

fault in making child support payments to another person who is indigent and who has custody of the children for whom such payments have been ordered, the county welfare board, except the Hennepin county welfare board, shall take such steps as may be necessary to compel the person in default on such payments to make them; to take such steps as may be necessary to compel such persons to make reimbursement to comply with the order of court when in default; and to institute, if necessary, contempt proceedings on behalf of such person or persons to whom money or property is ordered to be paid or delivered. It shall be the duty of the county attorney to conduct such contempt proceedings when directed by a judge of the district court or when requested by the county welfare board. The county attorney in such contempt proceedings or upon a separate motion supported by order to show cause and affidavits may move the court that any defaults or delinquent payments under such order of support be reduced to a judgment against the defaulting party, and where the county welfare board or any other public agency has advanced and expended funds to supply the unmet needs of such children because of such default by failure to pay the court order, such county welfare board or other public agency shall be subrogated and may recover under such judgment to the extent that public funds were expended for the care and support of such children. The additional cost incurred by the county attorney to bring contempt actions under this subdivision shall be paid from the moneys collected in such actions in whatever manner and amount approved by a judge of that particular county district court.

Sec. 2. *Any marriage performed prior to the effective date of this act that would be valid under Minnesota Statutes 1967, Chapter 517, except that a party was serving in the armed forces of the United States or the state of Minnesota and was represented by a proxy, is valid.*

Sec. 3. *If any provision of this act or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Approved June 9, 1969.

CHAPTER 1142—H. F. No. 607

An act relating to garnishment; amending Minnesota Statutes 1967, Sections 571.41; 571.42; 571.43; 571.47; 571.48; 571.49,

Changes or additions indicated by italics, deletions by ~~strikeout~~.

571.50; 571.51; 571.53; 571.54; 571.55; 571.56; 571.57; 571.58; 571.59; 571.60; 571.61; 571.62; 571.67; 488A.09, Subdivision 10; 488A.26, Subdivision 7; 488A.47; 550.37, Subdivisions 13 and 14; and repealing Minnesota Statutes 1967, Section 488.161.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 571.41, is amended to read:

571.41 Garnishment; garnishee summons; exceptions. *Subdivision 1.* In any action in a court of record or justice court for the recovery of money, at the time of issuing the summons or at any time during the pendency of the action or at any time after default following service of the pleadings upon a party to the main action, unless an answer or reply has been interposed or after the judgment therein against the defendant, a garnishee summons may be issued against any third person as provided in this chapter; ~~except that in any action commenced in any court by an informer or other person pursuant to the provisions of United States Code, Title 31, Sections 231, 232, and 233, no garnishee summons may be issued hereunder unless the United States District Attorney, after entering appearance for the United States in such an action, issues the garnishee summons and garnishment so commenced shall be dismissed if the United States withdraws from or fails to prosecute the action as provided in United States Code, Title 31, Section 232. The plaintiff judgment creditor and defendant judgment debtor shall be so designated and the person against whom the summons issues shall be designated garnishee. Any individual, partnership or corporation within the state having property subject to garnishment may be named as garnishee. Notwithstanding anything to the contrary herein contained, a plaintiff in any action in a court of record or justice court for the recovery of money may issue a garnishee summons before judgment therein if, upon application to the court, it shall appear that defendant is about to take property out of the state which might be necessary to satisfy any judgment awarded plaintiff and if the court shall order the issuance of such summons. If such an order shall issue such summons and attendant documents shall designate the parties plaintiff and defendant, respectively.~~

Subd. 2. Garnishment shall be permitted before judgment in the following instances only:

(1) For the purpose of establishing quasi in rem jurisdiction

(a) when the defendant is a resident individual having departed from the state with intent to defraud his creditors, or to avoid service, or keeps himself concealed therein with like intent; or

Changes or additions indicated by italics, deletions by ~~strikeout~~.

(b) *the defendant is a resident individual who has departed from the state, or cannot be found therein, or*

(c) *the defendant is a nonresident individual, or a foreign corporation, partnership or association.*

(2) *When the garnishee and the debtor are parties to a contract of suretyship, guarantee, or insurance, because of which the garnishee may be held to respond to any person for the claim asserted against the debtor in the main action.*

Subd. 3. In the instances where garnishment is permitted before the entry of judgment the parties for the purposes of this act will be known as judgment debtor or judgment creditor respectively.

