

listed in Minnesota Statutes, section 169.121, subdivision 3, paragraph (a), are considered prior impaired driving convictions or prior license revocations for purposes of this act.

Presented to the governor May 20, 1999

Signed by the governor May 24, 1999, 9:35 a.m.

CHAPTER 195—S.F.No. 746

An act relating to local government; permitting Grand Rapids Township to hold its general election in November; permitting the city of Grand Rapids to increase the membership of its public utilities commission to five members.

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

Section 1. **GRAND RAPIDS TOWNSHIP; NOVEMBER GENERAL ELECTION.**

Grand Rapids Township may designate the first Tuesday after the first Monday in November of either the even-numbered or the odd-numbered year as the date of the town general election. The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide for an orderly transition to the November election schedule. The ordinance or resolution changing the date of the town general election may be proposed by the town board or by a resolution of the electors adopted at the annual meeting and is effective upon an affirmative vote of the electors at the next town general election. Town supervisors elected at a November election shall serve three-year terms and shall serve until a successor is elected and qualified.

Sec. 2. **CITY OF GRAND RAPIDS PUBLIC UTILITIES COMMISSION; MEMBERSHIP.**

Notwithstanding Minnesota Statutes, section 412.341, the city of Grand Rapids may by ordinance increase the Grand Rapids public utilities commission membership to five members. The ordinance increasing the commission membership must provide for the initial terms of the additional members so that no more than two positions on the commission are open for appointment in any year.

Sec. 3. **LOCAL APPROVAL NOT REQUIRED.**

This act is effective without local approval as provided in Minnesota Statutes, section 645.023.

Presented to the governor May 20, 1999

Became law without the governor's signature May 25, 1999

CHAPTER 196—S.F.No. 23

An act relating to family law; repealing the administrative process for support orders; establishing a child support magistrate system; authorizing child support and visitation review hearings;

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

amending Minnesota Statutes 1998, sections 13B.06, subdivision 1; 168A.20, subdivision 4; 171.186, subdivisions 1 and 3; 214.101, subdivisions 1 and 4; 357.021, subdivision 1a; 484.70, subdivision 1; 484.72, by adding a subdivision; 518.171, subdivision 4; 518.54, by adding a subdivision; 518.551, subdivisions 9, 12, 13, and 14; 518.553; 518.575, subdivision 1; 518.5853, subdivision 6; 518.611L, subdivisions 2, 7, 8, and 14; 518.616, subdivision 1; 518.617, subdivision 1; 518.641, subdivision 2; and 552.05, subdivisions 4, 5, and 10; Laws 1998, chapter 338, section 8; proposing coding for new law in Minnesota Statutes, chapters 484; and 518; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512.

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

ARTICLE 1

EXPEDITED ADMINISTRATIVE PROCEDURES AND JUDICIAL PROCESS

Section 1. Minnesota Statutes 1998, section 484.70, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT.** The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, juvenile or special term court. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.

Sec. 2. [484.702] EXPEDITED CHILD SUPPORT HEARING PROCESS.

Subdivision 1. **CREATION; SCOPE.** (a) The supreme court shall create an expedited child support hearing process to establish, modify, and enforce child support; and enforce maintenance, if combined with child support. The process must be designed to handle child support and paternity matters in compliance with federal law.

(b) All proceedings establishing, modifying, or enforcing support orders; and enforcing maintenance orders, if combined with a support proceeding, must be conducted in the expedited process if the case is a IV-D case. Cases that are not IV-D cases may not be conducted in the expedited process.

(c) This section does not prevent a party, upon timely notice to the public authority, from commencing an action or bringing a motion in district court for the establishment, modification, or enforcement of support, or enforcement of maintenance orders if combined with a support proceeding, where additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues exist as noticed by the complaint, motion, counter motion, or counter action.

(d) At the option of the county, the expedited process may include contempt actions or actions to establish parentage.

New language is indicated by underline, deletions by strikeout.

(e) The expedited process should meet the following goals:

(1) be streamlined and uniform statewide and result in timely and consistent issuance of orders;

(2) be accessible to the parties without the need for an attorney and minimize litigation;

(3) be a cost-effective use of limited financial resources; and

(4) comply with applicable federal law.

(f) For purposes of this section, "IV-D case" has the meaning given in section 518.54.

Subd. 2. ADMINISTRATION. (a) The state court administrator shall provide for the administration of the expedited child support hearing process in each judicial district.

(b) Until June 30, 2000, the office of administrative hearings and the state court administrator may enter into contracts to provide one or more administrative law judges to serve as child support magistrates and for administrative and case management support. The title to all personal property used in the administrative child support process mutually agreed upon by the office of administrative hearings and the office of the state court administrator must be transferred to the state court administrator for use in the expedited child support process.

Subd. 3. APPOINTMENT OF CHILD SUPPORT MAGISTRATES. The chief judge of each judicial district may appoint one or more suitable persons to act as child support magistrates for the expedited child support hearing process, with the confirmation of the supreme court. A child support magistrate appointed to serve in the expedited child support process, whether hired on a full-time, part-time, or contract basis, is a judicial officer under section 43A.02, subdivision 25, and is an employee of the state under section 3.732 for purposes of section 3.736 only.

Subd. 4. TRAINING AND QUALIFICATIONS OF CHILD SUPPORT MAGISTRATES. The supreme court may:

(1) provide training for individuals who serve as child support magistrates for the expedited child support hearing process;

(2) establish minimum qualifications for child support magistrates; and

(3) establish a policy for evaluating and removing child support magistrates.

Subd. 5. RULES. The supreme court, in consultation with the conference of chief judges, shall adopt rules to implement the expedited child support hearing process under this section.

