective for the period of time during which the recipient receives public assistance from any county or state agency and for five months thereafter. The order shall require support according to chapter 518. An order for continuing contributions is reinstated without further hearing upon notice to the parent by any county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance.

Sec. 3. Minnesota Statutes 1986, section 256.87, subdivision 6, is amended to read:

Subd. 6. **NOTICE ENTRY OF DOCKETING JUDGMENT.** Any order for support ~~or maintenance~~ issued under this section shall provide for a conspicuous notice that, if the obligor fails to make ~~the a support or maintenance payments~~ payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due, and the obligee or public agency responsible for support ~~or maintenance~~ enforcement may obtain entry and docketing of ~~a the~~ judgment for the unpaid amounts under the provisions of section 548.091. ~~The notice shall enumerate the conditions that must be met before the judgment can be docketed.~~

Sec. 4. Minnesota Statutes 1986, section 256.87, is amended by adding a subdivision to read:

Subd. 7. NOTICE OF DOCKETING OF MAINTENANCE JUDGMENT. Every order for maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make the maintenance payments, the obligee or public agency responsible for maintenance enforcement may obtain docketing of a judgment for the unpaid amount under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 5. Minnesota Statutes 1986, section 257.66, subdivision 5, is amended to read:

Subd. 5. **NOTICE ENTRY OF DOCKETING JUDGMENT.** Any order for support or maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make ~~the a support payments~~ payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due and the obligee or a public agency responsible for support enforcement may obtain entry and docketing of ~~a the~~ judgment for the unpaid amounts under the provisions of section 548.091. ~~The notice shall~~

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~~enumerate the conditions that must be met before the judgment can be docketed.~~

Sec. 6. Minnesota Statutes 1986, section 518.55, subdivision 2, is amended to read:

Subd. 2. **NOTICE OF DOCKETING OF MAINTENANCE JUDGMENT.** Every order for ~~support or~~ maintenance shall provide for a conspicuous notice that, if the obligor fails to make the ~~support or~~ maintenance payments, the obligee or a public agency responsible for maintenance ~~or support~~ enforcement may obtain docketing of a judgment for the unpaid amount under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 7. Minnesota Statutes 1986, section 518.55, is amended by adding a subdivision to read:

Subd. 2a. ENTRY OF CHILD SUPPORT JUDGMENT. Every order for support shall provide for a conspicuous notice that, if the obligor fails to make a support payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due, and the obligee or a public agency responsible for support enforcement may obtain entry and docketing of the judgment for the unpaid amount under the provisions of section 548.091.

Sec. 8. Minnesota Statutes 1986, section 518.551, subdivision 9, is amended to read:

Subd. 9. **ASSIGNMENT OF RIGHTS; JUDGMENT.** The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 256.74, subdivision 5. The court administrator shall enter and docket a judgment obtained by operation of law under section 548.091, subdivision 1, in the name of the public agency to the extent that the obligation has been assigned. When arrearages are reduced to judgment under circumstances in which section 548.091 is not applicable, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. After filing notice of an assignment with the court administrator, who shall enter the notice in the docket, the public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.

Sec. 9. Minnesota Statutes 1986, section 518C.17, subdivision 1, is amended to read:

Subdivision 1. **ISSUANCE OF ORDER.** If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 518C.01 to 518C.36 shall require that payments be made as the responding court directs and the responding court shall order support

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payments under chapter 518. Every order for support shall provide for a conspicuous notice that, if the obligor fails to make ~~the a~~ support payments payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due, and the obligee or a public agency responsible for support enforcement may obtain entry and docketing of ~~a the~~ judgment for the unpaid amounts under the provisions of section 548.091. ~~The notice shall enumerate the conditions that must be met before the judgment can be docketed.~~ The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 10. Minnesota Statutes 1987 Supplement, section 548.091, subdivision 1, is amended to read:

Subdivision 1. **DOCKETING OF MAINTENANCE JUDGMENT.** A judgment for unpaid amounts under a judgment or decree of dissolution or legal separation; ~~determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260.251, any of which provide~~ that provides for installment or periodic payments of child support, maintenance, or reimbursement to a county for the cost of care, examination, or treatment of a child, or any combination of these items, shall be entered and docketed by the court administrator only when ordered by the court or when the following conditions are met:

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

(b) The obligee ~~or public authority~~ serves a copy of an affidavit of default and notice of intent to enter judgment on the obligor by mail at the obligor's last known post office address. Service shall be deemed complete upon mailing in the manner designated. The affidavit shall state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date of the first unpaid amount, the date of the last unpaid amount, and the total amount unpaid;

(c) The obligor fails within 20 days after mailing of the notice either to pay all unpaid amounts or to request a hearing on the issue of whether arrears claimed owing have been paid and to seek, ex parte, a stay of entry of judgment; and

(d) Not less than 20 days after service on the obligor in the manner provided, the obligee ~~or public authority~~ files with the court administrator the affidavit of default together with proof of service and, if payments have been received by

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the obligee or public authority since execution of the affidavit of default, a supplemental affidavit setting forth the amount of payment received.

Sec. 11. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 1a. CHILD SUPPORT JUDGMENT BY OPERATION OF LAW. Any payment or installment of support required by a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260.251, that is not paid or withheld from the obligor's income as required under section 518.611 or 518.613, is a judgment by operation of law on and after the date it is due and is entitled to full faith and credit in this state and any other state. Interest accrues from the date the judgment on the payment or installment is entered and docketed under subdivision 3a, at the annual rate provided in section 549.09, subdivision 1. A payment or installment of support that becomes a judgment by operation of law between the date on which a party served notice of a motion for modification under section 518.64, subdivision 2, and the date of the court's order on modification may be modified under that subdivision.