Sec. 2. Minnesota Statutes 1967, Section 571.42, is amended to read:

571.42 Effect of service of summons. Subdivision 1. Except as provided in sections 571.43 and 571.50, service of the garnishee summons upon the garnishee shall attach and bind, to respond to final judgment in the action, all personal property of the ~~defendant~~ *judgment debtor* in his possession or under his control and all indebtedness owing by him to the ~~defendant~~ *judgment debtor* at the time of such service *and all non-exempt disposable earnings earned or to be earned within that one pay period.*

*Subd. 2. Subject to the provisions of sections 571.55 and 550.37 all moneys, all non-exempt disposable earnings earned or to be earned within that one pay period and other personal property including such property of any kind due from or in the hands of an executor, administrator, receiver or trustee and all written evidences of indebtedness whether negotiable or not or under or overdue may be attached by garnishment, and money or any other thing due or belonging to the ~~defendant~~ *judgment debtor* may be attached by this process before it has become payable if its payment or delivery does not depend upon any contingency, but the garnishee shall not be compelled to pay or deliver the same before the time appointed by the contract.*

Sec. 3. Minnesota Statutes 1967, Section 571.43, is amended to read:

571.43 Garnishment prohibited. No person or corporation shall be adjudged a garnishee by reason of:

(1) Any money or other thing due to the ~~defendant~~ *judgment debtor*, unless at the time of the service of the summons the same is due absolutely, and without depending on any contingency;

Changes or additions indicated by italics, deletions by ~~strikeout~~.

(2) Any debt due from such garnishee on a judgment, so long as he is liable to an execution thereon;

(3) Any liability incurred upon any negotiable instrument;

(4) Any money or other thing due to the ~~defendant~~ *judgment debtor* where the ~~defendant~~ *judgment debtor* is a bank, savings bank, trust company, credit union, or savings and loan association.

Sec. 4. Minnesota Statutes 1967, Section 571.47, is amended to read:

571.47 District court. Subdivision 1. Procedure. ~~In~~ *To enforce a judgment arising from an action in the district court the garnishee summons may be issued by plaintiff judgment creditor or his attorney and shall be served upon the garnishee in the same manner as other district court summons except that service must be personal. The plaintiff judgment creditor may also serve with the garnishee summons written interrogatories, and if so served the garnishee shall as a part of his disclosure under oath answer said interrogatories. The garnishee summons shall require that the garnishee within 20 days after service thereof, serve upon the plaintiff judgment creditor or his attorney a written disclosure of his indebtedness to defendant judgment debtor and any property of defendant judgment debtor in his possession or under his control, which disclosure need not exceed twice 110 percent of the amount of plaintiff's claim in the case of the garnishee's indebtedness to the defendant judgment creditor's judgment, and shall state the full name of the defendant judgment debtor and his place of residence, the amount of plaintiff's claim judgment creditor's judgment against defendant judgment debtor, including disbursements to date, and require the garnishee to retain in his possession such property of defendant judgment debtor or indebtedness owing to defendant judgment debtor in an amount not exceeding twice 110 percent of the amount of such claim judgment. A copy of the summons with a notice showing the time and manner of service upon the garnishee shall be served upon defendant judgment debtor in the same manner as a district court summons not later than 20 days after the service on the garnishee; provided that if the sheriff or other court officer shall make a return that defendant judgment debtor cannot be found, or if the plaintiff judgment creditor, his agent, or attorney make and file an affidavit either that the whereabouts of the defendant judgment debtor is unknown or if known that he is outside the county, or that the plaintiff judgment creditor has unsuccessfully attempted to make service upon the defendant judgment debtor, such service upon the defendant judgment debtor may be made by mail addressed to defendant's judgment debtor's last*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

known address. A single summons may be addressed to two or more garnishees but shall state whether each is summoned separately or jointly.