Sec. 3. Minnesota Statutes 1998, section 484.72, is amended by adding a subdivision to read:

Subd. 6. EXPEDITED CHILD SUPPORT PROCESS. Notwithstanding subdivisions 1 and 4, hearings and proceedings conducted in the expedited child support process under section 484.702 may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards promulgated by the state

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

court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications promulgated by the state court administrator.

Sec. 4. [518.178] VISITATION AND SUPPORT REVIEW HEARING.

Upon motion of either party, the court shall conduct a hearing to review compliance with the visitation and child support provisions set forth in a decree of dissolution or legal separation or an order that establishes child custody, visitation, and support rights and obligations of parents. The state court administrator shall prepare, and each court administrator shall make available, simplified pro se forms for reviewing visitation and child support disputes. The court may impose any visitation enforcement remedy available under sections 518.175 and 518.1751, and any support enforcement remedy available under section 518.551.

Sec. 5. Minnesota Statutes 1998, section 518.54, is amended by adding a subdivision to read:

Subd. 14. IV-D CASE. "IV-D case" means a case where a party has assigned to the state rights to child support because of the receipt of public assistance as defined in section 256.741 or has applied for child support services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4).

Sec. 6. Minnesota Statutes 1998, section 518.551, subdivision 9, is amended to read:

Subd. 9. ASSIGNMENT OF RIGHTS; JUDGMENT. (a) The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 256.741, subdivision 2. 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.

(b) The public authority is a real party in interest in any IV-D case where there has been an assignment of support. In all other IV-D cases, the public authority has a pecuniary interest, as well as an interest in the welfare of the children involved in those cases. The public authority may intervene as a matter of right in those cases to assure that child support orders are obtained and enforced which provide for an appropriate and accurate level of child, medical, and child care support. If the public authority participates in a IV-D case where the action taken by the public authority requires the use of an attorney's services, the public authority shall be represented by an attorney consistent with the provisions in section 518.255.

Sec. 7. [518.5513] PUBLIC AUTHORITY PROCEDURES FOR CHILD AND MEDICAL SUPPORT ORDERS AND PARENTAGE ORDERS.

Subdivision 1. GENERAL. The public authority may use the provisions of this section in cases in which support rights are assigned under section 256.741, subdivision 2, or

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

where the public authority is providing services under an application for child support services.

Subd. 2. **ROLE OF NONATTORNEY EMPLOYEES; GENERAL PROVISIONS.** (a) The county attorney shall review and approve as to form and content all pleadings and other legal documents prepared by nonattorney employees of the county agency for use in the expedited child support process.

(b) Under the direction of, and in consultation with, the county attorney, nonattorney employees of the county agency shall have authority to perform the following legal duties:

(1) meet and confer with parties by mail, telephone, electronic, or other means regarding legal issues;

(2) explain to parties the purpose, procedure, and function of the expedited child support process and the role and authority of nonattorney employees of the county agency regarding legal issues;

(3) prepare pleadings, including, but not limited to, summonses and complaints, notices, motions, subpoenas, orders to show cause, proposed orders, administrative orders, and stipulations and agreements;

(4) issue administrative subpoenas;

(5) prepare judicial notices;

(6) negotiate settlement agreements;

(7) attend and participate as a witness in hearings and other proceedings and, if requested by the child support magistrate, present evidence, agreements and stipulations of the parties, and any other information deemed appropriate by the magistrate;

(8) participate in such other activities and perform such other duties as delegated by the county attorney; and

(9) exercise other powers and perform other duties as permitted by statute or court rule.

(c) Nonattorney employees of the county agency may perform the following duties without direction from the county attorney:

(1) gather information on behalf of the public authority;

(2) prepare financial worksheets;

(3) obtain income information from the department of economic security and other sources;

(4) serve documents on parties;

(5) file documents with the court;

(6) meet and confer with parties by mail, telephone, electronic, or other means regarding nonlegal issues;

(7) explain to parties the purpose, procedure, and function of the expedited child support process and the role and authority of nonattorney employees of the county agency regarding nonlegal issues; and

New language is indicated by underline, deletions by strikeout.

(8) perform such other routine nonlegal duties as assigned.

(d) Performance of the duties prescribed in paragraphs (b) and (c) by nonattorney employees of the county agency does not constitute the unauthorized practice of law for purposes of section 481.02.

Subd. 3. PREPARATION OF FINANCIAL WORKSHEET. (a) In cases involving establishment or modification of a child support order, a nonattorney employee of the public authority shall prepare a financial worksheet that contains:

- (1) names and addresses of the parties;
- (2) Social Security numbers of the parties;
- (3) number of members in household of each party and dependents of the parties;
- (4) names and addresses of the parties' employers;
- (5) net income of the parties as defined in section 518.551, subdivision 5, with the authorized deductions itemized;
- (6) amounts and sources of any other earnings and income of the parties;
- (7) health insurance coverage of parties; and
- (8) any other information relevant to the determination of child or medical support under section 518.171 or 518.551, subdivision 5.

(b) In preparing the financial worksheet, the nonattorney employee of the public authority shall obtain any income information available to the public authority from the department of economic security and serve this information on the parties. The information must be filed with the court or child support magistrate at least five days before any hearing involving child support, medical support, or child care reimbursement issues.

Subd. 4. NONCONTESTED MATTERS. Under the direction of the county attorney and based on agreement of the parties, nonattorney employees may prepare a stipulation, findings of fact, conclusions of law, and proposed order. The documents must be approved and signed by the county attorney as to form and content before submission to the court or child support magistrate for approval.

