

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

SIXTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 11, 1976

The House convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

| | | | | |
|--------------|-------------|---------------|-------------|--------------|
| Abeln | Doty | Kahn | Munger | Sherwood |
| Adams, L. | Eckstein | Kaley | Neisen | Sieben, H. |
| Adams, S. | Eken | Kalis | Nelsen | Sieben, M. |
| Albrecht | Enebo | Kelly, R. | Nelson | Sieloff |
| Anderson, G. | Erickson | Kelly, W. | Niehaus | Simoneau |
| Anderson, I. | Esau | Kempe, A. | Norton | Skoglund |
| Arlandson | Evans | Kempe, R. | Novak | Smith |
| Beauchamp | Ewald | Ketola | Osthoff | Smogard |
| Begich | Faricy | Knickerbocker | Parish | Spanish |
| Berg | Fjoslien | Knoll | Patton | Stanton |
| Berglin | Forsythe | Kostohryz | Pehler | Suss |
| Biersdorf | Friedrich | Kroening | Peterson | Swanson |
| Birnstihl | Fudro | Kvam | Petrafeso | Tomlinson |
| Braun | Fugina | Laidig | Philbrook | Ulland |
| Brinkman | George | Langseth | Pleasant | Vanasek |
| Byrne | Graba | Lemke | Prahl | Vento |
| Carlson, A. | Hanson | Lindstrom | Reding | Volk |
| Carlson, L. | Haugerud | Luther | Rice | Voss |
| Carlson, R. | Heinitz | Mangan | St. Onge | Wenstrom |
| Casserly | Hokanson | Mann | Samuelson | Wenzel |
| Clark | Jacobs | McCarron | Sarna | White |
| Clawson | Jaros | McCauley | Savelkoul | Wieser |
| Corbid | Jensen | McCollar | Schreiber | Wigley |
| Dahl | Johnson, C. | McEachern | Schulz | Williamson |
| Dean | Johnson, D. | Menning | Schumacher | Zubay |
| DeGroat | Jopp | Metzen | Searle | Speaker Sabo |
| Dieterich | Jude | Moe | Setzeptandt | |

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. On motion of Kalis the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1870, 1881, 1904 and 33 and S. F. Nos. 806 and 932 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1435, A bill for an act relating to game and fish; taking of animals by falconry; amending Minnesota Statutes 1974, Section 100.27, Subdivision 8.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1897, A bill for an act relating to game and fish; commercial fishing on Rainy Lake and Lake of the Woods; amending Minnesota Statutes 1974, Section 102.26, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 13, delete "fishing" and insert "netting".

Page 1, line 13, before the period insert "*unless the absence of such is authorized by the commissioner or his agent for reasons of temporary hardship*".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 764, A bill for an act relating to health care; requiring certain insurance policies and health care plans to provide benefits for health care services rendered in free standing ambulatory surgical centers.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Parish from the Committee on Judiciary to which was referred:

H. F. No. 1326, A bill for an act relating to garnishment; amending Minnesota Statutes 1974, Sections 550.02; 550.37, Subdivision 13; 571.41, Subdivisions 1 and 2; 571.55, Subdivisions 1 and 2; 571.57; 571.67; and Chapter 571, by adding sections; repealing Minnesota Statutes 1974, Sections 571.47; 571.48; and 571.49.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [CITATION.] Sections 1 to 24 may be cited as the "Minnesota garnishment reform act of 1976."

Sec. 2. Minnesota Statutes 1974, Section 550.041, is amended to read:

550.041 [EXECUTION OF SMALL MONEY JUDGMENTS ON DEBTS.] When a judgment creditor proposes to make execution on a judgment debt of not more than \$2,500 from money owed to the judgment debtor by a third party, the execution may be made by the attorney for the judgment creditor or sheriff through a registered or certified letter to the third party containing (THE INFORMATION PRESCRIBED BY SECTION 550.14) a copy of the execution. Upon receipt, the third party shall remit as much of the amount due under section 550.04 as his own debt equals to the sheriff or attorney who shall proceed in all other respects like the sheriff making a similar execution. The attorney shall be allowed no costs from any party other than the judgment creditor for execution in accordance with this section.

Sec. 3. Minnesota Statutes 1974, Chapter 550, is amended by adding a section to read:

[550.141] [LEVY ON EARNINGS; INDEBTEDNESS.]
Subdivision 1. Earnings may be levied upon in conformance with the procedures set forth in either sections 550.041 or 550.14 provided, however, the procedures set out in section 571.41, subdivision 5, are followed. Said levy shall attach all indebtedness owing by a third party to the debtor and all non-exempt disposable

earnings earned or to be earned in the pay period within which the levy is served. If said levy attaches less than \$10, the third party shall not retain said sum.

Subd. 2. Prior to the first levy on earnings in the possession of an employer under this chapter, or prior to a subsequent levy on an individual's earnings in the possession of an employer if there has been no levy on said wages for one year, the judgment creditor shall comply with the following notice requirements:

(1) Serve upon the judgment debtor no less than ten days, prior to the service of the execution, a notice that such execution may be served on the debtor's employer. Said notice may be served in the manner permitted by section 571.41 and shall be substantially in the form set out in section 571.41. Bad faith assertion or disregard of a judgment debtor's claim of exemption shall be subject to the procedures, remedies, and penalties set out in section 571.41.

(2) Serve upon the judgment debtor's employer with the execution an execution disclosure form, that shall be substantially in the form set out in section 571.495, subdivision 3.

(3) Serve by mail upon the judgment debtor not later than five days after service is made on his employer, a copy of the execution and copies of all other papers served on the debtor's employer.

(4) The notice requirement in clause (1) of this subdivision shall not apply to a levy on wages being held by an employer due to a garnishment served pursuant to chapter 571.

Sec. 4. Minnesota Statutes 1974, Section 550.142, is amended to read:

550.142 [PUBLIC EMPLOYEES; WAGES, EXECUTION LEVY.] The salary or wages of (AN OFFICER OR EMPLOYEE OF A COUNTY, CITY, TOWN, OR SCHOOL DISTRICT, OR OF A DEPARTMENT OF ANY SUCH SUBDIVISION,) any public employee or officer may be levied upon and disposed of on execution. Where the person is an officer, the writ shall be served upon the auditor, treasurer, or clerk of the subdivision or department of which he is an officer. Where the person is an employee other than an officer, the writ shall be served upon the person in charge of the office or department in which the employee works.

When payment has been made pursuant to levy, a copy of the execution with certificate of satisfaction shall be delivered to the treasurer as his voucher for such payment.