Subd. 2. **Forms: summons, notice, and affidavit.** The garnishee summons and notice to ~~defendant~~ *judgment debtor*, together with the affidavit of service, shall be substantially in the following form:

STATE OF MINNESOTA,)
) ss
County of)

DISTRICT COURT
..... JUDICIAL DISTRICT

.....
Against ~~Plaintiff~~ *Judgment Creditor*

.....
And ~~Defendant~~ *Judgment Debtor*

.....
Garnishee

GARNISHMENT SUMMONS

THE STATE OF MINNESOTA,

To the above named Garnishee:

You are hereby summoned and required to serve upon the ~~plaintiff~~ *judgment creditor* or his attorney, within 20 days after the service of this summons upon you, a written disclosure under oath, touching your indebtedness to the ~~defendant~~ *judgment debtor*,
(Give full name

..... above named, and any and residence of ~~defendant~~ *judgment debtor*)

property, money, or effects of said ~~defendant~~ *judgment debtor* in your possession or under your control, which disclosure need not exceed ~~twice~~ *110 percent* of the amount of ~~plaintiff's claim in the case of your indebtedness to the defendant judgment creditor's judgment.~~ *plaintiff's claim judgment creditor's judgment* against the ~~defendant judgment debtor~~ *judgment debtor* is \$.....; and you are hereby required to retain in your possession such property, money, and

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sum of \$2 fees; and that on the day of
 19...., at the in said County, he served
 upon the within named ~~Defendant~~ *Judgment Debtor* a copy of the
 within Summons, together with a notice to said ~~Defendant~~ *Judgment*
~~Debtor~~, of which the
 foregoing is a copy, stating the time, place and manner of service
 of said Summons upon said Garnishee,
 signed by Said Service was made by
 leaving with a copy of said Sum-
 mons and Notice at the last usual place of abode of said ~~Defendant~~
~~Judgment Debtor~~,
 in said, said
 being a person of suitable age and discretion then resident therein.

FEES: Service of Summons, \$.....	Notice, \$.....	\$.....
Copy of Summons, \$.....	Notice, \$.....	\$.....
Mileage	Notice, \$.....	\$.....

Subscribed and sworn to before me
 this day of,
 19.....

.....
 Notary Public
 County, Minnesota

Sec. 5. Minnesota Statutes 1967, Section 571.48, is amended to read:

571.48 **Justice court.** Subdivision 1. **Procedure.** ~~In~~
To enforce a judgment arising from an action in justice court, the
 summons shall be issued by the justice, and shall require that the gar-
 nishee within 12 days from the date of service thereof serve upon
~~plaintiff judgment creditor~~ or his attorney a written disclosure of
 his indebtedness to the ~~defendant judgment debtor~~, and any property
 or money of ~~defendant judgment debtor~~ in his possession or under his
 control, which disclosure need not exceed ~~twice~~ *110 percent* of the
 amount of ~~plaintiff's claim in the case of the garnishee's indebtedness~~
~~to the defendant judgment creditor's judgment~~, and shall state the full
 name of the ~~defendant judgment debtor~~ and his place of residence
 and the amount of ~~plaintiff's claim judgment creditor's judgment~~
 against ~~defendant judgment debtor~~ and require the garnishee to retain
 in his possession property of ~~defendant judgment debtor~~ or indebted-
 ness owing to ~~defendant judgment debtor~~ not exceeding ~~twice~~ *110*
percent of the amount of such ~~claim judgment~~. The summons shall be
 served in the same manner as a justice court summons against a de-

Changes or additions indicated by italics, deletions by strikeout.

with a Notice to said ~~Defendant~~ *Judgment Debtor* ,
of which the foregoing is a copy, stating the time, place and manner
of service of said Summons upon said Garnishee ,
signed by

Constable.

FEES: Service of Summons, \$	Notice, \$	\$
Copy of Summons, \$	Notice, \$	\$
Mileage	Notice, \$	\$

Sec. 6. Minnesota Statutes 1967, Section 571.49, is amended to read:

571.49 Disclosure. Subdivision 1. **Garnishee to disclose.** Within the time herein limited the garnishee shall serve upon the ~~plaintiff~~ *judgment creditor* or his attorney a disclosure in writing and under oath setting forth the amount and character of ~~defendant's~~ *judgment debtor's* property in his hands or indebtedness owing to ~~defendant~~ *judgment debtor* and the facts in reference thereto including answers to any interrogatories served upon him. In the case of the garnishee's indebtedness to the ~~defendant~~ *judgment debtor*, the amount of such disclosure need not exceed ~~twice~~ *110 percent* of the amount of ~~plaintiff's claim~~ *judgment creditor's judgment*, after subtracting the total of set-offs, defenses, exemptions, ownerships, or other interests. Such disclosure may be served personally or by mail. If such disclosure is by a corporation it shall be verified by some officer or agent having knowledge of the facts.