Subd. 5. ADMINISTRATIVE AUTHORITY. (a) The public authority may take the following actions relating to establishment of paternity or to establishment, modification, or enforcement of support orders, without the necessity of obtaining an order from any judicial or administrative tribunal:

- (1) recognize and enforce orders of child support agencies of other states;
- (2) upon request for genetic testing by a child, parent, or any alleged parent, and using the procedure in paragraph (b), order the child, parent, or alleged parent to submit to blood or genetic testing for the purpose of establishing paternity;
- (3) subpoena financial or other information needed to establish, modify, or enforce a child support order and request sanctions for failure to respond to a subpoena;
- (4) upon notice to the obligor, obligee, and the appropriate court, direct the obligor or other payor to change the payee to the central collections unit under sections 518.5851 to 518.5853;

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

(5) order income withholding of child support under section 518.6111;

(6) secure assets to satisfy the debt or arrearage in cases in which there is a support debt or arrearage by:

(i) intercepting or seizing periodic or lump sum payments from state or local agencies, including reemployment insurance, workers' compensation payments, judgments, settlements, lotteries, and other lump sum payments;

(ii) attaching and seizing assets of the obligor held in financial institutions or public or private retirement funds; and

(iii) imposing liens in accordance with section 548.091 and, in appropriate cases, forcing the sale of property and the distribution of proceeds;

(7) for the purpose of securing overdue support, increase the amount of the monthly support payments by an additional amount equal to 20 percent of the monthly support payment to include amounts for debts or arrearages; and

(8) subpoena an employer or payor of funds to provide promptly information on the employment, compensation, and benefits of an individual employed by that employer as an employee or contractor, and to request sanctions for failure to respond to the subpoena as provided by law.

(b) A request for genetic testing by a child, parent, or alleged parent must be support by a sworn statement by the person requesting genetic testing alleging paternity, which sets forth facts establishing a reasonable possibility of the requisite sexual contact between the parties, or denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the alleged parties. The order for genetic tests may be served anywhere within the state and served outside the state in the same manner as prescribed by law for service of subpoenas issued by the district court of this state. If the child, parent, or alleged parent fails to comply with the genetic testing order, the public authority may seek to enforce that order in district court through a motion to compel testing. No results obtained through genetic testing done in response to an order issued under this section may be used in any criminal proceeding.

(c) Subpoenas may be served anywhere within the state and served outside the state in the same manner as prescribed by law for service of process of subpoenas issued by the district court of this state. When a subpoena under this subdivision is served on a third-party recordkeeper, written notice of the subpoena shall be mailed to the person who is the subject of the subpoenaed material at the person's last known address within three days of the day the subpoena is served. This notice provision does not apply if there is reasonable cause to believe the giving of the notice may lead to interference with the production of the subpoenaed documents.

(d) A person served with a subpoena may make a written objection to the public authority or court before the time specified in the subpoena for compliance. The public authority or the court shall cancel or modify the subpoena, if appropriate. The public authority shall pay the reasonable costs of producing the documents, if requested.

(e) Subpoenas are enforceable in the same manner as subpoenas of the district court. Upon motion of the county attorney, the court may issue an order directing the production of the records. Failure to comply with the court order may subject the person who fails to comply to civil or criminal contempt of court.

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

(f) The administrative actions under this subdivision are subject to due process safeguards, including requirements for notice, opportunity to contest the action, and opportunity to appeal the order to the judge, judicial officer, or child support magistrate.

Subd. 6. SHARING OF INFORMATION. The public authority may share available and relevant information on the parties in order to perform its duties under this section or under supreme court rules governing the expedited child support hearing process under section 484.702, subject to the limitations of sections 256.87, subdivision 8; 257.70; and 518.005, subdivision 5.

Sec. 8. Minnesota Statutes 1998, section 552.05, subdivision 10, is amended to read:

~~Subd. 10. FORMS. The commissioner of human services shall supreme court is requested to develop statutory forms for use as required under this chapter. In developing these forms, the commissioner shall consult with the attorney general, representatives of financial institutions, and legal services. The commissioner shall report back to the legislature by February 1, 1998, with recommended forms to be included in this chapter.~~

Sec. 9. TRANSITIONAL PROVISIONS.

Judicial districts are encouraged to utilize the existing expertise of child support administrative law judges in appointing child support magistrates under section 2 in order to facilitate the transfer of these functions to the judicial branch.

Sec. 10. Laws 1998, chapter 338, section 8, is amended to read:

Sec. 8. EVALUATION AND RECOMMENDATIONS.

The supreme court, in consultation with the commissioner of human services, in consultation with and the commissioner's advisory committee for child support enforcement, shall evaluate the extent to which the administrative process has met the legislative mandate to develop and implement an administrative process that is simple, streamlined, informal, uniform throughout the state, and accessible to parties without counsel expedited process. Notwithstanding Minnesota Statutes, section 13.46, the supreme court has access to private data on parties to the expedited process for purposes of doing this evaluation. The evaluation shall determine the extent to which the expedited process meets the goals set forth in Minnesota Statutes, section 484.702, and the level of satisfaction with the expedited process reported by parents who have participated in the process. Results shall be reported, to the extent possible, statewide and by judicial district. The commissioner shall legislature requests that the supreme court present recommendations for further progress towards these mandates the legislative goals. The evaluation and recommendations shall should be presented to the legislature by December 15, 1999 2000.

ARTICLE 2

ADMINISTRATIVE PROCESS REPEAL

Section 1. Minnesota Statutes 1998, section 13B.06, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** The definitions in this subdivision apply to this section.