Sec. 5. Minnesota Statutes 1974, Section 550.37, Subdivision 13, is amended to read:

Subd. 13. (SEVENTY FIVE PERCENT OF THE DISPOSABLE EARNINGS 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. 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.) *All wages not subject to garnishment by the provisions of section 571.55. A subsequent attachment, garnishment or levy of execution shall impound 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 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 disposable earnings in the order of their service upon the employer. The 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 disposable earnings are payable by the employer when due. Such exempt disposable earnings shall also be exempt for 60 days after deposit from any contractual set-off or security interest asserted by a financial institution in which said earnings are deposited by the individual. In tracing said funds, the first-in first-out method of accounting shall be used. As used in this section, the term 'financial institution' shall include credit unions. 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.*

Sec. 6. Minnesota Statutes 1974, Section 550.37, Subdivision 14, is amended to read:

Subd. 14. *All relief based on need, and the wages or salary of a person who is a recipient of relief based on need, shall be exempt from all claims of creditors. For the purposes of this chapter, relief based on need shall include AFDC, supplemental security income, medical assistance, Minnesota supplemental assistance, food stamps, and general assistance. 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 *based on need*, 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 *and after all public assistance has been terminated*. He may take advantage of such *six month salary or wage exemption* provisions only once in every three years. *The exemption provisions contained in this subdivision shall also apply for 60 days after deposit to any contractual set-off or security interest asserted by a financial institution in which said funds are deposited by the individual. In tracing said funds, the first-in first-out method of accounting shall be used.* Agencies distributing relief and the (COMMISSIONER OF CORRECTIONS) *correctional institutions* 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. 7. Minnesota Statutes 1974, Section 550.37, Subdivision 19, is amended to read:

Subd. 19. (THE PROPERTY EXEMPTED BY SUBDIVISIONS 2 TO 11 IS NOT EXEMPT FROM ATTACHMENT, GARNISHMENT, OR EXECUTION IN AN ACTION FOR THE RECOVERY OF THE PURCHASE MONEY OF THE SAME PROPERTY.) *The exemption of the property listed in subdivisions 2, 3 and 5 to 11 may not be waived except by a statement in substantially the following form, in bold face type of a minimum size of twelve points, signed and dated by the debtor at the time of the execution of the contract surrendering the exemption, immediately adjacent to the listing of the property: "I understand that some or all of the above property is normally protected by law from the claims of creditors, and I voluntarily give up my right to that protection for the above listed property with respect to claims arising out of this contract."*

Sec. 8. Minnesota Statutes 1974, Section 550.37, is amended by adding a subdivision to read:

Subd. 20. *The exemption of funds from creditors' claims shall not be affected by the subsequent deposit of said funds in a bank or any other financial institution, whether in a single or joint account, so long as said funds can be traceable to their exempt source. In tracing said funds, the first-in first-out method of accounting shall be used.*

Sec. 9. Minnesota Statutes 1974, Section 571.41, Subdivision 1, is amended to read:

571.41 [GARNISHEE SUMMONS; EXCEPTIONS.] Subdivision 1. In any action in a court of record (OR JUSTICE

COURT) for the recovery of money, 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) a judgment therein (AGAINST THE DEFENDANT), a garnishee summons may be issued against any third person as provided in this chapter. The judgment creditor and 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).

Sec. 10. Minnesota Statutes 1974, Section 571.41, Subdivision 2, is amended to read:

Subd. 2. (GARNISHMENT SHALL BE PERMITTED BEFORE JUDGMENT IN THE FOLLOWING INSTANCES ONLY.) *Notwithstanding anything to the contrary herein contained, a plaintiff in any action in a court of record for the recovery of money may issue a garnishee summons before judgment therein in the following instances only: if the court shall order the issuance of such summons; if a summons and complaint is filed with the appropriate court and either served on the defendant or delivered to a sheriff for service on the defendant not more than 30 days after the order is signed; and if, upon application to the court it shall appear that:*

(1) *Defendant is about to take property out of the state which might be necessary to satisfy any judgment awarded plaintiff, or*

((1)) (2) (FOR) *The purpose of (ESTABLISHING) the garnishment is to establish quasi in rem jurisdiction and that*

(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*

((B) THE DEFENDANT IS A RESIDENT INDIVIDUAL WHO HAS DEPARTED FROM THE STATE, OR CANNOT BE FOUND THEREIN, OR)

((C) THE) (b) defendant is a nonresident individual, or a foreign corporation, partnership or association,

((2)) (3) (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.

Sec. 11. Minnesota Statutes 1974, Section 571.41, is amended by adding a subdivision to read:

Subd. 4. If the court shall order the issuance of a garnishee summons before entry of judgment, such summons and attendant documents shall designate the parties plaintiff and defendant. To obtain such an order, the creditor shall file an affidavit stating that a cause of action exists, specifying the amount of the claim and the ground thereof, and setting forth in detail the specific facts upon which the creditor bases his claim of entitlement to garnishment before entry of judgment. Such an order shall provide that a hearing shall be held no later than seven days from the date of service of the garnishee summons for the purpose of determining whether probable cause exists for the continuation of the garnishment, unless the debtor knowingly waives in writing said hearing. Notice of said hearing shall be given to the debtor by such method as shall be prescribed by the court. At said hearing the burden of proving probable cause shall rest upon the creditor.

Sec. 12. Minnesota Statutes 1974, Section 571.41 is amended by adding a subdivision to read:

Subd. 5. If the garnishee summons is to be used to garnish the wages of an individual to enforce a judgment, prior to the first garnishment on any debt or prior to a subsequent garnishment if there has been no garnishment on that debt for one year, the creditor shall serve upon the debtor, no less than ten days prior to the service of the garnishee summons, a notice that such summons may be issued. Said notice shall be substantially in the form set out in this chapter. Said notice shall be served personally, in the manner of a summons and complaint, or by certified mail, return receipt requested to the current address of the debtor. Said notice shall inform the debtor that a garnishee summons may be served on the debtor's employer in ten days, and that the debtor may, within that time, caused to be served on the creditor a signed statement under oath and notarized asserting an entitlement to an exemption from garnishment. Said notice shall further inform the debtor of the wage garnishment exemptions contained in section 550.37, subdivision 14. Said notice

tion in the last six months. Relief based on need includes AFDC, supplemental security income, medical assistance, Minnesota supplemental assistance, food stamps, and general assistance. It does not include Social Security, unemployment compensation, or workman's compensation.

If you wish to claim such an exemption, you should fill out the appropriate form below, sign it, and send it to the judgment creditor and the garnishee.

You may wish to contact the attorney for the Judgment Creditor in order to arrange for a settlement of the debt.

PENALTIES

1. Be advised that even if you claim an exemption, a Garnishment Summons may still be served on your employer. If your wages are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to \$200 plus actual damages, reasonable attorney fees, and costs.

2. **HOWEVER, BE WARNED** if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$200.

3. If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney fees plus an amount not to exceed \$200.

Dated:

(Attorney for) Judgment Creditor
Address
Telephone

I hereby claim under oath that my wages are exempt from garnishment because:

☐ I am presently a recipient of relief based on need. (Specify the program and the county from which relief is being received. There is no limit to the number of times this exemption may be claimed.)

Program

Program

- ☐ I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program and the county from which relief has been received. You may not claim this exemption more than once every three years.)

.....
Program

.....
Program

- ☐ I have been an inmate of a correctional institution within the last six months, and I have not claimed this exemption within the last three years. Specify the correctional institution.

.....
Correctional Institution

.....
*Judgment Debtor
Address*

.....
*Subscribed and sworn to before me
This day of , 19 .*

.....
Notary Public

.....
County, Minnesota.

