

Subd. 6. The term of the first director of the pollution control agency shall expire with the term of the governor expiring in January, 1971. Thereafter, the term of the commissioner shall be in conformity with the provisions of this section.

Sec. 7. Minnesota Statutes 1994, section 514.673, subdivision 3, is amended to read:

Subd. 3. **APPROVAL BY AGENCY OR PETROLEUM TANK RELEASE COMPENSATION BOARD.** (a) The commissioner may not file an environmental lien notice until the agency board for cleanup action expenses incurred under chapter 115B, or the petroleum tank release compensation board for cleanup action expenses incurred under chapter 115C, the person referred to in section 514.672, subdivision 1, and each record owner and mortgagee of the real property have been notified in writing of the commissioner's intention to file the lien notice and the requirements for filing the lien under paragraph (b) have been met.

(b) By 30 days after receiving notification from the commissioner under paragraph (a), the agency board or petroleum tank release compensation board, after notice and opportunity for the person referred to in section 514.672, subdivision 1, to appear before the appropriate board, shall approve or disapprove of the filing of the lien by the commissioner. If the appropriate board disapproves of the filing, the lien may not be filed. If the appropriate board approves of the filing or, in the case of the petroleum tank release compensation board, takes no action on the matter within the 30-day period, the commissioner may file the lien notice.

Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 7 are effective June 1, 1996.

Presented to the governor March 29, 1996

Signed by the governor April 2, 1996, 10:26 a.m.

CHAPTER 406—H.F.No. 2284

An act relating to family law; regulating reductions in monthly payments for overpayment of support or maintenance; amending Minnesota Statutes 1995 Supplement, section 518.611, subdivision 2.

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

Section 1. Minnesota Statutes 1995 Supplement, section 518.611, subdivision 2, is amended to read:

Subd. 2. **CONDITIONS OF INCOME WITHHOLDING.** (a) Withholding shall result when:

(1) the obligor requests it in writing to the public authority;

(2) the custodial parent requests it by making a motion to the court and the court finds that previous support has not been paid on a timely or consistent basis or that the obligor has threatened expressly or otherwise to stop or reduce payments; or

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(3) the obligor fails to make the maintenance or support payments, and the following conditions are met:

- (i) the obligor is at least 30 days in arrears;
- (ii) the obligee or the public authority serves written notice of income withholding, showing arrearage, on the obligor at least 15 days before service of the notice of income withholding and a copy of the court's order on the payor of funds;
- (iii) within the 15-day period, the obligor fails to move the court to deny withholding on the grounds that an arrearage of at least 30 days does not exist as of the date of the notice of income withholding, or on other grounds limited to mistakes of fact, and, ex parte, to stay service on the payor of funds until the motion to deny withholding is heard;
- (iv) the obligee or the public authority sends the payor of funds a notice of the withholding requirements and the provisions of this section; and
- (v) the obligee 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.

For those persons not applying for the public authority's IV-D services, a monthly service fee of \$15 must be charged to the obligor in addition to the amount of child support ordered by the court and withheld through automatic income withholding, or for persons applying for the public authority's IV-D services, the service fee under section 518.551, subdivision 7, applies. The county agency shall explain to affected persons the services available and encourage the applicant to apply for IV-D services.

(b) The employer or payor of funds shall withhold from the obligor's income an additional amount equal to 20 percent of the monthly child support or maintenance obligation until the arrearage is paid.

(c) In cases where child support or maintenance is not assigned under section 256.74, if an obligor has overpaid a child support or maintenance obligation because of a modification of or error in the amount owed, the public authority shall:

(1) apply the amount of the overpayment to reduce the amount of any child support or maintenance related arrearages or debts owed to the obligee; and

(2) if an overpayment amount remains after the reduction of any arrearage or debt, reduce the amount of the child support remitted to the obligee by an amount equal to no more than 20 percent of the current monthly support or maintenance obligation and remit this amount to the obligor until the overpayment is reduced to zero.

(d) The obligor may move the court, under section 518.64, to modify the order respecting the amount of maintenance or support.

(d) (e) Every order for support or maintenance shall provide for a conspicuous notice of the provisions of this subdivision that complies with section 518.68, subdivision 2. An order without this notice remains subject to this subdivision.

(e) (f) Absent a court order to the contrary, if an arrearage exists at the time an order for ongoing support or maintenance would otherwise terminate, income withholding shall continue in effect in an amount equal to the former support or maintenance obliga-

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tion plus an additional amount equal to 20 percent of the monthly child support obligation, until all arrears have been paid in full.

Presented to the governor March 29, 1996

Signed by the governor April 2, 1996, 10:27 a.m.

CHAPTER 407—S.F.No. 2167

An act relating to the organization and operation of state government; appropriating money and adding and modifying provisions relating to the environment, natural resources, and agriculture; supplementing, reducing, and modifying earlier appropriations; providing for reports and fees; amending Minnesota Statutes 1994, sections 17.117, subdivision 3; 17B.15, subdivision 1; 18E.02, subdivision 5; 28A.04, subdivision 1; 28A.09, subdivision 1; 28A.15, subdivisions 7, 8, and by adding a subdivision; 28A.16; 28A.17; 32.21, subdivision 4; 32.394, subdivision 8d, and by adding a subdivision; 32.415; 35.821, subdivision 3, and by adding a subdivision; 85.015, by adding a subdivision; 85.053, subdivision 7; 85.054, by adding a subdivision; 85.055, subdivision 1; 94.16, subdivision 3; 97A.028, subdivisions 1 and 3; 103D.345, by adding a subdivision; 103G.405; and 161.1419, subdivision 2; Minnesota Statutes 1995 Supplement, sections 28A.03; 28A.08, subdivision 1; 85.015, subdivision 7; 85.019, subdivision 4a; 103F.725, subdivision 1a; and 446A.07, subdivision 8; Laws 1995, chapters 207, article 1, section 2, subdivision 7; 220, sections 5, subdivision 3; 19, subdivisions 4, 6, 10, and 19; and 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapters 17; 21; and 103F.

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

Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified to be available for the fiscal years indicated for each purpose. Amounts to be reduced are designated by parentheses. Fiscal year 1996 appropriations are available during the biennium ending June 30, 1997.

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