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

(a) "Account" means a demand deposit account, checking or negotiable withdraw order account, savings account, time deposit account, or money market mutual fund.

(b) "Account information" means the type of account, the account number, whether the account is singly or jointly owned, and in the case of jointly owned accounts the name and address of the nonobligor account owner if available.

(c) "Financial institution" means any of the following that do business within the state:

(1) federal or state commercial banks and federal or state savings banks, including savings and loan associations and cooperative banks;

(2) federal and state chartered credit unions;

(3) benefit associations;

(4) life insurance companies;

(5) safe deposit companies; and

(6) money market mutual funds.

(d) "Obligor" means an individual who is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge a child support magistrate, or the public authority.

(e) "Public authority" means the public authority responsible for child support enforcement.

Sec. 2. Minnesota Statutes 1998, section 168A.20, subdivision 4, is amended to read:

Subd. 4. **SATISFACTION OF LIEN FOR CHILD SUPPORT.** If the secured party is a public authority or a child support or maintenance obligee with a lien under section 168A.05, subdivision 8, upon either the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the owner, or the execution by the owner of a written payment agreement determined to be acceptable by the court, an administrative law judge a child support magistrate, the public authority, or the obligee, within 15 days the secured party shall execute a release of security interest on the form prescribed by the department and mail or deliver the notification with release to the owner or any person who delivers to the secured party an authorization from the owner to receive the release.

Sec. 3. Minnesota Statutes 1998, section 171.186, subdivision 1, is amended to read:

Subdivision 1. **SUSPENSION.** The commissioner shall suspend a person's driver's license or operating privileges without a hearing upon receipt of a court order or notice from a public authority responsible for child support enforcement that states that the driver is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, and is not in compliance with a written payment agreement regarding both current support and arrearages approved by a court, an administrative law judge a

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

child support magistrate, or the public authority responsible for child support enforcement, in accordance with section 518.551, subdivision 13.

Sec. 4. Minnesota Statutes 1998, section 171.186, subdivision 3, is amended to read:

Subd. 3. **DURATION.** A license or operating privilege must remain suspended and may not be reinstated, nor may a license be subsequently issued to the person, until the commissioner receives notice from the court, an administrative law judge a child support magistrate, or public authority responsible for child support enforcement that the person is in compliance with all current orders of support or written payment agreements regarding both current support and arrearages. A fee may not be assessed for reinstatement of a license under this section.

Sec. 5. Minnesota Statutes 1998, section 214.101, subdivision 1, is amended to read:

Subdivision 1. **COURT ORDER; HEARING ON SUSPENSION.** (a) For purposes of this section, "licensing board" means a licensing board or other state agency that issues an occupational license.

(b) If a licensing board receives an order from a court or an administrative law judge a child support magistrate or a notice from a public authority responsible for child support enforcement under section 518.551, subdivision 12, dealing with suspension of a license of a person found by the court or the public authority to be in arrears in child support or maintenance payments, or both, the board shall, within 30 days of receipt of the order or public authority notice, suspend the license as directed by the order or notice.

Sec. 6. Minnesota Statutes 1998, section 214.101, subdivision 4, is amended to read:

Subd. 4. **VERIFICATION OF PAYMENTS.** A board may not issue, reinstate, or renew a license of a person who has been suspended or is the subject of an order or notice under this section until it receives notification from the court, administrative law judge child support magistrate, or public authority that referred the matter to the board confirming that the applicant is not in arrears in either child support or maintenance payments, or confirming that the person is in compliance with a written payment plan regarding both current support and arrearages.

Sec. 7. Minnesota Statutes 1998, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. **TRANSMITTAL OF FEES TO STATE TREASURER.** (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in the eighth judicial district which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state trea-

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

sury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, ~~or child or medical support enforcement conducted by an administrative law judge in an administrative hearing under section 518.5514, or in a proceeding under section 484.702;~~

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under sections 169.1217 and 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, and 260.251, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

Sec. 8. Minnesota Statutes 1998, section 518.171, subdivision 4, is amended to read:

Subd. 4. **EFFECT OF ORDER.** (a) The order is binding on the employer or union and the health and dental insurance plan when service under subdivision 3 has been made. In the case of an obligor who changes employment and is required to provide health coverage for the child, a new employer that provides health care coverage shall enroll the child in the obligor's health plan upon receipt of an order or notice for health insurance, unless the obligor contests the enrollment. The obligor may contest the enrollment on the limited grounds that the enrollment is improper due to mistake of fact or that the enrollment meets the requirements of section 518.64, subdivision 2. If the obligor chooses to contest the enrollment, the obligor must do so no later than 15 days after the employer notifies the obligor of the enrollment, by doing all of the following:

(1) filing a request for contested hearing according to section ~~518.5511~~, subdivision 3a 484.702;

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

(2) serving a copy of the request for contested hearing upon the public authority and the obligee; and

(3) securing a date for the contested hearing no later than 45 days after the notice of enrollment.

(b) The enrollment must remain in place during the time period in which the obligor contests the withholding.

An employer or union that is included under ERISA may not deny enrollment based on exclusionary clauses described in section 62A.048. Upon application of the obligor according to the order or notice, the employer or union and its health and dental insurance plan shall enroll the minor child as a beneficiary in the group insurance plan and withhold any required premium from the obligor's income or wages. If more than one plan is offered by the employer or union, the child shall be enrolled in the least costly health insurance plan otherwise available to the obligor that is comparable to a number two qualified plan. If the obligor is not enrolled in a health insurance plan, the employer or union shall also enroll the obligor in the chosen plan if enrollment of the obligor is necessary in order to obtain dependent coverage under the plan. Enrollment of dependents and the obligor shall be immediate and not dependent upon open enrollment periods. Enrollment is not subject to the underwriting policies described in section 62A.048.

