

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-

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employers immunity for certain disclosures; amending Minnesota Statutes 1998, section 604A.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Section 1. [299F.036] FIREFIGHTER PREVIOUS EMPLOYMENT INVESTIGATIONS.

Subdivision 1. PREVIOUS EMPLOYMENT INVESTIGATIONS AUTHORIZED. The fire chief or administrative head of a fire department as defined under section 299F.092, subdivision 6, may conduct a previous employment investigation on an applicant for a fire protection service position.

Subd. 2. DISCLOSURE OF EMPLOYMENT INFORMATION. (a) Upon request of a fire chief or an administrative head, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1. The request for disclosure of employment information must be in writing, must be accompanied by an original authorization and release signed by the employee or former employee, and must be signed by the fire chief or administrative head conducting the previous employment investigation.

(b) Upon request, the fire chief or administrative head shall disclose to the applicant the information obtained under this subdivision.

Subd. 3. REFUSAL TO DISCLOSE PERSONNEL RECORD. If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by the fire chief or administrative head conducting the investigation and must include a copy of the original request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the fire chief or administrative head requesting the order and an attorney representing the state or the political subdivision on whose behalf the investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court.

Subd. 4. IMMUNITY FROM LIABILITY. In the absence of fraud or malice, an employer is immune from civil liability for employment information released to a fire department under this section, or for any subsequent publication made by the employee or former employee of information released to a fire department under this section.

Subd. 5. CONFIDENTIALITY AGREEMENTS. If employment information is subject to a confidentiality agreement between the employee or former employee and the employer, the employer shall disclose the fact that such an agreement exists. If the employee or former employee has authorized the release of employment information without regard to any previous agreement to the contrary, the employer shall also disclose the employment information according to subdivision 2. If employment information is sealed or otherwise subject to a nondisclosure order by a court of competent jurisdiction, the employer shall disclose the fact that this order exists, along with information identifying the court and court's file number.

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Subd. 6. **EMPLOYMENT INFORMATION DEFINED.** For purposes of this section, “employment information” means written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire.

Subd. 7. **APPLICATION.** For purposes of this section, “employer” does not include an entity that is subject to chapter 13.

Sec. 2. Minnesota Statutes 1998, section 604A.31, is amended by adding a subdivision to read:

Subd. 4. **FIREFIGHTER AND PEACE OFFICER INVESTIGATIONS.** Employers who provide information in conjunction with employment investigations of applicants for fire protection service positions or peace officer positions are immune from civil liability as provided in section 299F.036, subdivision 4, or 626.87.

Presented to the governor May 20, 1999

Signed by the governor May 24, 1999, 9:36 a.m.

CHAPTER 198—S.F.No. 1976

An act relating to municipal electric power; defining city within the meaning of the act; authorizing the Minneapolis park and recreation board to engage in the local distribution and sale of hydroelectric power to protect the natural, historical, ecological, and aesthetic value of the Mississippi river at the Falls of St. Anthony; amending Minnesota Statutes 1998, section 453.52, subdivision 3.

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

Section 1. Minnesota Statutes 1998, section 453.52, subdivision 3, is amended to read:

Subd. 3. **CITY.** “City” means a city organized and existing under the laws of Minnesota or a city charter adopted pursuant thereto, and authorized by such laws or charter to engage in the local distribution and sale of electric energy; provided that any city so engaged on January 1, 1976, is authorized to continue such distribution and sale, and every city now or hereafter so authorized may exercise, either individually or as a member of a municipal power agency, all of the powers granted in sections 453.51 to 453.62. “City” also includes a city organized and existing under the laws of another state or a city charter adopted pursuant thereto which participates in a municipal power agency with Minnesota cities and pays a full pro rata share of the expenses of the agency.

“City” also includes a park and recreation board in a city of the first class.

Sec. 2. **AUTHORITY OF THE MINNEAPOLIS PARK AND RECREATION BOARD.**

The Minneapolis park and recreation board may engage in the local distribution and sale of electric energy, consistent with chapter 216B, solely for a hydroelectric generating facility of less than four megawatts to ensure the natural, historical, ecological, and aesthetic value of the Mississippi river at the Falls of St. Anthony.

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