Subd. 2. **Contents of disclosure.** Such disclosure shall state:

(1) Whether he was, at the time of the service of the garnishee summons ~~indebted or under any liability to the defendant judgment debtor~~, naming him, in any manner or upon any account, specifying, if indebted or liable, the amount, the interest thereon, the manner in which evidenced, when payable, whether an absolute or contingent liability, and the facts necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness he may set forth the facts concerning the same.

(2) Whether he held at the time aforesaid the title or possession of or any interest in any personal property or any instruments or papers relating to any such belonging to the ~~defendant judgment debtor~~ or in which he is interested. If he admits any such interest or any doubt respecting the same he shall set forth a description of such

Changes or additions indicated by italics, deletions by ~~strikeout~~.

property and the facts concerning the same, and the title, interest or claim of the ~~defendant~~ *judgment debtor* in or to the same.

(3) If he claims any set-off or defense to any debt or liability or any lien or claim to such property he shall allege the facts

(4) He may state any claim of exemption from execution on the part of the ~~defendant~~ *judgment debtor* or other objection, known to him, against the right of the ~~plaintiff~~ *judgment creditor* to apply upon his demand the debt or property disclosed.

(5) If he discloses any debt or the possession of any property to which the ~~defendant~~ *judgment debtor* and other persons make claim he shall allege the names and residences of such other claimants and, so far as known, the nature of their claims.

Subd. 3. **Form of disclosure.** If interrogatories have been served, such interrogatories answered under oath shall be deemed a disclosure. If no interrogatories are served, the disclosure in any court by the garnishee shall be substantially in the following form:

STATE OF MINNESOTA,)
) ss
County of)
..... Court

.....
~~Plaintiff~~ *Judgment Creditor*

vs.

.....
~~Defendant~~ *Judgment Debtor* and

.....
Garnishee

I am the of the garnishee herein, and duly authorized to disclose for said garnishee.

On the 19....., the time of the service of garnishee summons herein on said garnishee:

(1) There was due and owing the ~~defendant~~ *judgment debtor* above named,, from said garnishee, the sum of \$.....; (State how evidenced, when payable,

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

whether an absolute or contingent liability. The amount disclosed above need not exceed *twice 110 percent of the plaintiff's claim judgment creditor's judgment*, after subtracting from such total the total of items (3) through (5) below.)

(2) There was in the possession of the garnishee the following personal property, instruments, and papers belonging to the above named ~~defendant~~ *judgment debtor*:

(Describe the property and state the title or claim of ~~defendant~~ *judgment debtor* to same.)

(3) The garnishee claims the following set-off or defense or lien or claim to
.....
such property;

(4) The ~~defendant~~ *judgment debtor* claims the following exemption from execution:
.....
.....

(5) claims ownership of, or an interest in, such property as follows:
.....
.....

Subscribed and sworn to before me
this day of, 19....

Notary Public

.....County, Minnesota.

Sec. 7. Minnesota Statutes 1967, Section 571.50, is amended to read:

571.50 **Effect of disclosure.** Subject to the provisions of sections 571.51 and 571.52, the disclosure shall be conclusive against

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

~~plaintiff judgment creditor~~ as to all property of ~~defendant judgment debtor~~. If the garnishee denies that he is indebted to ~~defendant judgment debtor~~ or has any property of ~~defendant judgment debtor~~ in his possession the filing in court of a copy thereof shall operate as a full discharge of the garnishee at the end of 20 days from date of service of such disclosure, in the absence of further proceedings as provided for in sections 571.51 and 571.52. The filing of objections to the disclosure or the filing of any motion or other proceedings shall operate as a stay of such discharge. The court may, upon proper showing, relieve the ~~plaintiff judgment creditor~~ from the operation of such discharge after the expiration of 20 days. The garnishee may be discharged where the value of the property of ~~defendant judgment debtor~~ held or indebtedness owing to ~~defendant judgment debtor~~ does not exceed \$25, if the action is in district court, or where the value of the property of ~~defendant judgment debtor~~ held or indebtedness owing to ~~defendant judgment debtor~~ does not exceed \$10, if the action is in justice court, and the garnishee may apply to the court to be discharged as to any property or indebtedness in excess of the amount which may be required to satisfy ~~plaintiff's judgment creditor's judgment~~.