(c) An employer or union that willfully fails to comply with the order is liable for any health or dental expenses incurred by the dependents during the period of time the dependents were eligible to be enrolled in the insurance program, and for any other premium costs incurred because the employer or union willfully failed to comply with the order. An employer or union that fails to comply with the order is subject to contempt under section 518.615 and is also subject to a fine of \$500 to be paid to the obligee or public authority. Fines paid to the public authority are designated for child support enforcement services.

(d) Failure of the obligor to execute any documents necessary to enroll the dependent in the group health and dental insurance plan will not affect the obligation of the employer or union and group health and dental insurance plan to enroll the dependent in a plan. Information and authorization provided by the public authority responsible for child support enforcement, or by the custodial parent or guardian, is valid for the purposes of meeting enrollment requirements of the health plan. The insurance coverage for a child eligible under subdivision 5 shall not be terminated except as authorized in subdivision 5.

Sec. 9. Minnesota Statutes 1998, section 518.551, subdivision 12, is amended to read:

Subd. 12. **OCCUPATIONAL LICENSE SUSPENSION.** (a) Upon motion of an obligee, if the court finds that the obligor is or may be licensed by a licensing board listed in section 214.01 or other state, county, or municipal agency or board that issues an occupational license and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority, the ad-

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

ministrative law judge, or the court shall direct the licensing board or other licensing agency to suspend the license under section 214.101. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages. The payment agreement must be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages after the 90 days expires, the court's order becomes effective. If the obligor is a licensed attorney, the court shall report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the court.

(b) If a public authority responsible for child support enforcement finds that the obligor is or may be licensed by a licensing board listed in section 214.01 or other state, county, or municipal agency or board that issues an occupational license and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority, the court, an administrative law judge, or the public authority shall direct the licensing board or other licensing agency to suspend the license under section 214.101. If the obligor is a licensed attorney, the public authority may report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the public authority.

(c) At least 90 days before notifying a licensing authority or the lawyers professional responsibility board under paragraph (b), the public authority shall mail a written notice to the license holder addressed to the license holder's last known address that the public authority intends to seek license suspension under this subdivision and that the license holder must request a hearing within 30 days in order to contest the suspension. If the license holder makes a written request for a hearing within 30 days of the date of the notice, either a court hearing or a contested administrative proceeding or a hearing under section 484.702 must be held under section 518.5511, subdivision 4. Notwithstanding any law to the contrary, the license holder must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the license holder. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice, and the obligor does not execute a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the licensing board or other licensing agency to suspend the obligor's license under paragraph (b), or shall report the matter to the lawyers professional responsibility board.

(d) The administrative law judge, on behalf of The public authority, or the court shall notify the lawyers professional responsibility board for appropriate action in accordance with the rules of professional responsibility conduct or order the licensing board or licensing agency to suspend the license if the judge finds that:

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

(1) the person is licensed by a licensing board or other state agency that issues an occupational license;

(2) the person has not made full payment of arrearages found to be due by the public authority; and

(3) the person has not executed or is not in compliance with a payment plan approved by the court, an administrative law judge, a child support magistrate, or the public authority.

(e) Within 15 days of the date on which the obligor either makes full payment of arrearages found to be due by the court or public authority or executes and initiates good faith compliance with a written payment plan approved by the court, an administrative law judge, a child support magistrate, or the public authority, the court, an administrative law judge, a child support magistrate, or the public authority responsible for child support enforcement shall notify the licensing board or licensing agency or the lawyers professional responsibility board that the obligor is no longer ineligible for license issuance, reinstatement, or renewal under this subdivision.

(f) In addition to the criteria established under this section for the suspension of an obligor's occupational license, a court, an administrative law judge, a child support magistrate, or the public authority may direct the licensing board or other licensing agency to suspend the license of a party who has failed, after receiving notice, to comply with a subpoena relating to a paternity or child support proceeding. Notice to an obligor of intent to suspend must be served by first class mail at the obligor's last known address. The notice must inform the obligor of the right to request a hearing. If the obligor makes a written request within ten days of the date of the hearing, a contested administrative proceeding hearing must be held under section 518.5511, subdivision 4. At the hearing, the only issues to be considered are mistake of fact and whether the obligor received the subpoena.

(g) The license of an obligor who fails to remain in compliance with an approved payment agreement may be suspended. Notice to the obligor of an intent to suspend under this paragraph must be served by first class mail at the obligor's last known address and must include a notice of hearing. The notice must be served upon the obligor not less than ten days before the date of the hearing. If the obligor appears at the hearing and the judge determines that the obligor has failed to comply with an approved payment agreement, the judge shall notify the occupational licensing board or agency to suspend the obligor's license under paragraph (c). If the obligor fails to appear at the hearing, the public authority may notify the occupational or licensing board to suspend the obligor's license under paragraph (c).

Sec. 10. Minnesota Statutes 1998, section 518.551, subdivision 13, is amended to read:

Subd. 13. **DRIVER'S LICENSE SUSPENSION.** (a) Upon motion of an obligee, which has been properly served on the obligor and upon which there has been an opportunity for hearing, if a court finds that the obligor has been or may be issued a driver's license by the commissioner of public safety and the obligor is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the

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

public authority, the court shall order the commissioner of public safety to suspend the obligor's driver's license. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages, which payment agreement must be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages after the 90 days expires, the court's order becomes effective and the commissioner of public safety shall suspend the obligor's driver's license. The remedy under this subdivision is in addition to any other enforcement remedy available to the court. An obligee may not bring a motion under this paragraph within 12 months of a denial of a previous motion under this paragraph.