Sec. 14. Minnesota Statutes 1974, Chapter 571, is amended by adding a section to read:

[571.471.] [COURT OF RECORD.] Subdivision 1. [PROCEDURE.] To enforce a judgment arising from an action in a court of record or, before entry of judgment in those instances permitted, a garnishee summons may be issued by a judgment creditor or his attorney and shall be served upon the garnishee in the same manner as other summons in that court of record except that service must be personal. The judgment creditor shall serve with the garnishee summons a garnishment disclosure form, which shall be substantially in the form set out in this chapter. The judgment creditor may also serve written interrogatories with the garnishee summons. The garnishee summons shall state that the garnishee shall serve upon the judgment creditor or his attorney within 20 days after service of the garnishee summons, a written disclosure, under oath, of his indebtedness to the judgment debtor and answers to all written interrogatories which are served with the garnishee summons. The judgment creditor shall not require disclosure of an indebtedness to him or property of judgment debtor in the garnishee's possession or under the garnishee's control in excess of 110 percent of the amount of the judgment which remains unpaid. The garnishee summons shall include the full name of the judgment debtor and his place of residence, the amount of the

judgment which remains unpaid. The garnishee summons shall also state that the garnishee shall retain property or money in his possession pursuant to this chapter until the judgment creditor causes a writ of execution to be served upon the garnishee or until the judgment debtor authorizes release to the judgment creditor, and shall state that after the expiration of the period of time specified in section 571.69 from the date of service of the garnishee summons, the garnishee shall release all such retained property and money to the judgment debtor and shall be discharged and relieved of all liability thereon. The garnishee summons shall also state that no employer may discharge any employee because the employee's earnings have been subject to garnishment. The garnishee summons shall further state the date of the entry of judgment against the judgment debtor, or in those instances in which there is garnishment before judgment, the garnishee summons shall include for service a copy of the court order permitting said garnishment. A copy of the garnishee summons and copies of all other papers served on the garnishee shall be served by mail upon the judgment debtor not later than five days after service is made upon the garnishee. A single garnishee 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 judgment debtor, together with the affidavit of service, shall be substantially in the following form:

STATE OF MINNESOTA)
) ss
 County of) Court
 (Judgment Creditor)
 (Judgment Debtor)
 (Garnishee)

Garnishment Summons

The State of Minnesota
 To the above named Garnishee:

You are hereby summoned and required to serve upon the judgment creditor or his attorney, within 20 days after service of this summons upon you, written disclosure, under oath, setting forth your indebtedness to the judgment debtor above named, (Give full name and residence of judgment debtor) and any property, money or effects of said judgment debtor which are in your possession. Your disclosure need not exceed 110 percent of the amount of the judgment creditor's judgment which remains unpaid. Judgment was entered against the judgment debtor on in the amount of \$, and the amount of said judgment which remains unpaid is \$

you are further hereby required to retain in your possession such property, money and effects in an amount not exceeding 110 percent of the amount of the judgment which remains unpaid. You may not, however, pursuant to this summons, withhold from the debtor any earnings due to the debtor that are exempt from garnishment pursuant to Minnesota Statutes, Section 571.55.

Failure to disclose and withhold in accordance with this summons may render you liable to the judgment creditor for an amount not exceeding the judgment creditor's judgment against the judgment debtor or 110 percent of the amount claimed in the garnishee summons, whichever is smaller.

You shall retain such property, money and effects in your possession until such time as the judgment creditor causes a writ of execution to be served upon you, until the judgment debtor authorizes release to the judgment creditor, or until the expiration of days from the date of service of this summons upon you, when you shall return such property, money and effects to the judgment debtor.

You are prohibited by law from discharging said judgment debtor because his earnings have been subjected to garnishment.

.....
Attorney for Judgment Creditor

.....
Address

Dated:, 19

NOTICE TO JUDGMENT DEBTOR

To: *Judgment Debtor*:

Sir:

Take notice that a garnishee summons, garnishment disclosure form and written interrogatories (strike out if not applicable), which are herewith served upon you, were personally served upon the garnishee named therein, by delivering copies thereof to, the said garnishee, and the said garnishee was paid in advance the sum of \$2 fees.

.....
Attorney for Judgment Creditor

.....
Address

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss
 County of)

....., being duly sworn upon oath, says
 that on the day of, 19....., at
 of in said county, he served upon the within-
 named judgment debtor copies of the within garnishee summons,
 garnishment disclosure form, written interrogatories (strike out
 if not applicable), and order, together with a notice to said judg-
 ment debtor of which the foregoing is a
 copy, stating that the above-described documents were personally
 served upon said garnishee signed by
 Said service was made by depositing in the
 United States mail at said City of, said documents
 properly enveloped, with postage prepaid, and addressed to:

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

Notary Public
 County, Minnesota.

Sec. 15. Minnesota Statutes 1974, Chapter 571, is amended
 by adding a section to read:

[571.495] [DISCLOSURE.] Subdivision 1. [GARNISH-
 EE TO DISCLOSE.] Within the time herein limited, the gar-
 nishee shall serve upon the judgment creditor or his attorney
 written answers, under oath, to the questions in the garnishment
 disclosure form and to any written interrogatories which are
 served upon the garnishee. The amount of the garnishee's dis-
 closure need not exceed 110 percent of the amount of the judg-
 ment creditor's judgment which remains unpaid, after subtract-
 ing the total of set-offs, defenses, exemptions, ownerships, or
 other interest. The garnishment disclosure form and all written
 interrogatories 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) The amount of disposable earnings earned or to be earned
 within the judgment debtor's pay periods which may be subject to
 garnishment and all of the garnishee's indebtedness to the judg-
 ment debtor.

(2) Whether the judgment creditor 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 property belonging to the 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 property and the facts concerning the same, and the title, interest or claim of the judgment debtor in or to the same.

(3) If the garnishee claims any set-off or defense or claim or lien to such disposable earnings, indebtedness or property, he shall disclose the amount and the facts.

(4) Whether the judgment debtor claims any exemption from execution, or any other objection, known to the garnishee or the judgment debtor, against the right of the judgment creditor to apply upon his demand the debt or property disclosed.

(5) If other persons make claim to any disposable earnings, debt or property of the judgment debtor, the garnishee shall disclose the names and addresses of such other claimants and, so far as known, the nature of their claims.

Subd. 3. [FORM OF DISCLOSURE.] A garnishment disclosure form must be served upon the garnishee. The disclosure shall be substantially in the following form:

STATE OF MINNESOTA)

County of

) ss

..... Court

Judgment Creditor

vs.

Judgment Debtor

and

Garnishee

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

On the day of, 19 .., the time of service of garnishee summons herein on said garnishee, there was

due and owing the judgment debtor above named from said garnishee the following:

(1) *Earnings.* For the purposes of garnishment, "earnings" means compensation paid or payable for personal service whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension or retirement program. "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. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both that past pay period and the current pay period.

(a) Enter on the line below the amount of disposable earnings earned or to be earned by the judgment debtor within the judgment debtor's pay periods which may be subject to garnishment.

.....

(b) Enter on the line below 40 times the hourly federal minimum wage times the number of work weeks within the judgment debtor's pay periods which may be subject to garnishment. When such pay periods consist of other than a whole number of work weeks, each day of a pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of work days divided by the number of work days in the normal work week.

.....

(c) Enter on the line below the difference obtained (never less than zero) when line (b) is subtracted from line (a).

.....

(d) Enter on the line below 25 percent of line (a).

.....

(e) Enter on the line below the lesser of line (c) and line (d).

.....

(2) *Money.* Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the garnishee.

.....

(3) *Property.* Describe on the line below any personal property, instruments or papers belonging to the judgment debtor and in the possession of the garnishee.

.....

(4) *Set-off.* Enter on the line below the amount of any set-off, defense, lien or claim which the garnishee claims against the amount set forth on lines (1)(e), (2) and (3) above. Allege that facts by which such set-off, defense, lien or claim is claimed.

.....

(5) *Exemption.* Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(6) *Adverse Interest.* Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property. (State the names and addresses of such persons and the nature of their claim, if known).

.....

(7) Enter on the line below the total of lines (4), (5) and (6).

.....

(8) Enter on the line below the difference obtained (never less than zero) when line (7) is subtracted from the sum of lines (1)(e), (2) and (3).

.....

(9) Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

.....

(10) Enter on the line below the lesser of line (8) and line (9). As garnishee, you are hereby instructed to retain this amount only if it is \$10 or more.