Sec. 8. Minnesota Statutes 1967, Section 571.51, is amended to read:

571.51 Oral disclosure; supplemental complaint. Either before or after such written disclosure any party to the garnishment proceedings may obtain an ex parte order requiring oral disclosure. Such order may be obtained upon affidavit showing upon information and belief facts justifying the said order, and the court shall require the garnishee to appear for oral examination before the court. If the garnishee hold the garnished property by a title that is void as to ~~defendant's judgment debtor's~~ creditors, he may be charged therefor although the ~~defendant judgment debtor~~ could not have maintained an action against him therefor; but in this, and in all other cases where the garnishee denies liability, the ~~plaintiff judgment creditor~~ may move the court at any time before the garnishee is discharged, on notice to both the ~~defendant judgment debtor~~ and the garnishee, for leave to file a supplemental complaint making the latter a party to the action, and setting forth the facts upon which he claims to charge him; and, if probable cause is shown, such motion shall be granted. The supplemental complaint shall be served upon both ~~defendant judgment debtor~~ and garnishee, either or both of whom may answer, and the ~~plaintiff judgment creditor~~ may reply. Such issues shall be brought to trial and tried as in other actions. ~~after judgment is rendered for plaintiff in the main action.~~

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 9. Minnesota Statutes 1967, Section 571.53, is amended to read:

571.53 Default. *If any garnishee who is duly summoned fails to serve his disclosure as required in this chapter, upon proof by affidavit of such facts, the court may render judgment against him for an amount not exceeding plaintiff's judgment creditor's judgment against defendant judgment debtor or twice 110 percent of the amount claimed in the garnishee summons, whichever is the smaller but the court upon good cause shown may remove such default and permit the garnishee to disclose on such terms as may be just.*

Sec. 10. Minnesota Statutes 1967, Section 571.54, is amended to read:

571.54 Judgment against garnishee. ~~No judgment shall be rendered against a garnishee until after judgment is rendered against the defendant. If the garnishee is not discharged, the cause shall be continued to abide the result in the main action.~~ Judgment against a garnishee shall be rendered, if at all, for the amount due the defendant judgment debtor, or so much thereof as may be necessary to satisfy the plaintiff's judgment creditor's judgment against such defendant judgment debtor, with costs taxed and allowed in the proceeding against the garnishee but not to exceed twice 110 percent of the amount claimed in the garnishee summons. Such judgment shall acquit and discharge the garnishee from all claims of all the parties named in the process in and to the property or money paid, delivered, or accounted for by such garnishee by force of such judgment.

When any person is charged as garnishee by reason of any property in his possession other than an indebtedness payable in money, he shall deliver the same, or so much thereof as may be necessary, to the officer holding execution, and such property shall be sold and the proceeds accounted for in the same manner as if it had been taken on execution against the defendant judgment debtor; but the garnishee shall not be compelled to deliver any specific articles at any time or place other than as stipulated in the contract between him and the defendant judgment debtor.

Sec. 11. Minnesota Statutes 1967, Section 571.55, is amended to read:

571.55 ~~To prevent undue hardship or harassment any court in which a main action has been commenced, upon motion and notice to the parties, may limit or restrict prospective garnishments prior to the entry of any final judgment in the main action, and may release such part of the property impounded which exceeds the amount of the~~

Changes or additions indicated by italics, deletions by ~~strikeout~~.

claim, and may condition its order upon such terms as are just and fair. Upon a proper showing the court may discharge the garnishee in any action in which there is lack of diligent prosecution. **Limitation on garnishment.** *Subdivision 1: For the purposes of this section "disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld.*

Subd. 2. The maximum part of the aggregate disposable earnings of an individual for any pay period which may be subjected to garnishment may not exceed the lesser of

(a) 25 percent of his disposable earnings for that pay period, or

(b) the amount by which his disposable earnings for that pay period exceeds the following product: eight times the number of business days and paid holidays, not to exceed five per calendar week, in such pay period times the federal minimum hourly wage prescribed by Section 6 (a) (1) of the Fair Labor Standards Act of 1938, Title 29, United States Code, Section 206 (a) (1), in effect at the time the earnings are payable.

Subd. 3. No court may make, execute, or enforce an order or process in violation of this section.