(b) If a public authority responsible for child support enforcement determines that the obligor has been or may be issued a driver's license by the commissioner of public safety and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority, the public authority shall direct the commissioner of public safety to suspend the obligor's driver's license. The remedy under this subdivision is in addition to any other enforcement remedy available to the public authority.

(c) At least 90 days prior to notifying the commissioner of public safety according to paragraph (b), the public authority must mail a written notice to the obligor at the obligor's last known address, that it intends to seek suspension of the obligor's driver's license and that the obligor must request a hearing within 30 days in order to contest the suspension. If the obligor makes a written request for a hearing within 30 days of the date of the notice, either a court hearing or a contested administrative proceeding must be held under section 518.5511, subdivision 4. Notwithstanding any law to the contrary, the obligor must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the obligor. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice, and the obligor does not execute a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the commissioner of public safety to suspend the obligor's driver's license under paragraph (b).

(d) At a hearing requested by the obligor under paragraph (c), and on finding that the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the district court or the administrative law judge or child support magistrate shall order the commissioner of public safety to suspend the obligor's driver's license or operating privileges unless the court or administrative law judge child support magistrate determines that the obligor has executed and is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority.

(e) An obligor whose driver's license or operating privileges are suspended may provide proof to the public authority responsible for child support enforcement that the

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

obligor is in compliance with all written payment agreements regarding both current support and arrearages. Within 15 days of the receipt of that proof, the public authority shall inform the commissioner of public safety that the obligor's driver's license or operating privileges should no longer be suspended.

(f) On January 15, 1997, and every two years after that, the commissioner of human services shall submit a report to the legislature that identifies the following information relevant to the implementation of this section:

(1) the number of child support obligors notified of an intent to suspend a driver's license;

(2) the amount collected in payments from the child support obligors notified of an intent to suspend a driver's license;

(3) the number of cases paid in full and payment agreements executed in response to notification of an intent to suspend a driver's license;

(4) the number of cases in which there has been notification and no payments or payment agreements;

(5) the number of driver's licenses suspended; and

(6) the cost of implementation and operation of the requirements of this section.

(g) In addition to the criteria established under this section for the suspension of an obligor's driver's license, a court, an administrative law judge, a child support magistrate, or the public authority may direct the commissioner of public safety to suspend the license of a party who has failed, after receiving notice, to comply with a subpoena relating to a paternity or child support proceeding. Notice to an obligor of intent to suspend must be served by first class mail at the obligor's last known address. The notice must inform the obligor of the right to request a hearing. If the obligor makes a written request within ten days of the date of the hearing, a contested administrative proceeding must be held under section 518.5511, subdivision 4 hearing must be held. At the hearing, the only issues to be considered are mistake of fact and whether the obligor received the subpoena.

(h) The license of an obligor who fails to remain in compliance with an approved payment agreement may be suspended. Notice to the obligor of an intent to suspend under this paragraph must be served by first class mail at the obligor's last known address and must include a notice of hearing. The notice must be served upon the obligor not less than ten days before the date of the hearing. If the obligor appears at the hearing and the judge determines that the obligor has failed to comply with an approved payment agreement, the judge shall notify the department of public safety to suspend the obligor's license under paragraph (c). If the obligor fails to appear at the hearing, the public authority may notify the department of public safety to suspend the obligor's license under paragraph (c).

Sec. 11. Minnesota Statutes 1998, section 518.551, subdivision 14, is amended to read:

Subd. 14. **MOTOR VEHICLE LIEN.** (a) Upon motion of an obligee, if a court finds that the obligor is a debtor for a judgment debt resulting from nonpayment of court-ordered child support or maintenance payments, or both, in an amount equal to or greater

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

than three times the obligor's total monthly support and maintenance payments, the court shall order the commissioner of public safety to enter a lien in the name of the obligee or in the name of the state of Minnesota, as appropriate, in accordance with section 168A.05, subdivision 8, unless the court finds that the obligor is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages, which agreement shall be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority within the 90-day period, the court's order becomes effective and the commissioner of public safety shall record the lien on any motor vehicle certificate of title subsequently issued in the name of the obligor. The remedy under this subdivision is in addition to any other enforcement remedy available to the court.

(b) If a public authority responsible for child support enforcement determines that the obligor is a debtor for judgment debt resulting from nonpayment of court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the public authority shall direct the commissioner of public safety to enter a lien in the name of the obligee or in the name of the state of Minnesota, as appropriate, under section 168A.05, subdivision 8, on any motor vehicle certificate of title subsequently issued in the name of the obligor unless the public authority determines that the obligor is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, a child support magistrate, or the public authority. The remedy under this subdivision is in addition to any other enforcement remedy available to the public agency.

(c) At least 90 days prior to notifying the commissioner of public safety pursuant to paragraph (b), the public authority must mail a written notice to the obligor at the obligor's last known address, that it intends to record a lien on any motor vehicle certificate of title subsequently issued in the name of the obligor and that the obligor must request a hearing within 30 days in order to contest the action. If the obligor makes a written request for a hearing within 30 days of the date of the notice, ~~either a court hearing or a contested administrative proceeding must be held under section 518.5511, subdivision 4.~~ Notwithstanding any law to the contrary, the obligor must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the obligor. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice and the obligor does not execute or is not in compliance with a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the commissioner of public safety to record the lien under paragraph (b).