.....

Authorized Representative of
Garnishee

.....
Title

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

.....
Notary Public
..... County, Minnesota.

Sec. 16. Minnesota Statutes 1974, Section 571.55, Subdivision 1, is amended to read:

571.55 [LIMITATION ON GARNISHMENT.] Subdivision 1. For the purposes of this section, *"earnings" means compensation paid or payable for personal service, whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.* "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.

Sec. 17. Minnesota Statutes 1974, Section 571.55, Subdivision 2, is amended to read:

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) exceed the following product: (EIGHT) 40 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 *times the number of work weeks in such pay period. When a pay period consists of other than a whole number of work weeks, each day of that pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of excess work days divided by the number of days in the normal work week.*

Sec. 18. Minnesota Statutes 1974, Section 571.67, is amended to read:

571.67 [PENALTY IN CERTAIN GARNISHMENT PROCEEDINGS.] (SUBDIVISION 1.) A party who serves or

causes to be served a garnishment summons prior to judgment in the main action, except where garnishment prior to entry of judgment is permitted, is liable to the (DEFENDANT) debtor named in the garnishment proceedings in the amount of (\$50, EXCEPT WHERE THE DEFENDANT IS A NONRESIDENT) \$200 plus reasonable attorney fees and costs.

(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. 19. Minnesota Statutes 1974, Chapter 571, is amended by adding a section to read:

[571.68] [GARNISHMENTS AFFECTING LESS THAN TEN DOLLARS.] *If the amount required to be retained by the garnishee is less than \$10, the garnishee shall not retain said sum but shall make the disclosures otherwise required.*

Sec. 20. Minnesota Statutes 1974, Chapter 571, is amended by adding a section to read:

[571.69] [TERMINATION OF GARNISHMENTS.] *Subdivision 1. A garnishee summons shall lapse and the garnishee thereof shall be discharged and relieved of any liability thereon upon the expiration of the following periods of time after service of the summons, or such longer period of time either agreed to in writing by both the judgment creditor and the judgment debtor or ordered by a court:*

(1) *In the instance of a garnishee summons served before entry of judgment, 270 days;*

(2) *In the instance of a garnishee summons served after entry of judgment, 180 days.*

Subd. 2. Immediately upon lapse of the garnishee summons, all earnings, money, property, and effects which the garnishee has been retaining pursuant to the garnishment shall be returned to the judgment debtor.

Sec. 21. Minnesota Statutes 1974, Section 571.61, Subdivision 1, is amended to read:

571.61 [NO DISCHARGE FROM EMPLOYMENT FOR GARNISHMENT OR EXECUTION.] 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 WITH A 90 DAY PERIOD INVOLVING MORE THAN ONE INDEBTEDNESS) *or execution.*

Sec. 22. Minnesota Statutes 1974, Section 550.37, Subdivision 4, is amended to read:

Subd. 4. All wearing apparel, one watch, household furniture, utensils, household appliances, phonographs, radio and television receivers, and foodstuffs of the debtor and his family, not exceeding \$3,000 in value. *The exemption provided by this subdivision may not be waived except with regard to purchase money security interests.*

Sec. 23. Minnesota Statutes 1974, Section 550.37, Subdivision 18, is amended to read:

Subd. 18. The exemptions provided for in subdivisions 3 to 15 extend only to debtors who are natural persons (HAVING AN ACTUAL RESIDENCE IN THE STATE).

Sec. 24. [REPEALER.] *Minnesota Statutes 1974, Sections 571.47, 571.48, and 571.49 are repealed."*

Further amend the title as follows:

Page 1, line 2, after "garnishment" insert "and execution".

Page 1, line 3, after "Sections" delete the remainder of the line.

Page 1, delete lines 4 and 5.

Page 1, line 6, delete "Chapter" and insert "550.04; 550.142; 550.37, Subdivisions 4, 13, 14, 18, 19, and by adding a subdivision; 571.41, Subdivisions 1 and 2, and by adding subdivisions; 571.55, Subdivisions 1 and 2; 571.61, Subdivision 1; 571.67; and Chapters 550, by adding a section; and".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1940, A bill for an act relating to the legislature; establishing a legislative commission on the economic status of women; appropriating money.

Reported the same back with the following amendments:

Page 1, line 10, after "shall" insert "be bipartisan and shall".

Page 3, after line 11, insert a new section:

"Sec. 3. [EFFECTIVE DATE.] This act is effective upon final enactment."

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 59, A bill for an act relating to towns; authorizing towns to request the taking of a census by the secretary of state; amending Minnesota Statutes 1974, Chapter 365, by adding a section.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 437, A bill for an act relating to local government; providing for the creation and operation of community councils in the city of Minneapolis.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1337, A bill for an act authorizing the city of Shakopee to issue general obligation revenue bonds for the pur-

pose of financing improvements to, and refunding bonds payable from the revenues of, its light and power system.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1558, A bill for an act relating to the acquisition of parks and parkways by the Minneapolis park and recreation board; establishing interest limitations.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1735, A bill for an act relating to the metropolitan council; providing for a levy under certain circumstances; amending Laws 1975, Chapter 13, Section 42, Subdivision 1.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 749, A bill for an act relating to intoxicating liquor; investigation of certain license applicants; amending Minnesota Statutes 1974, Section 340.13, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 8, after "county" insert "*if the investigation is conducted within the state, or the actual cost not to exceed \$10,000 if the investigation is required outside the state, shall be charged an applicant by the city or county*".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1510, A bill for an act relating to Ramsey county; allowing the county board to set sheriff's fees within the county; amending Laws 1974, Chapter 435, Section 3.10.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2077, A bill for an act relating to drivers' licenses; classifications thereof; specifying the types of vehicles that may be driven by the holder of the various classes of licenses; defining gross vehicle weight; amending Minnesota Statutes 1974, Section 171.02, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 23, after "truck," insert "*special mobile equipment used primarily in the construction or maintenance of streets and highways, regardless of the number of axles or gross vehicle weight, and driven or operated by highway maintenance or construction workers,*".

Page 2, line 1, strike "24,000" and insert "27,000".

Page 2, line 4, strike "24,000" and insert "27,000".

Page 2, delete lines 9 to 11.

Page 2, after line 15, insert the following:

"Sec. 2. *This act is effective the day following final enactment.*".

Further amend the title as follows:

Line 5, after "licenses;" delete "defining gross vehicle weight" and insert "providing that a class C license is valid for the operation of special mobile equipment used primarily for the construction or maintenance of streets and highways; providing a change in the weight limitation for class C licenses".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2103, A bill for an act relating to motor vehicles; authorizing the issuance of special license plates to physically handicapped persons; amending Minnesota Statutes, 1975 Supplement, Section 168.021, Subdivisions 1 and 2.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 1551, A bill for an act relating to highways; designating and describing the route of the Viking Trail; amending Minnesota Statutes 1974, Section 161.14, by adding a subdivision.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1435, 1897, 764, 1326, 59, 437, 1337, 1558, 1735, 2077 and 2103 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 749, 1510 and 1551 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Norton, for the Committee on Appropriations, introduced:

H. F. No. 2216, A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof; repealing Laws 1969, Chapter 886, Section 3, Subdivision 10.

The bill was read for the first time and laid over one day.

Setzepfandt, Eckstein, Lindstrom, Anderson, G., and Searle introduced:

H. F. No. 2217, A bill for an act relating to veterinary medicine; proscribing certain practices by unlicensed persons; authorizing practice by students in certain circumstances; changing the licensing fee; setting licensing standards; defining terms; amending Minnesota Statutes 1974, Sections 156.001, by adding a subdivision; 156.02, Subdivisions 1 and 2; 156.03; 156.04; 156.07; 156.072, Subdivision 1, and by adding subdivisions; and 156.12.