Sec. 12. Minnesota Statutes 1967, Section 571.56, is amended to read:

571.56 Value. **Subdivision 1. Court may determine.** Upon application of any party in interest, on notice, the court may determine the value of any property of ~~defendant~~ *judgment debtor* in the hands of the garnishee and may make any order relative to the keeping, delivery or sale thereof, or touching any of the property, that is necessary to protect the rights of those interested, and may require the property to be brought into court or delivered to a receiver by it appointed. If the garnishee refuses or neglects to comply with any order of the court hereunder, he may be punished for contempt, and also shall be liable to the ~~plaintiff~~ *judgment creditor* for the value of such property, less the amount of any lien.

Subd. 2. Lien of garnishee. If it appears that the garnishee has a lien on the property, or that it is in any way liable for the payment of a debt due to him, the ~~plaintiff~~ *judgment creditor*, or motion, may be permitted to pay the amount thereof, and the amount so paid shall be repaid to ~~plaintiff~~ *judgment creditor*, with interest, out of the proceeds of the sale of such property. The garnishee may sell the

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property to satisfy the lien, if a sale be authorized by his contract, at any time before such payment or tender.

Subd. 3. Property destroyed. If any garnished property be destroyed without negligence of the garnishee, the garnishee shall be discharged for all liability to the ~~plaintiff~~ *judgment creditor* for the non-delivery thereof.

Sec. 13. Minnesota Statutes 1967, Section 571.57, is amended to read:

571.57 Garnishee fees. A garnishee shall be paid \$2 fees at the time of service of garnishee summons and if required to appear and submit to oral examination shall be tendered his fees and mileage for attendance at the rate allowed by law to a witness, and in extraordinary cases, may be allowed such further sum as the court shall deem reasonable for his counsel fees and other necessary expenses. If he be charged as a garnishee, the amount of such fees and allowances may be recovered by ~~plaintiff~~ *judgment creditor* out of the property in his hands. If charged as garnishee on account of specific articles of personal property, the garnishee shall not be required to deliver the same to an officer until payment of his reasonable charges for storage.

Sec. 14. Minnesota Statutes 1967, Section 571.58, is amended to read:

571.58 Minimum judgment. No judgment shall be rendered against a garnishee in a justice court where the judgment against the ~~defendant~~ *judgment debtor* is less than \$10, exclusive of costs, or in the district court where the judgment against the ~~defendant~~ *judgment debtor* is less than \$25, exclusive of costs, and, in all such cases, the garnishee shall be discharged.

Sec. 15. Minnesota Statutes 1967, Section 571.59, is amended to read:

571.59 Discharge not a bar. If any person summoned as a garnishee is discharged, the judgment shall be no bar to an action brought against him by the ~~defendant~~ *judgment debtor* or other claimants for the same demand.

Sec. 16. Minnesota Statutes 1967, Section 571.60, is amended to read:

571.60 Garnishment by defendant. If the defendant recovers judgment against the plaintiff, ~~or sets up in his answer a counter claim exceeding in amount the sum admitted in such answer to be due to the plaintiff,~~ he may institute and prosecute garnishment under

Changes or additions indicated by italics, deletions by ~~strikeout~~.

this chapter as if he were ~~plaintiff judgment creditor~~. For the purposes of such proceedings he is to be considered as ~~plaintiff judgment debtor~~, and his answer is deemed a complaint.

Sec 17. Minnesota Statutes 1967, Section 571.61, is amended to read:

571.61 Subdivision 1. At any time before the entry of judgment a party whose property has been garnished may secure its release by giving a bond, approved by a judge or court commissioner if the action is in the district court, by the judge if in a municipal court, and by the justice if in justice court, in a penal sum at least double the amount claimed in the garnishee summons, or, if the value of the property garnished is less than such amount, then in double such value, conditioned to pay any judgment recovered against him in the action, or so much thereof as shall equal such value. Thereupon the judge or justice shall make an order discharging the garnishment and releasing the property. The order becomes effective upon filing the same with the bond and serving a copy on the garnishee.