(d) At a hearing requested by the obligor under paragraph (c), and on finding that the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the district court or the administrative law judge child support magis-

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

trate shall order the commissioner of public safety to record the lien unless the court or administrative law judge child support magistrate determines that the obligor has executed and is in compliance with a written payment agreement regarding both current support and arrearages determined to be acceptable by the court, ~~an administrative law judge,~~ a child support magistrate, or the public authority.

(e) An obligor may provide proof to the court or the public authority responsible for child support enforcement that the obligor is in compliance with all written payment agreements regarding both current support and arrearages or that the value of the motor vehicle is less than the exemption provided under section 550.37. Within 15 days of the receipt of that proof, the court or public authority shall either execute a release of security interest under section 168A.20, subdivision 4, and mail or deliver the release to the owner or other authorized person or shall direct the commissioner of public safety not to enter a lien on any motor vehicle certificate of title subsequently issued in the name of the obligor in instances where a lien has not yet been entered.

(f) Any lien recorded against a motor vehicle certificate of title under this section and section 168A.05, subdivision 8, attaches only to the nonexempt value of the motor vehicle as determined in accordance with section 550.37. The value of a motor vehicle must be determined in accordance with the retail value described in the N.A.D.A. Official Used Car Guide, Midwest Edition, for the current year, or in accordance with the purchase price as defined in section 297B.01, subdivision 8.

Sec. 12. Minnesota Statutes 1998, section 518.553, is amended to read:

518.553 PAYMENT AGREEMENTS.

In proposing or approving proposed written payment agreements for purposes of section 518.551, the court, ~~an administrative law judge~~ a child support magistrate, or the public authority shall take into consideration the amount of the arrearages, the amount of the current support order, any pending request for modification, and the earnings of the obligor. The court, ~~administrative law judge~~ child support magistrate, or public authority shall consider the individual financial circumstances of each obligor in evaluating the obligor's ability to pay any proposed payment agreement and shall propose a reasonable payment agreement tailored to the individual financial circumstances of each obligor.

Sec. 13. Minnesota Statutes 1998, section 518.575, subdivision 1, is amended to read:

Subdivision 1. **MAKING NAMES PUBLIC.** At least once each year, the commissioner of human services, in consultation with the attorney general, shall publish a list of the names and other identifying information of no more than 25 persons who (1) are child support obligors, (2) are at least \$10,000 in arrears, (3) are not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge,~~ a child support magistrate, or the public authority, (4) cannot currently be located by the public authority for the purposes of enforcing a support order, and (5) have not made a support payment except tax intercept payments, in the preceding 12 months.

Identifying information may include the obligor's name, last known address, amount owed, date of birth, photograph, the number of children for whom support is owed, and any additional information about the obligor that would assist in identifying or

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

locating the obligor. The commissioner and attorney general may use posters, media presentations, electronic technology, and other means that the commissioner and attorney general determine are appropriate for dissemination of the information, including publication on the Internet. The commissioner and attorney general may make any or all of the identifying information regarding these persons public. Information regarding an obligor who meets the criteria in this subdivision will only be made public subsequent to that person's selection by the commissioner and attorney general.

Before making public the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to make public information on the obligor. The notice must also provide an opportunity to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, or by providing information to the public authority that there is good cause not to make the information public. The notice must include the final date when the payment or agreement can be accepted.

The department of human services shall obtain the written consent of the obligee to make the name of the obligor public.

Sec. 14. Minnesota Statutes 1998, section 518.5853, subdivision 6, is amended to read:

Subd. 6. **TRANSMITTAL OF ORDER TO THE LOCAL AGENCY BY THE TRIBUNAL.** The tribunal shall transmit a copy of the order establishing or modifying the payment, and a copy of the automatic income withholding order, to the local child support agency within two working days of the approval of the order by the judge or administrative law judge child support magistrate or other person or entity authorized to sign the automatic withholding order.

Sec. 15. Minnesota Statutes 1998, section 518.6111, subdivision 2, is amended to read:

Subd. 2. **APPLICATION.** This section applies to all support orders issued by a court or an administrative tribunal and orders for or notices of withholding issued by the public authority according to section ~~518.5512, subdivision 5, paragraph (a), clause (4)~~ 518.5513, subdivision 6, paragraph (a), clause (5).

Sec. 16. Minnesota Statutes 1998, section 518.6111, subdivision 7, is amended to read:

Subd. 7. **SUBSEQUENT INCOME WITHHOLDING.** (a) This subdivision applies to support orders that do not contain provisions for income withholding.

(b) For cases in which the public authority is providing child support enforcement services to the parties, the income withholding under this subdivision shall take effect without prior judicial notice to the obligor and without the need for judicial or administrative hearing. Withholding shall result when:

- (1) the obligor requests it in writing to the public authority;
- (2) the obligee or obligor serves on the public authority a copy of the notice of income withholding, a copy of the court's order, an application, and the fee to use the public authority's collection services; or

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

(3) the public authority commences withholding according to section ~~518.5512~~, subdivision 5, paragraph (a); clause (4) 518.5513, subdivision 6, paragraph (a), clause (5).

(c) For cases in which the public authority is not providing child support services to the parties, income withholding under this subdivision shall take effect when an obligee requests it by making a written motion to the court and the court finds that previous support has not been paid on a timely consistent basis or that the obligor has threatened expressly or otherwise to stop or reduce payments.

(d) Within two days after the public authority commences withholding under this subdivision, the public authority shall send to the obligor at the obligor's last known address, notice that withholding has commenced. The notice shall include the information provided to the payor of funds in the notice of withholding.