The bill was read for the first time and referred to the Committee on Agriculture.

McCarron, Samuelson, Petrafeso, Clark and Forsythe introduced:

H. F. No. 2218, A bill for an act relating to the department of public welfare; providing for funding for detoxification programs; amending Minnesota Statutes 1974, Section 254A.08, Subdivision 3.

The bill was read for the first time and referred to the Committee on Appropriations.

Jaros, McCauley, Stanton, Kahn and Osthoff introduced:

H. F. No. 2219, A bill for an act relating to intoxicating liquor; permits to sell upon military bases or installations.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Jaros, Clark, Moe, Kaley and McCarron introduced:

H. F. No. 2220, A bill for an act relating to corrections; amending Minnesota Statutes 1974, Section 241.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime Prevention and Corrections.

Jude; Adams, S.; Kempe, R.; White and Jacobs introduced:

H. F. No. 2221, A bill for an act relating to taxation; exempting expenditures for special assessments from levy limits of school districts; amending Minnesota Statutes 1974, Section 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Laidig; Clawson; Adams, S.; Stanton and Dieterich introduced:

H. F. No. 2222, A bill for an act relating to education; smoking by students; allowing certain students to smoke in designated smoking areas.

The bill was read for the first time and referred to the Committee on Education.

Wigley; Johnson, C.; Eckstein; Evans and Munger introduced:

H. F. No. 2223, A bill for an act relating to Blue Earth county; authorizing the county of Blue Earth to contract for the completion of the improvement of county ditch No. 27; setting limits for the expenditure of money for the improvement thereof; providing for the financing thereof; amending Laws 1975, Chapter 249, Section 1, Subdivision 1; and Section 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Luther, George, Philbrook, McCauley and PrahI introduced:

H. F. No. 2224, A bill for an act relating to banking; providing for mailed notice of automatic renewal of time deposits and possible penalties or loss of interest or reduction of interest; amending Minnesota Statutes 1974, Chapter 47, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Begich, Kostohryz, Patton, Vento and Fjoslien introduced:

H. F. No. 2225, A bill for an act relating to veterans affairs; applications for adjusted compensation; establishing an application time limit; extending the appropriation expiration date; amending Minnesota Statutes, 1975 Supplement, Section 197.973; and Laws 1975, Chapter 3, Section 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Doty, Jaros, Biersdorf, Sarna and Patton introduced:

H. F. No. 2226, A bill for an act relating to retirement; allowing full retirement benefits to public employees attaining a certain combination of age and service; amending Minnesota Statutes 1974, Section 353.30, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Doty, Jaros, Biersdorf, Sarna and Patton introduced:

H. F. No. 2227, A bill for an act relating to retirement; providing cost of living increases to retired public employees and survivors thereof; amending Minnesota Statutes 1974, Chapter 353, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Beauchamp; Adams, L.; Sieben, H.; Wenstrom and Zubay introduced:

H. F. No. 2228, A bill for an act relating to the operation of state government; correcting the nomenclature of or restructuring several boards and committees; limiting the use of advisory groups; standardizing the terms, compensation and removal of members of committees; abolishing or transferring the functions of several state agencies including the public relief advisory committee, the Minnesota-South Dakota boundary waters commission, the motor vehicle reciprocity commission, the Big Island veterans camp board of directors, the Minnesota insurance guaranty association board of directors, the publications advisory board, the Indian education committee, the advisory committee for mentally retarded and cerebral palsied community residential facilities, and the state teletype-writer advisory committee; amending Minnesota Statutes 1974, Sections 3.30, by adding a subdivision; 17.52; 17.53, Subdivision 5; 17.54, Subdivisions 2, 4 and 5; 21A.02, Subdivision 5; 21A.03; 21A.10; 29.14, Subdivision 4; 29.15, Subdivisions 1 and 4; 30.463, Subdivision 2; 30.465; 30.466; 32B.03, Subdivision 4; 32B.04, Subdivision 5, and by adding a subdivision; 60C.03, by adding a subdivision; 60C.05; 60C.06, Subdivision 3; 60C.07; 60C.09, Subdivision 2; 60C.10; 60C.11; 60C.12; 60C.14, Subdivision 2; 60C.15; 84.01, Subdivision 5; 114.12; 116E.02, Subdivision 1; 116E.03, Subdivision 7, and by adding a subdivision; 121.83; 136A.02, Subdivision 5; 141.24; 168.187, Subdivisions 7, 8, 9, 11, 12, 15, 18, 24 and 25; 178.02, Subdivision 2; 197.15; 197.16; 252.28, Subdivision 2, and by adding a subdivision; 256.01, Subdivision 6; 326.41; 326.49; 481.01; Chapters 15, 21A, 60C and 114, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections

15.012; 15.059, Subdivision 4; 84B.11, Subdivision 1; 86A.10, Subdivision 1; 115.71, Subdivision 4; 115.74, Subdivision 1; 125.183, Subdivision 1; 148.231, Subdivision 2; 149.02; 151.03; 155.05; 198.055, Subdivision 1; 326.241, Subdivision 1; 326.33 Subdivision 1; Extra Session Laws 1971, Chapter 31, Article 13, Section 1, as amended; repealing Minnesota Statutes 1974, Sections 17.60; 17.601; 21A.04; 32B.04, Subdivision 2; 72B.09; 114.01 to 114.08; 126.023; 168.187, Subdivision 6; 178.02, Subdivision 3; 197.14; 252.29; 299C.47; 362.16; Minnesota Statutes, 1975 Supplement, Section 86A.10, Subdivisions 3, 4 and 5; and Laws 1975, Chapter 380, Section 8.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Lindstrom, Setzepfandt, Kalis and Patton introduced:

H. F. No. 2229, A bill for an act relating to unemployment compensation; providing for an eight to 12 week disqualification period for persons discharged for misconduct or voluntarily terminating employment without good cause; disqualifying from benefits persons who are seasonally unemployed; amending Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Patton, Sabo, Knoll, Dean and Parish introduced:

H. F. No. 2230, A bill for an act relating to retirement; approval of benefits and contributions of teachers' retirement associations in cities of the first class; benefits and contributions in the city of Minneapolis; amending Minnesota Statutes, 1975 Supplement, Section 354A.12.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Spanish introduced:

H. F. No. 2231, A bill for an act relating to retirement; police pensions and survivor benefits in cities of the fourth class; amending Minnesota Statutes 1974, Sections 423.55 and 423.58.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Heinitz, Forsythe and Kahn introduced:

H. F. No. 2232, A bill for an act relating to cosmetology; creating and regulating facial experts; amending Minnesota Statutes 1974, Sections 155.02, by adding a subdivision; 155.09, Subdivisions 1 and 5; and 155.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenstrom, Graba, DeGroat, Fjoslien and Langseth introduced:

H. F. No. 2233, A bill for an act relating to Otter Tail county; permitting Otter Tail county to designate a human services board.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Berglin; Carlson, L.; Heinitz; Byrne and Kaley introduced:

H. F. No. 2234, A bill for an act relating to health; providing for medical treatment of indigent patients at licensed Minnesota hospitals; amending Minnesota Statutes 1974, Chapter 158, by adding a section.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Setzepfandt, Kvam, Heinitz, Schulz and Kalis introduced:

H. F. No. 2235, A bill for an act relating to medicine; standard of care in the medical and allied professions.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Volk; Carlson, L.; Rice, Dahl and Heinitz introduced:

H. F. No. 2236, A bill for an act relating to medical assistance for the needy; allowing the cost of certain home care services provided by public health nurses to be paid by medical assistance; authorizing an experimental program for the cost of home care of the elderly; amending Minnesota Statutes 1974, Chapter 256B, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 256B.02, Subdivision 7.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Heinitz, Forsythe and Nelsen introduced:

H. F. No. 2237, A bill for an act relating to public welfare; providing an alternative care program for elderly persons; authorizing payments to families with elderly dependents; providing for appeal of denial of application for aid; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Stanton; Menning; Anderson, G.; Pehler and DeGroat introduced:

H. F. No. 2238, A bill for an act relating to education; loans to medical students; amending Minnesota Statutes, 1975 Supplement, Section 147.30.