Sec. 12. Minnesota Statutes 1986, section 548.091, subdivision 2, is amended to read:

Subd. 2. AMOUNT AND SURVIVAL OF MAINTENANCE JUDGMENT. The court administrator shall enter and docket judgment in the amount of each affidavit filed under subdivision 1 less any amount paid. From the time of docketing, the judgment is a lien in the amount unpaid upon all the real property in the county then or after owned by the judgment debtor. The judgment survives and the lien continues for ten years after its entry.

Sec. 13. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 2a. DOCKETING OF CHILD SUPPORT JUDGMENT. On or after the date an unpaid amount becomes a judgment by operation of law under subdivision 1a, the obligee or the public authority may file with the court administrator:

(1) a statement identifying, or a copy of, the judgment or decree of dissolution or legal separation, determination of parentage, order under chapter 518C, an order under section 256.87, or an order under section 260.251, which provides for installment or periodic payments of child support;

(2) an affidavit of default. The affidavit of default must state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date or dates payment was due and not received and judgment was obtained by operation of law, and the total amount of the judgments; and

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(3) an affidavit of service of a notice of entry of judgment on the obligor, in person or by mail at the obligor's last known post office address. Service is completed upon mailing in the manner designated.

Sec. 14. Minnesota Statutes 1986, section 548.091, subdivision 3, is amended to read:

Subd. 3. **MAINTENANCE JUDGMENTS DOCKETED PRIOR TO DEFAULT.** An obligor whose property is subject to the lien of a judgment for installment of periodic payments of ~~child support, maintenance, or both,~~ under section 548.09, and who claims that no amount of ~~support or maintenance~~ is in arrears, may move the court ex parte for an order directing the court administrator to vacate the lien of the judgment on the docket and register of the action where it was entered. The obligor shall file with the motion an affidavit stating that:

(a) The lien attached upon the docketing of a judgment or decree of dissolution or separate maintenance; ~~a determination of parentage, an order under the Reciprocal Enforcement of Support Act, or an order under section 256.87;~~

(b) The docketing was made while no installment or periodic payment of ~~child support, maintenance, or both,~~ was unpaid or overdue; and

(c) No installment or periodic payment of ~~child support, maintenance, or both,~~ that was due prior to the filing of the motion remains unpaid or overdue.

The court shall grant the obligor's motion as soon as possible if the pleadings and affidavit show that there is and has been no default.

Sec. 15. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 3a. **ENTRY, DOCKETING, AND SURVIVAL OF CHILD SUPPORT JUDGMENT.** Upon receipt of the documents filed under subdivision 2a, the court administrator shall enter and docket the judgment in the amount of the default specified in the affidavit of default. From the time of docketing, the judgment is a lien upon all the real property in the county owned by the judgment debtor. The judgment survives and the lien continues for ten years after the date the judgment was docketed.

Sec. 16. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 4. **CHILD SUPPORT HEARING.** A child support obligor may request a hearing under the rules of civil procedure on the issue of whether the judgment amount or amounts have been paid and may move the court for an order directing the court administrator to vacate the judgment or judgments on the docket and register in any county or other jurisdiction in which judgment or judgments were entered pursuant to this action.

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The court shall grant the obligor's motion if it determines that there is no default.

Sec. 17. REPEALER.

Sections 1 to 16 are repealed on the date a waiver is received by the commissioner of human services under United States Code, title 42, section 666(d). The commissioner of human services shall seek such a waiver immediately after enactment of sections 1 to 16.

Approved April 21, 1988

CHAPTER 594—S.F.No. 1608

An act relating to the city of Minneapolis; updating references in its development laws; authorizing small business loans; amending Laws 1980, chapter 595, section 3, subdivisions 1, as amended, 3, 6, and 7; and section 4.

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

Section 1. Laws 1980, chapter 595, section 3, subdivision 1, as amended by Laws 1985, chapter 194, section 29, is amended to read:

Subdivision 1. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may exercise the powers presently, or hereafter granted to a governmental agency or subdivision by Minnesota Statutes, ~~Chapters 458 and 462~~ sections 469.001 to 469.068 except the power to operate and maintain public housing as ~~provided in Minnesota Statutes, Chapter 462.~~ The city council shall not exercise the powers contained in Minnesota Statutes, ~~Chapter 462~~ sections 469.001 to 469.047 prior to the initial adoption of an ordinance provided for in section 2, subdivision 1, or this subdivision. Notwithstanding any contrary law or provision of the Minneapolis city charter, the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may after approval by the city council by ordinance exercise any of the powers presently or hereafter granted to a governmental subdivision by Minnesota Statutes, ~~Chapters 458, 462, 472, 472A, and 474~~ sections 469.001 to 469.068, 469.109 to 469.134, and 469.152 to 469.165. The city council or the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may exercise the powers granted by this subdivision and any other development or redevelopment powers authorized by other laws, independently or in conjunction with each other as though all of the powers had been granted to a single entity, provided, however, that any project undertaken pursuant to authority granted by Minnesota Statutes, ~~Chapter 458, 462, 472, 472A, sections 3 to 7, or 474~~ sections 469.001 to 469.068, 469.109 to 469.134, 469.136 to 469.140, and 469.152 to 469.165 is subject to all of the limitations contained within ~~that chapter those~~ those sections.

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