Subd. 2. If a party whose property has been garnished and who has given a corporate surety bond as provided in subdivision 1 prevails in the action, he shall be allowed the cost of the premium for such bond as a disbursement. In case of recovery against a party whose property has been garnished and who has given a corporate surety bond for the release thereof as provided in subdivision 1, if the value of the property for which such bond was given exceeds double the amount recovered, such party shall be allowed as a disbursement that part of the cost of the premium for such bond attributable to such excess, to be determined by the court and offset against the judgment. If the amount so determined exceeds the amount for which the prevailing party would otherwise be entitled to judgment, judgment for the deficiency shall be awarded against him in favor of the party whose property was garnished. **No discharge from employment for garnishment.** *Subdivision 1. Prohibition. No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment unless there have been more than three garnishments within a 90 day period involving more than one indebtedness.*

Subd. 2. **Remedy.** *If an employer discharges an employee in violation of this section, the employee may within 90 days of such discharge bring a civil action for recovery of twice his wages lost as a result of the violation and for an order requiring his reinstatement.*

Sec. 18. Minnesota Statutes 1967, Section 571.62, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

571.62. **Transfer to another court.** In case any original action pending in a court not of record is transferred under the provisions of law to any other court, except by appeal, any garnishee proceeding; ~~the judgment in which is conditioned on the judgment in the original action~~ is transferred therewith and written notice of such transfer, specifying the court to which the same is made shall be served by the ~~plaintiff~~ *judgment creditor* on the garnishee. Such transfer shall carry with it all proceedings already had and any disclosure made therein.

Sec. 19. Minnesota Statutes 1967, Section 571.67, is amended to read:

571.67 **Penalty in certain garnishment proceedings.** Subdivision 1. A party who serves a garnishment summons prior to ~~the issuance of the summons~~ *judgment* in the main action is liable to the defendant named in the garnishment proceedings in the amount of \$50, except where the defendant is a nonresident.

Subd. 2. The garnishment shall be ineffective and the garnishee shall be discharged and relieved of any liability thereon if the amount garnished and attached is less than \$10. Any garnishment shall lapse and the garnishee thereof shall be discharged and relieved of any liability thereon after the expiration of three years from the date of service of the garnishment summons, providing the garnishee shall have given a 30 day written notice following said three year period, by certified mail to the last known address of the attorney for the garnishing party, or if he has no attorney, to the garnishing party, and within 30 days thereafter neither the garnishing party nor his attorney has objected in writing to said discharge.

Sec. 20. Minnesota Statutes 1967, Section 488A.09 Subdivision 10, is amended to read:

Subd. 10. **Garnishment.** Proceedings against garnishees may be instituted in the same manner as in the district courts of the state. The garnishment summons may be served either by an officer or any person not a party to the action, at any place within the state of Minnesota, and the service shall in all cases be personal. ~~Notwithstanding any other law, such service shall become null and void and ineffective for any purpose unless not later than one day after such service the original or a copy of the summons and complaint in the main action between the parties is filed in the office of the clerk of said court. Any judge may issue an order ex parte dismissing a garnishment and discharging the garnishee upon a showing by certificate of the clerk that the summons and complaint have not been filed within the period of time herein required.~~ The disclosure of the gar-

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nishee shall be made and all further proceedings had in the same manner as if the proceedings were in the district court, but the summons shall require disclosure within ten days after service, and service upon the ~~defendant~~ *judgment debtor* shall be made not later than ten days after the service on the garnishee.

Sec. 21. Minnesota Statutes 1967, Section 488A.26, Subdivision 7, is amended to read:

Subd. 7. **Garnishment.** Proceedings against garnishees may be instituted in the same manner as in the district court. The garnishment summons may be served either by an officer or any person not a party to the action, at any place within the state of Minnesota, and the service shall in all cases be personal. ~~Notwithstanding any other law, such service shall become null and void and ineffective for any purpose unless not later than three days after such service the original or a copy of the summons and complaint in the main action between the parties is filed in the office of the clerk of this court. Any judge may issue an order, ex parte, dismissing a garnishment and discharging the garnishee upon a showing by a certificate of the clerk that the summons and complaint have not been filed within the period of time herein required.~~ The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in the district court, but the summons shall require disclosure within ten days after service, and service upon the ~~defendant~~ *judgment debtor* shall be made not later than ten days after the service on the garnishee.