The bill was read for the first time and referred to the Committee on Higher Education.

Osthoff; Anderson, I.; Sieben, H.; Philbrook and Pleasant introduced:

H. F. No. 2239, A bill for an act relating to unemployment compensation; providing for the use of certain information in fraud investigations; amending Minnesota Statutes 1974, Section 268.12, Subdivision 12.

The bill was read for the first time and referred to the Committee on Judiciary.

Sherwood, Jensen, Niehaus, Reding and Wieser introduced:

H. F. No. 2240, A bill for an act relating to game and fish; unlawful acts; prohibiting trespass on privately owned lands; requiring posting by absentee owners to prohibit trespass; prescribing penalties; amending Minnesota Statutes 1974, Sections 100.273, by adding a subdivision; 100.29, Subdivision 21; and Chapter 100, by adding a section; repealing Minnesota Statutes 1974, Section 100.273, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Kempe, A., introduced:

H. F. No. 2241, A bill for an act relating to sovereign immunity; prescribing limits of state liability for tort claims; providing for notice and settlement; authorizing a tax levy; amending Minnesota Statutes 1974, Chapter 1, by adding sections.

The bill was read for the first time and referred to the Committee on Judiciary.

Faricy introduced:

H. F. No. 2242, A bill for an act relating to courts; providing for continuous district court terms in all counties; providing that retired district court judges be reimbursed for expenses incurred while acting as district judges; authorizing additional power to judges of county court; requiring certain distributions of Minnesota Statutes and Session Laws; amending Minnesota Statutes 1974, Sections 484.08; 484.09, as amended; 484.11; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.62; 648.39, Subdivision 1; and Chapter 487, by adding a section; repealing Minnesota Statutes 1974, Section 490.025, Subdivision 8.

The bill was read for the first time and referred to the Committee on Judiciary.

Pehler, Jaros, Hanson, Stanton and Enebo introduced:

H. F. No. 2243, A bill for an act relating to migrant labor; providing contract requirements; providing for the recruiting of migrant workers; prescribing penalties.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Enebo; Anderson, I.; Sabo; Carlson, A.; and St. Onge introduced:

H. F. No. 2244, A bill for an act relating to public employment labor relations; providing for determination of the fair share fee; providing for appeal of that determination; amending Minnesota Statutes 1974, Sections 179.63, by adding a subdivision; 179.65, Subdivision 2; 179.71, Subdivision 2; and 179.72, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Clark, Osthoff, Patton, Heinitz and Kahn introduced:

H. F. No. 2245, A bill for an act relating to housing and redevelopment authorities; allowing employees and commissioners to purchase a principal residence in a housing and redevelopment authority project; amending Minnesota Statutes 1974, Section 462.431.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dahl, McEachern, Wenstrom, Niehaus and Brinkman introduced:

H. F. No. 2246, A bill for an act relating to towns; appropriating money for recodification of town laws.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Eckstein, Birnstihl, Fudro, Wigley and Biersdorf introduced:

H. F. No. 2247, A bill for an act relating to highways; repealing a proposed amendment to Article XIV of the state constitution; repealing Laws 1975, Chapter 203, Sections 25 and 26.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Savelkoul, Nelsen, Wigley, Fjoslien and Friedrich introduced:

H. F. No. 2248, A bill for an act relating to taxation; inheritance and gift taxes; increasing the amounts of certain exemptions; removing discriminatory sex provisions; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 291.10; 291.14, Subdivision 2; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5.

The bill was read for the first time and referred to the Committee on Taxes.

Savelkoul, Sieloff, Nelsen, Wigley and Albrecht introduced:

H. F. No. 2249, A bill for an act relating to taxation; providing an average limitation on income tax for individuals; amending Minnesota Statutes 1974, Chapter 290, by adding a section.

The bill was read for the first time and referred to the Committee on Taxes.

Pehler, McCarron, Vanasek, Casserly and Volk introduced:

H. F. No. 2250, A bill for an act relating to taxation; imposing a gross earnings tax on electric utilities; amending Minnesota Statutes 1974, Section 295.01, by adding a subdivision, and Chapter 295, by adding sections; and repealing Minnesota Statutes 1974, Sections 273.36; 273.37; 273.38; 273.39; 273.40; 273.42; and Minnesota Statutes, 1975 Supplement, Section 273.41.

The bill was read for the first time and referred to the Committee on Taxes.

Savelkoul, Nelsen, Wigley, Albrecht and Fjoslien introduced:

H. F. No. 2251, A bill for an act relating to taxation; inheritance and gift taxes; reducing the taxes imposed thereon; removing discriminatory sex provisions; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 292.05, Subdivision 1; and 292.07, Subdivisions 2, 3, and 5.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros; Munger; Johnson, D.; Ulland and Anderson, I., introduced:

H. F. No. 2252, A bill for an act relating to taxation; including cost of water filtration equipment in medical expense deduction; amending Minnesota Statutes 1974, Section 290.09, Subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

CONSENT CALENDAR

S. F. No. 234, A bill for an act relating to eminent domain; providing for payments and benefits in negotiated acquisitions under no threat of eminent domain; waiver of benefits; amending Minnesota Statutes 1974, Chapter 117, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 123, and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|-------------|--------------|
| Adams, L. | Eckstein | Kelly, R. | Nelsen | Sieloff |
| Adams, S. | Eken | Kelly, W. | Nelson | Simoneau |
| Albrecht | Enebo | Kempe, A. | Niehaus | Skoglund |
| Anderson, G. | Erickson | Kempe, R. | Novak | Smith |
| Anderson, I. | Esau | Ketola | Osthoff | Smogard |
| Arlandson | Evans | Knickerbocker | Parish | Spanish |
| Beauchamp | Ewald | Kostohryz | Patton | Stanton |
| Begich | Fjoslien | Kroening | Peterson | Suss |
| Berg | Forsythe | Kvam | Petrafeso | Swanson |
| Berglin | Friedrich | Laidig | Philbrook | Tomlinson |
| Biersdorf | Fudro | Langseth | Pleasant | Ulland |
| Birnstihl | George | Lemke | Prahl | Vanasek |
| Braun | Hanson | Lindstrom | Reding | Vento |
| Brinkman | Haugerud | Luther | St. Onge | Volk |
| Byrne | Heinitz | Mangan | Samuelson | Voss |
| Carlson, A. | Hokanson | Mann | Sarna | Wenstrom |
| Carlson, L. | Jacobs | McCarron | Savelkoul | Wenzel |
| Carlson, R. | Jaros | McCauley | Schreiber | White |
| Casserly | Jensen | McCollar | Schulz | Wieser |
| Clark | Johnson, D. | McEachern | Schumacher | Wigley |
| Corbid | Jopp | Menning | Searle | Williamson |
| Dahl | Jude | Metzen | Setzepfandt | Zubay |
| Dean | Kahn | Moe | Sherwood | Speaker Sabo |
| Dieterich | Kaley | Munger | Sieben, H. | |
| Doty | Kalis | Neisen | Sieben, M. | |

The bill was passed and its title agreed to.