Sec. 17. Minnesota Statutes 1998, section 518.6111, subdivision 8, is amended to read:

Subd. 8. **CONTEST.** (a) The obligor may contest withholding under subdivision 7 on the limited grounds that the withholding or the amount withheld is improper due to mistake of fact. If the obligor chooses to contest the withholding, the obligor must do so no later than 15 days after the employer commences withholding, by doing all of the following:

(1) file a request for contested hearing according to section ~~518.5511~~, subdivision 3a an expedited child support hearing under section 484.702, and include in the request the alleged mistake of fact;

(2) serve a copy of the request for contested hearing upon the public authority and the obligee; and

(3) secure a date for the contested hearing no later than 45 days after receiving notice that withholding has commenced.

(b) The income withholding must remain in place while the obligor contests the withholding.

(c) If the court finds a mistake in the amount of the arrearage to be withheld, the court shall continue the income withholding, but it shall correct the amount of the arrearage to be withheld.

Sec. 18. Minnesota Statutes 1998, section 518.6111, subdivision 14, is amended to read:

Subd. 14. **TERMINATION BY THE PUBLIC AUTHORITY.** If the public authority determines that income withholding is no longer applicable, the public authority shall notify the obligee and the obligor of intent to terminate income withholding.

Five days following notification to the obligee and obligor, the public authority shall issue a notice to the payor of funds terminating income withholding, without a requirement for a court order unless the obligee has requested a contested hearing under section 518.5511, subdivision 3a an expedited child support hearing under section 484.702.

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

Sec. 19. Minnesota Statutes 1998, section 518.616, subdivision 1, is amended to read:

Subdivision 1. **COURT ORDER.** For any support order being enforced by the public authority, the public authority may seek a court order requiring the obligor to seek employment if:

- (1) employment of the obligor cannot be verified;
- (2) the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments; and
- (3) the obligor is not in compliance with a written payment plan.

Upon proper notice being given to the obligor, the court may enter a seek employment order if it finds that the obligor has not provided proof of gainful employment and has not consented to an order for income withholding under section 518.6111 or entered into a written payment plan approved by the court, an administrative law judge, a child support magistrate, or the public authority.

Sec. 20. Minnesota Statutes 1998, section 518.617, subdivision 1, is amended to read:

Subdivision 1. **GROUND.** If a person against whom an order or decree for support has been entered under this chapter, chapter 256, or a comparable law from another jurisdiction, is in arrears in court-ordered child support or maintenance payments in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment plan approved by the court, an administrative law judge a child support magistrate, or the public authority, the person may be cited and punished by the court for contempt under section 518.64, chapter 588, or this section. Failure to comply with a seek employment order entered under section 518.616 is evidence of willful failure to pay support.

Sec. 21. Minnesota Statutes 1998, section 518.641, subdivision 2, is amended to read:

Subd. 2. **CONDITIONS.** No adjustment under this section may be made unless the order provides for it and until the following conditions are met:

- (a) the obligee serves notice of the application for adjustment by mail on the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment;
- (b) the notice to the obligor informs the obligor of the date on which the adjustment in payments will become effective;
- (c) after receipt of notice and before the effective day of the adjustment, the obligor fails to request a hearing on the issue of whether the adjustment should take effect, and ex parte, to stay imposition of the adjustment pending outcome of the hearing; or
- (d) the public authority sends notice of its application for adjustment to the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment, and the notice informs the obligor of the date on which the adjustment will become

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

effective and the procedures for contesting the adjustment according to section ~~518.5512~~ 484.702.

Sec. 22. Minnesota Statutes 1998, section 552.05, subdivision 4, is amended to read:

Subd. 4. **PROCESS TO REQUEST HEARING.** If the judgment debtor elects to request a hearing on any issue specified in subdivision 6, the judgment debtor shall complete the applicable portion of the exemption and right to hearing notice, sign it under penalty of perjury, and deliver one copy to the public authority within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption and right to hearing notice. Upon timely receipt of a request for hearing, funds not claimed to be exempt by the judgment debtor remain subject to the execution levy. Within seven days after the date postmarked on the envelope containing the executed request for hearing mailed to the public authority, or the date of personal delivery of the executed request for hearing to the public authority, the public authority shall either notify the financial institution to release the exempt portion of the funds to the judgment debtor or schedule a ~~contested administrative proceeding under section 518.5511~~ an expedited child support hearing under section 484.702 and notify the judgment debtor of the time and place of the scheduled hearing.

Sec. 23. Minnesota Statutes 1998, section 552.05, subdivision 5, is amended to read:

Subd. 5. **DUTIES OF PUBLIC AUTHORITY IF HEARING IS REQUESTED.** Within seven days of the receipt of a request for hearing or a claim of exemption to which the public authority does not consent, the public authority shall schedule a ~~contested administrative proceeding under section 518.5511~~ an expedited child support hearing under section 484.702. The hearing must be scheduled to occur within five business days. The public authority shall send written notice of the hearing date, time, and place to the judgment debtor by first class mail. The hearing may be conducted by telephone, audiovisual means or other electronic means, at the discretion of the administrative law judge. If the hearing is to be conducted by telephone, audiovisual means, or other electronic means, the public authority shall provide reasonable assistance to the judgment debtor to facilitate the submission of all necessary documentary evidence to the administrative law judge, including access to the public authority's facsimile transmission machine.

Sec. 24. **REPEALER.**

Minnesota Statutes 1998, sections 518.5511; and 518.5512, are repealed.

Sec. 25. **EFFECTIVE DATE; APPLICATION.**

This act is effective July 1, 1999.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 9:47 a.m.

CHAPTER 197—S.F.No. 486

An act relating to firefighters; authorizing certain background investigations; requiring disclosures of certain employment information; providing civil and criminal penalties; providing em-

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