Sec. 22. Minnesota Statutes 1967, Section 488A.47, is amended to read:

488A.47 **Attachment, replevin, garnishment.** Proceedings by attachment, replevin, or garnishment in said court, shall be conducted as in the district courts of this state; provided, that the bonds required in such proceedings shall be executed with sufficient sureties and be in double the amount claimed in attachment, and not less than the sum of \$250, or in double the value of the property claimed in replevin, and all bonds required or allowed in such proceedings shall be approved by one of the judges of said court. And provided further, that in garnishment proceedings the summons may be served on the garnishee by an officer or any person not a party to the action, at any place within the state, and the service in all cases be personal; ~~but notwithstanding any other law, such service shall become null and void unless not later than one day after such service the original or a copy of the summons and complaint in the main action between the parties shall have been filed in the office of the clerk of said municipal~~

Changes or additions indicated by italics, deletions by ~~strikeout~~.

~~court.~~ The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in district court, except, however, that the summons shall require disclosure within ten days after service, service upon the ~~defendant judgment debtor~~ of the garnishee summons shall be made within ten days after service upon the garnishee. And provided further that no judgment shall be rendered against the garnishee when the judgment against the ~~defendant judgment debtor~~ is less than \$10, exclusive of costs, nor when the indebtedness of the garnishee to the ~~defendant, judgment debtor~~, or the value of the property, money, or effects of the ~~defendant judgment debtor~~, in the hands or under the control of the garnishee, as proved, is less than \$10.

Sec. 23. Minnesota Statutes 1967, Section 550.37, Subdivision 13, is amended to read:

Subd. 13. *Fifty Seventy-five percent of the ~~net wages disposable earnings~~ of any ~~person earned and unpaid at the time of any individual for any pay period which may be subjected to attachment, garnishment or the levy of any execution for any services rendered by him for another, or an amount of such wages equal to the following product, whichever is greater: eight times the number of business days and paid holidays, not to exceed five per calendar week, in the pay period times the federal minimum hourly wage prescribed by Section 6 (a) (1) of the Fair Labor Standards Act of 1938, Title 29, United States Code, Section 206 (a) (1), in effect at the time such wages are payable. Net wages means the amount of wages earned and unpaid, less the amounts the employer is required by law to withhold or deduct. Disposable earnings means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. A subsequent attachment, garnishment or levy of execution shall impound such part of earned and unpaid wages not exempt under only that pay period's non-exempt disposable earnings not subject to a prior attachment, garnishment or levy of execution, but in no instance shall more than 50 percent of net wages earned and unpaid an individual's total non-exempt disposable earnings in that pay period be subject to attachment, garnishment or levy of execution. Garnishments shall impound the non-exempt wages disposable earnings in the order of their service upon the employer. The wages disposable earnings exempt from garnishment are exempt as a matter of right, whether claimed or not by the person to whom due. Such exemptions may not be waived. Such exempt wages disposable earnings are payable by the employer when due. Nothing in this paragraph shall be construed to void or supersede any valid assignment of wages made prior to the attachment, garnishment, or levy of execution.~~*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 24. Minnesota Statutes 1967, Section 550.37, Subdivision 14, is amended to read:

Subd. 14. The salary or wages of any debtor who is or has been a recipient of relief based on need, *or an inmate of a state correctional institution* shall, upon his return to private employment after having been a recipient of public relief, *or an inmate of a state correctional institution*, be exempt from attachment, garnishment, or levy of execution for a period of six months after his return to employment. He may take advantage of such exemption provisions only once in every three years. Agencies distributing relief *and the commissioner of corrections* shall, at the request of creditors, inform them whether or not any debtor has been a recipient of relief based on need, *or an inmate of a state correctional institution*, within such period of six months.

Sec 25. *Minnesota Statutes 1967, Section 488.161, is repealed.*

Approved June 9, 1969.

CHAPTER 1143—H. F. No. 776

An act relating to fair campaign practices; political parties forming non-profit corporations to hold real property for use as party headquarters; amending Minnesota Statutes 1967, Section 211.27.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 211.27, is amended to read:

211.27 Political parties; headquarters; ownership; corporations not to contribute to political campaign. *Subdivision 1.* No corporation doing business in this state shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee, or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office. If any corporation shall be convicted of violating any of the provisions of this chapter, it shall be subject to a penalty in the amount not exceeding \$10,000 to be collected as other claims or demands for money are collected; and, if a domestic corporation, in ad-

Changes or additions indicated by italics, deletions by ~~strikeout~~.