S. F. No. 1405, A bill for an act relating to the city of Edina; establishing terms for certain municipal offices.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 110, and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|-----------|-------------|
| Abeln | Clark | Jensen | McCollar | Savelkoul |
| Adams, L. | Clawson | Johnson, D. | McEachern | Schreiber |
| Adams, S. | Corbid | Jopp | Menning | Schulz |
| Albrecht | Dieterich | Kaley | Metzen | Schumacher |
| Anderson, G. | Doty | Kalis | Munger | Searle |
| Anderson, I. | Eckstein | Kelly, W. | Neisen | Setzepfandt |
| Arlandson | Eken | Kempe, A. | Nelsen | Sherwood |
| Beauchamp | Erickson | Kempe, R. | Nelson | Sieben, H. |
| Begich | Esau | Ketola | Niehaus | Sieben, M. |
| Berg | Evans | Knickerbocker | Novak | Sieloff |
| Berglin | Ewald | Kostohryz | Osthoff | Simoneau |
| Biersdorf | Fjoslien | Kroening | Parish | Skoglund |
| Birnstihl | Forsythe | Laidig | Patton | Smith |
| Braun | Friedrich | Langseth | Peterson | Smogard |
| Brinkman | George | Lemke | Petrafeso | Spanish |
| Byrne | Hanson | Lindstrom | Philbrook | Stanton |
| Carlson, A. | Heinitz | Luther | Prahl | Suss |
| Carlson, L. | Hokanson | Mann | Reding | Swanson |
| Carlson, R. | Jacobs | McCarron | St. Onge | Ulland |
| Casserly | Jaros | McCauley | Sarna | Vento |

Volk
VossWenstrom
WenzelWhite
WieserWigley
WilliamsonZubay
Speaker Sabo

The bill was passed and its title agreed to.

MOTION FOR RECONSIDERATION

Anderson, I., moved that the vote whereby S. F. No. 1647 was not passed on the Calendar for Monday, February 9, 1976, be now reconsidered. The motion prevailed.

S. F. No. 1647 was reported to the House.

Anderson, G., moved that S. F. No. 1647 be returned to General Orders and considered first by the Committee of the Whole. The motion prevailed.

Vanasek was excused at 3:00 p.m. Kostohryz was excused at 3:45 p.m.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day.

Pursuant to Rule 1.6, a roll call was taken on the following amendment to H. F. No. 838, as amended, offered by George:

Page 3, line 3, after "*beverages*" strike the balance of the line.

Page 3, line 4, strike "*sold or offered for sale at off-sale*".

Page 3, line 5, after "*Minnesota*" strike "*which contain alcoholic beverages*".

Page 3, line 9, strike "*and such beverage containers*".

The roll being called, there were yeas 68, and nays 56, as follows:

Those who voted in the affirmative were:

Abeln
Adams, L.
Albrecht
Anderson, I.
Arlandson
Begich
Berg
Brinkman
CassertyClark
Corbid
Dean
DeGroat
Dieterich
Eken
Enebo
Evans
FjoslienForsythe
Friedrich
George
Graba
Heinitz
Jacobs
Jaros
Johnson, C.
Johnson, D.Jopp
Kahn
Kaley
Kalis
Kelly, W.
Kempe, A.
Knickerbocker
Lindstrom
ManganMann
McCauley
Metzen
Moe
Neisen
Nelsen
Norton
Novak
Osthoff

| | | | | |
|-----------|-------------|-----------|--------|--------------|
| Parish | St. Onge | Sieloff | Vento | Wigley |
| Peterson | Samuelson | Smith | Voss | Zubay |
| Petrafeso | Setzepfandt | Tomlinson | Wenzel | Speaker Sabo |
| Prahl | Sieben, H. | Ulland | White | |
| Reding | Sieben, M. | Vanasek | Wieser | |

Those who voted in the negative were:

| | | | | |
|--------------|----------|-----------|------------|------------|
| Adams, S. | Dahl | Jude | Nelson | Simoneau |
| Anderson, G. | Doty | Kelly, R. | Niehaus | Skoglund |
| Beauchamp | Eckstein | Ketola | Patton | Smogard |
| Berglin | Erickson | Knoll | Pehler | Spanish |
| Biersdorf | Esau | Kroening | Philbrook | Suss |
| Birnstihl | Ewald | Laidig | Rice | Swanson |
| Braun | Faricy | Langseth | Sarna | Wenstrom |
| Byrne | Fudro | Lemke | Savelkoul | Williamson |
| Carlson, A. | Hanson | Luther | Schreiber | |
| Carlson, L. | Haugerud | McCarron | Schumacher | |
| Carlson, R. | Hokanson | McCollar | Searle | |
| Clawson | Jensen | Menning | Sherwood | |

The motion prevailed and the amendment was adopted.

Pursuant to Rule 1.6, a roll call was taken on the motion of Haugerud to recommend re-referral of H. F. No. 838, as amended, to the Committee on Commerce and Economic Development.

The roll being called, there were yeas 63, and nays 68, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|-------------|------------|
| Adams, S. | Esau | Kelly, W. | Niehaus | Skoglund |
| Albrecht | Evans | Kempe, A. | Patton | Smith |
| Biersdorf | Faricy | Kempe, R. | Pehler | Spanish |
| Birnstihl | Forsythe | Kvam | Peterson | Suss |
| Braun | Fudro | Laidig | Petrafeso | Swanson |
| Brinkman | Graba | Langseth | Rice | Ulland |
| Corbid | Hanson | Lemke | Sarna | Wenstrom |
| Dahl | Haugerud | Lindstrom | Savelkoul | Wenzel |
| DeGroat | Jensen | Mann | Schreiber | Wieser |
| Doty | Johnson, C. | McCarron | Schulz | Williamson |
| Eckstein | Jude | McCauley | Searle | Zubay |
| Eken | Kaley | McEachern | Setzepfandt | |
| Erickson | Kalis | Nelsen | Sherwood | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-------------|---------------|-----------|
| Abeln | Carlson, L. | Fugina | Knickerbocker | Neisen |
| Adams, L. | Carlson, R. | George | Knoll | Nelson |
| Anderson, G. | Casserly | Heinitz | Kostohryz | Norton |
| Anderson, I. | Clark | Hokanson | Kroening | Novak |
| Arlandson | Clawson | Jacobs | Luther | Osthoff |
| Beauchamp | Dean | Jaros | Mangan | Parish |
| Begich | Dieterich | Johnson, D. | McCollar | Philbrook |
| Berg | Enebo | Jopp | Menning | Pleasant |
| Berglin | Ewald | Kahn | Metzen | Prahl |
| Byrne | Fjoslien | Kelly, R. | Moe | Reding |
| Carlson, A. | Friedrich | Ketola | Munger | St. Onge |

Samuelson
Schumacher
Sieben, H.

Sieben, M.
Sieloff
Simoneau

Smogard
Stanton
Tomlinson

Vento
Voss
Wigley

Speaker Sabo

The motion did not prevail.

Pursuant to Rule 1.6, a roll call was taken on the following amendment, as amended by the Zubay amendment, to H. F. No. 838 offered by Schumacher and Anderson, G.:

Page 1, line 16, after "shall" delete the remainder of the line and insert "*permit any off-sale licensee to advertise alcoholic beverages other than by signs within the retail outlet*".

Page 1, lines 17 to 22, delete the underscored language.

Page 2, delete lines 1 to 14.

Page 2, line 15, delete "Subd. 1b" and insert "Subd. 1a."

Page 3, line 1, delete "1c" and insert "1b".

The roll being called, there were yeas 56, and nays 72, as follows:

Those who voted in the affirmative were:

Adams, S.
Albrecht
Anderson, G.
Biersdorf
Braun
Brinkman
Carlson, R.
Corbid
Dahl
Doty
Erickson
Esau

Evans
Faricy
Fjoslien
Forsythe
Friedrich
Fudro
Hanson
Hokanson
Jensen
Jude
Kaley
Kalis

Kelly, W.
Kempe, R.
Ketola
Laidig
Langseth
Lindstrom
McCarron
McCauley
McEachern
Nelsen
Niehaus
Patton

Peterson
Prah
Reding
Rice
Sarna
Savelkoul
Schreiber
Schumacher
Setzepfandt
Sherwood
Sköglund
Smith

Smogard
Spanish
Suss
Swanson
Wenstrom
White
Wigley
Zubay

Those who voted in the negative were:

Abeln
Adams, L.
Anderson, I.
Arlandson
Beauchamp
Begich
Berg
Berglin
Birnstihl
Byrne
Carlson, A.
Carlson, L.
Casserly
Clark
Clawson

Dean
DeGroat
Dieterich
Eckstein
Eken
Enebo
Fugina
George
Graba
Heinitz
Jacobs
Jaros
Johnson, C.
Johnson, D.
Kahn

Kelly, R.
Knickerbocker
Knoll
Kostohryz
Kroening
Kvam
Lemke
Luther
Mangan
Mann
McCollar
Manning
Metzen
Moe
Munger

Neisen
Nelson
Norton
Novak
Osthoff
Parish
Pehler
Petrafeso
Philbrook
Pleasant
St. Onge
Samuelson
Searle
Sieben, H.
Sieben, M.

Sieloff
Simoneau
Stanton
Tomlinson
Ulland
Vento
Volk
Voss
Wenzel
Wieser
Williamson
Speaker Sabo

The motion did not prevail and the amendment was not adopted.

Pursuant to Rule 1.6, a roll call was taken on the motion of Searle to recommend re-referral of H. F. No. 838, as amended, to the Committee on Health and Welfare.

The roll being called, there were yeas 94, and nays 30, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|-----------|------------|-------------|
| Adams, L. | Eckstein | Kaley | Neisen | Searle |
| Adams, S. | Eken | Kalis | Nelsen | Setzepfandt |
| Albrecht | Erickson | Kelly, W. | Nelson | Sherwood |
| Anderson, G. | Esau | Kempe, R. | Niehaus | Simoneau |
| Beauchamp | Evans | Ketola | Parish | Skoglund |
| Begich | Ewald | Knoll | Patton | Smith |
| Biersdorf | Faricy | Kroening | Pehler | Smogard |
| Birnstihl | Fjoslien | Kvam | Peterson | Spanish |
| Braun | Forsythe | Laidig | Petraleso | Suss |
| Brinkman | Friedrich | Langseth | Philbrook | Swanson |
| Carlson, A. | Fudro | Lemke | Pleasant | Ulland |
| Carlson, L. | Fugina | Lindstrom | Prahl | Vento |
| Carlson, R. | Graba | Mangan | Reding | Wenstrom |
| Clawson | Hanson | Mann | Rice | Wenzel |
| Corbid | Haugerud | McCarron | Sarna | White |
| Dahl | Hokanson | McCauley | Savelkoul | Wieser |
| Dean | Jensen | McCollar | Schreiber | Williamson |
| DeGroat | Johnson, C. | McEachern | Schulz | Zubay |
| Doty | Jude | Menning | Schumacher | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|-------------|------------|--------------|
| Abeln | Casserly | Jacobs | Metzen | Sieben, M. |
| Anderson, I. | Clark | Jaros | Norton | Sieloff |
| Arlandson | Dieterich | Johnson, D. | Novak | Stanton |
| Berg | Enebo | Jopp | Osthoff | Tomlinson |
| Berglin | George | Kahn | St. Onge | Voss |
| Byrne | Heinitz | Luther | Sieben, H. | Speaker Sabo |

The motion prevailed.

The Speaker resumed the Chair, whereupon the following proceedings of the Committee were reported to the House:

H. F. Nos. 510 and 832 upon which it recommended progress.

H. F. No. 402 upon which it recommended progress retaining its place on General Orders.

H. F. No. 33 which it recommended be returned to its author.

H. F. No. 1076 upon which it recommended progress until Tuesday, February 17, 1976 retaining its place on General Orders.

S. F. No. 1355 which it recommended re-referral to the Committee on Local and Urban Affairs.

S. F. No. 1647 upon which it recommended to pass, as amended by the Committee of the Whole on Thursday, February 5, 1976, with the following amendments:

Offered by Anderson, G.:

Page 7, line 8, add "*This subdivision shall not apply to designated hunting stations established on public lands by order of the commissioner to regulate hunting thereon.*".

Offered by Hanson:

As amended by the Hanson amendment to Section 4 of the bill adopted by the committee of the whole on February 5, 1976, as follows:

Restore the stricken "provided, no acquisition".

After the stricken "\$1,000" insert "*by condemnation*".

Restore the stricken "shall be made without first obtaining the approval of the executive council, and".

Restore the stricken "further".

H. F. No. 838 upon which it recommended re-referral to the Committee on Health and Welfare, as amended by the Committee of the Whole on Wednesday, February 4, 1976 and with the following amendment:

Offered by George:

Page 2, line 9, after "*approval*." strike the balance of the line.

Page 2, strike lines 10 and 11.

Page 2, line 12, strike "*Statutes, Sections 325.02 to 325.075.*" and insert "*All such advertisements submitted to the commissioner for his approval shall be accompanied by a statement, on a form prescribed by him, in which the licensee or licensees submitting the advertisement affirm that all selling prices contained therein do not violate the provisions of Minnesota Statutes, Sections 325.02 to 325.075.*".

Page 3, line 3, after "*beverages*" strike the balance of the line.

Page 3, line 4, strike "*sold or offered for sale at off-sale*".

Page 3, line 5, after "*Minnesota*" strike "*which contain alcoholic beverages*".

Page 3, line 9, strike "*and such beverage containers*".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Johnson, D., moved that the names of Begich and Hanson be stricken and the name of Philbrook be added as second author and the name of Luther be added as third author on H. F. No. 1644. The motion prevailed.

Heinitz moved that the names of Heinitz and Savelkoul be stricken as authors on H. F. No. 1910. The motion prevailed.

Volk moved that her name be stricken as an author on H. F. No. 2250. The motion prevailed.

Sieben, H., moved that the name of Berg be added as an author on H. F. No. 2213. The motion prevailed.

Ketola moved that the name of Carlson, R., be added as an author on H. F. No. 1395. The motion prevailed.

Casserly moved that the name of Berg be added as an author on H. F. No. 1530. The motion prevailed.

Samuelson moved that the name of McCarron be added as an author on H. F. No. 2117. The motion prevailed.

Samuelson moved that the name of McCarron be added as an author on H. F. No. 1827. The motion prevailed.

Spanish moved that H. F. No. 1599, now in the Committee on Governmental Operations, be returned to its author. The motion prevailed.

Jopp introduced:

House Resolution No. 25, A house resolution commending the Waconia High School Marching Band.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 2:00 p.m., Thursday, February 12, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives