

## NINETY-FIRST DAY

St. Paul, Minnesota, Tuesday, March 16, 1976

The Senate met at 12:00 o'clock noon and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Dave S. Schneider.

The roll being called, the following Senators answered to their names:

Arnold	Davies	Keefe, S.	Milton	Renneke
Ashbach	Doty	Kirchner	Moe	Schmitz
Berg	Dunn	Kleinbaum	Ogdahl	Solon
Bernhagen	Frederick	Knutson	Olhoft	Spear
Blatz	Gearty	Kowalczyk	Olson, H. D.	Stumpf
Brown	Hansen, Baldy	Larson	Olson, J. L.	Tennessen
Chenoweth	Hanson, R.	Laufenburger	Patton	Ueland
Chmielewski	Humphrey	Lewis	Perpich, A. J.	Wegener
Coleman	Jensen	McCutcheon	Perpich, G.	Willet
Conzemius	Josefson	Merriam	Pillsbury	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 12, 1976

The Honorable Alec Olson  
President of the Senate

Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the office of the Secretary of State the following Senate Files:

S. F. No. 43, An act relating to the city of Minneapolis; amending Minnesota Statutes 1974, Section 462.364; repealing Laws 1963, Chapter 405.

S. F. No. 375, An act relating to city and town government; excluding statutory cities from the application of certain city laws; modifying the application of other laws to conform to the present classification of cities; amending various statutes to reflect the conversion of villages and boroughs to statutory cities; repealing various obsolete provisions of municipal laws; amending Minnesota Statutes 1974, Sections 144.-154; 145.01; 205.07, Subdivision 1; 205.10; 205.11; 205.13; 205.14,

Subdivision 3; 205.15; 205.16; 205.17, Subdivisions 1 and 3; 205.20, Subdivisions 1 and 4; 329.09; 340.20; 366.10; 410.05, Subdivision 1; 412.02, Subdivision 5; 412.022, Subdivision 1; 412.023, Subdivision 5; 412.131; 412.171; 412.191, Subdivision 1; 412.311; 412.571, Subdivisions 1, 4 and 5; 413.02, Subdivisions 1 and 2; 414.09, Subdivision 3; 415.11, Subdivision 1; 427.09; 427.10; 427.11; 427.12; 429.111; 437.02; 440.11; 440.135, Subdivision 1; 446.04, Subdivision 1; 447.05; 451.06; 451.09; 452.01, Subdivision 1; 455.01; 455.05; 455.13; 455.-23; 455.26; 455.27; 455.28; 455.29; 455.30; 455.32; 456.32; 457.13; 458.09, Subdivision 1; 458.20; 458.25; 458.46; 463.04; 465.26; 465.70; 465.71; 471.38, Subdivision 1; 471.69; Chapters 205, by adding a section; 410, by adding a section; and repealing Minnesota Statutes 1974, Sections 118.05; 129.13; 145.02; 197.64; 205.05; 205.-06; 205.07, Subdivision 2; 205.08; 205.09; 205.091; 205.12; 274.013; 275.24; 275.36; 368.12; 368.50 to 368.84; 412.017; 412.022, Subdivisions 2 and 3; 412.191, Subdivision 5; 412.841; 415.031 to 415.07; 416.03; 416.04; 416.08 to 416.15; 418.13 to 418.15; 423.21; 426.09; 426.10; 426.15 to 426.18; 435.05; 435.41; 435.46; 436.02; 436.04; 437.01; 438.03; 438.04; 438.07; 440.12; 440.16 to 440.32; 440.39; 441.10 to 441.20; 441.265 to 441.46; 443.14 to 443.17; 443.20 to 443.25; 444.15; 446.03; 447.08; 447.09; 447.23; 448.04 to 448.16; 448.26 to 448.49; 449.04; 449.05; 449.07; 450.06 to 450.08; 452.01, Subdivision 2; 452.02 to 452.07; 452.18 to 452.20; 453.01 to 453.14; 454.01 to 454.045; 455.02 to 455.04; 455.06 to 455.11; 455.15 to 455.22; 456.01 to 456.15; 456.23; 457.02; 457.12; 458.26 to 458.31; 458.47 to 458.49; 459.08 to 459.13; 461.01; 461.07 to 461.11; 463.05; 465.06 to 465.08; 465.51; 465.52; 465.57; 465.59 to 465.63; 471.01 to 471.04; 471.05 to 471.14; 471.48; 645.44, Subdivision 3a; Chapter 460, as it appears in Minnesota Statutes 1945; Laws 1895, Chapter 239; Laws 1897, Chapter 85; Laws 1901, Chapter 379; Laws 1907, Chapter 22; Laws 1911, Chapter 53; Laws 1913, Chapters 7 and 47; Laws 1915, Chapters 125 and 230, Sections 2 and 3; Laws 1917, Chapter 190; Laws 1919, Chapter 424; Laws 1921, Chapter 30; Extra Session Laws 1935, Chapter 8; Laws 1937, Chapter 198; Laws 1941, Chapter 266, as amended; Laws 1947, Chapter 470 and Laws 1953, Chapter 697.

S. F. No. 830, 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.

Sincerely,  
Wendell R. Anderson, Governor

March 12, 1976

The Honorable Martin O. Sabo  
Speaker of the House of Representatives

The Honorable Alec G. Olson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1976	Date Filed 1976
375		44	March 12	March 12
830		45	March 12	March 12
43		46	March 12	March 12

Sincerely,  
Joan Anderson Growe  
Secretary of State

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Ogdahl, Tennessen and Hansen, Mel introduced—

S. F. No. 2562: A bill for an act relating to the city of Minneapolis; prohibiting construction of certain buildings near its lakes.

Referred to the Committee on Metropolitan and Urban Affairs.

Mr. Humphrey introduced—

S. F. No. 2563: A bill for an act relating to the legislature; creating a committee on human and economic development; prescribing duties.

Referred to the Committee on Governmental Operations.

Mr. Arnold, for the Committee on Finance, introduced—

S. F. No. 2564: A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

Under the rules of the Senate, laid over one day.

Mr. Arnold, for the Committee on Finance, introduced—

S. F. No. 2565: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

Under the rules of the Senate, laid over one day.

Mr. Perpich, G. introduced—

S. F. No. 2566: A bill for an act relating to the city of Buhl; police officers membership in the public employees retirement association.

Referred to the Committee on Governmental Operations.

Mr. Perpich, G. introduced—

S. F. No. 2567: A bill for an act relating to appropriations; appropriating funds for construction of a planetarium at Hibbing community college.

Referred to the Committee on Education.

Mr. Perpich, G. introduced—

S. F. No. 2568: A bill for an act relating to aeronautics; providing for the transfer of the Orr airport to local authority.

Referred to the Committee on Local Government.

Mr. Perpich, G. introduced—

S. F. No. 2569: A bill for an act relating to the city of Orr; authorizing the city to issue its general obligation bonds for acquisition and betterment of a municipal fire hall and city hall.

Referred to the Committee on Local Government.

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 1862 and 1967.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 15, 1976

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 2263, 2370, 2396, 2440, 2472, 2012, 2115, 2157, 2315, 2413, 1372, 1955, 2165, 2204, 2230 and 2491.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 15, 1976

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1865, 1909, 1944, 2214, 2233 and 2489.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 15, 1976

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time and referred to the Committees indicated.

H. F. No. 2263: A bill for an act relating to game and fish; clothing required during certain seasons; amending Minnesota Statutes 1974, Section 100.29, Subdivision 8; repealing Minnesota Statutes 1974, Section 98.52, Subdivision 5.

Referred to the Committee on Natural Resources and Agriculture.

H. F. No. 2370: A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1974, Sections 252.21; 252.22; 252.23; 252.24, as amended; 252.25; 257.081, Subdivision 10; and Minnesota Statutes, 1975 Supplement, Sections 123.39, Subdivision 13; and 252.26.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1865: A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

Referred to the Committee on Judiciary.

H. F. No. 1909: A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1944: A bill for an act relating to the St. Cloud metropolitan transit commission; changing the fiscal year of the commission; increasing the per diem pay of commissioners; amending Laws 1969, Chapter 1134, Section 3, Subdivision 3 and Subdivision 4, as amended.

Referred to the Committee on Rules and Administration.

H. F. No. 2214: A bill for an act relating to motor vehicle registration; providing for waiver of penalty for vehicles in storage; providing an exception for automobiles; amending Minnesota Statutes 1974, Section 168.31, Subdivision 3.

Referred to the Committee on Transportation and General Legislation.

H. F. No. 2233: A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

Referred to the Committee on Rules and Administration.

H. F. No. 2489: A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

Referred to the Committee on Rules and Administration.

H. F. No. 2396: A bill for an act relating to the operation of state government; authorizing the director of the energy agency to appoint a personal secretary; amending Minnesota Statutes 1974, Section 116H.03, Subdivision 3.

Referred to the Committee on Rules and Administration.

H. F. No. 2440: A bill for an act relating to the administration of justice; authorizing judicially imposed fees for county law libraries; amending Minnesota Statutes 1974, Sections 140.26; 140.30; 140.31; and Chapter 140, by adding a section.

Referred to the Committee on Rules and Administration.

H. F. No. 2472: A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

Referred to the Committee on Rules and Administration.

H. F. No. 2012: A bill for an act relating to retirement; volunteer firemen's lump sum and monthly benefits; amending Minnesota Statutes 1974, Section 69.06.

Referred to the Committee on Governmental Operations.

H. F. No. 2115: A bill for an act relating to retirement; service credit for teachers on parental or maternity leave; authorizing the employment of retired teachers as substitutes; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Chapter 354, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 354.44, Subdivision 1a; and 354A.21.

Referred to the Committee on Governmental Operations.

H. F. No. 2157: A bill for an act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies; repealing Minnesota Statutes 1974, Sections 256.77; 256B.10; 256B.11; 256D.12; and 256D.40.

Referred to the Committee on Rules and Administration.

H. F. No. 2315: A bill for an act relating to the city of Maple

Grove; authorizing the city of Maple Grove to refund certain temporary improvement bonds.

Referred to the Committee on Metropolitan and Urban Affairs.

H. F. No. 2413: A bill for an act relating to railroads; allowing reduced rates for transportation of solid waste material for reprocessing; amending Minnesota Statutes 1974, Section 218.021, Subdivision 2.

Referred to the Committee on Labor and Commerce.

H. F. No. 1372: A bill for an act relating to waters and drainage; drainage systems; authorizing reconsideration of engineers' and viewers' reports in certain instances; allowing consideration of changed circumstances due to inflation; amending Minnesota Statutes 1974, Section 106.241.

Referred to the Committee on Rules and Administration.

H. F. No. 1955: A bill for an act relating to crimes; exempting prison guards from pistol permit requirements when on duty; amending Minnesota Statutes, 1975 Supplement, Section 624.714, by adding a subdivision.

Referred to the Committee on Rules and Administration.

H. F. No. 2165: A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

Referred to the Committee on Education.

H. F. No. 2204: A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

Referred to the Committee on Rules and Administration.

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; extending social security coverage to and establishing a coordinated retirement program for teachers covered by the Minneapolis teachers retirement fund association; amending Minnesota Statutes 1974, Chapter 355, by adding sections; and Minnesota Statutes, 1975 Supplement, Section 354A.12.

Referred to the Committee on Rules and Administration.

H. F. No. 2491: A bill for an act relating to insurance; establishing a temporary joint underwriting association for medical malprac-

tice insurance; requiring membership; setting standards; providing for appeals, recovery of contributions and reporting of financial conditions; establishing an expiration date.

Referred to the Committee on Labor and Commerce.

#### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of S. F. Nos. 2388 and 2075 be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 2335: A bill for an act relating to child support and paternity; providing for continuing court orders; granting county court jurisdiction; amending Minnesota Statutes 1974, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; and 518.49.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1908: A bill for an act relating to crimes; repealing the law regulating admittance to public dances and the law proscribing holding of public dances at certain hours; repealing Minnesota Statutes 1974, Sections 624.49 and 624.51.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1974, Section 624.42, is amended to read:

624.42 [DANCE HALL.] A public dancing place, as the term is used in sections 624.42 to 624.54, shall be taken to mean any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing. A public dance, as the term is used in these sections, shall be taken to mean any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, or a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly. When used in sections 624.42 to 624.54, the term "intoxicating liquor" and "liquor," "sell" and "sale" shall be given the same meaning, respectively, as is prescribed in Laws 1919, Chapter 453, Section 1, and acts amendatory thereof.



Sec. 2. Minnesota Statutes 1974, Section 624.46, is amended to read:

624.46 [APPLICATIONS.] All applications for such permits shall be made upon blanks furnished by the city, or county, as the case may be, and shall be accompanied by the affidavit of two freeholders and shall affirmatively show by the application and affidavits that the applicant is a person of good moral character and reputation in the community in which he lives and that the applicant has not, within five years prior to the making of the application, been convicted of a felony, gross misdemeanor, or of any of the provisions of sections 624.42 to 624.54, and no such application shall be granted to any person of bad character or who has been so convicted as aforesaid, nor to any person who is keeper of any disorderly house of any kind, ~~nor for any place which has any direct or indirect communication with any room in which intoxicating liquor is sold, given away, or otherwise used,~~ nor for any place having any so-called "private apartments" or "private rooms" furnished or used for any other than legitimate business purposes which adjoin such dancing place or which may be reached by stairs, elevator, or passageway leading from such dancing place. No permit shall be issued under the terms of sections 624.42 to 624.54 unless the governing body or county board is satisfied that the place where the public dance is to be given or held is properly ventilated and equipped with necessary toilets, wash-rooms, lighting facilities, and that such place is not likely to become a public nuisance or detrimental to public morals."

Page 1, line 8, after "Sections" insert "624.48,"

Renumber the sections in sequence

Underline all new language in the bill

Amend the title as follows:

Page 1, line 5, after the semicolon insert "amending Minnesota Statutes 1974, Sections 624.42 and 624.46;"

Page 1, line 5, after "Sections" insert "624.48,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 1326: A bill for an act relating to garnishment and execution; amending Minnesota Statutes 1974, Sections 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 571, by adding sections; repealing Minnesota Statutes 1974, Sections 571.47; 571.48; and 571.49.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

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

Sec. 2. Minnesota Statutes 1974, Chapter 181, is amended by adding a section to read:

[181.041] [ASSIGNMENT, SALE OR TRANSFER OF WAGES; NOT EFFECTIVE TO FRUSTRATE GARNISHMENT OR LEVY OF EXECUTION.] *No assignment, sale or transfer, however made or attempted, of any earned or unearned wages or salary is in any manner valid or effectual for the transfer of any salary or wages and should be disregarded if made following service of a Garnishment Exemption Notice and within 10 days prior to the receipt of the first garnishment or execution on a debt or prior to a subsequent garnishment or execution on a debt if there has been no garnishment or execution on that debt for one year.*

Sec. 3. 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. The attorney making such execution shall endorse thereon partial satisfaction by amount or the total satisfaction and return the original execution to the clerk of that court for filing without charge.*

Sec. 4. 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 14 of this act 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 the earnings 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 17, subdivision 3 of this act.*

*(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. 5. 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. 6. 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. 7. 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. Dis-~~

posable 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 20 days after deposit in any financial institution. This 20 day exemption shall also apply to 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. The burden of establishing that funds are exempt rests upon the debtor. 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. 8. 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 including any contractual set-off or security interest asserted by a financial institution. For the purposes of this chapter, relief based on need shall include AFDC, supplemental security income, medical assistance, Minnesota supplemental assistance, 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 months 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 in any financial institution. In tracing said funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. 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. 9. 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. 10. 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 12 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. 11. Minnesota Statutes 1974, Section 550.37, is amended by adding a subdivision to read:

*Subd. 20. The exemption of funds from creditors' claims, provided by subdivisions 9, 10, 11, and 15, 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. The burden of establishing that funds are exempt rests upon the debtor.*

Sec. 12. 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. 13. 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:~~

(A) ~~Following by at least 40 days service of the summons and complaint upon the debtor in the main action where judgment by default could be entered pursuant to Rule 55.01(1) of the Minnesota Rules of Civil Procedure; or~~

(B) ~~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) (b) the 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.~~

~~(4) The creditor has been unable to serve upon the debtor the summons and complaint in the main action because the debtor has been inaccessible due to residence and employment in buildings where access is restricted.~~

Sec. 14. 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. 15. 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 earnings of an individual to enforce a judgment, or to garnish earnings prior to entry of judgment pursuant to subdivision 2, clause (A), 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 first class mail 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, cause to be served on the creditor a signed statement under penalties of perjury 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 shall further advise the debtor of the relief set forth in chapter 571 to which he may be entitled if a creditor in bad faith disregards a valid claim and the fee, costs, and penalty which may be assessed against a debtor who in bad faith falsely claims an exemption or in bad faith takes action to frustrate the garnishment process. If no statement of exemption is received by the creditor within ten days from the service of the notice, he may proceed with the garnishment. Failure of the debtor to serve such a statement shall not constitute a waiver of any right he may have to an exemption. If said statement of exemption is received by the creditor, he may still cause a garnishee summons to be issued; however, if the debtor subsequently asserts his claim of exemption successfully to the court having jurisdiction over the action, and the court finds that the creditor disregarded the claim of exemption in bad faith, the debtor shall be entitled to costs, reasonable attorney fees, actual damages, an amount not to exceed \$100. If in subsequent proceedings which may be brought by the debtor or creditor, the claim is not upheld, and the court finds that it was asserted in bad faith, or if the court finds that the debtor has in bad faith taken action to frustrate the garnishment process, the debtor shall be assessed costs and reasonable attorney fees resulting from said additional proceedings and an amount not to exceed \$100.

Sec. 16. Minnesota Statutes 1974, Sections 571.41, is amended by adding a subdivision to read:

Subd. 6. The ten day notice informing a judgment debtor that

*a garnishee summons may be used to garnish the wages of an individual to enforce a judgment, shall be substantially in the following form:*

STATE OF MINNESOTA )

) ss

County of ) ..... Court

..... (Judgment Creditor)

..... (Judgment Debtor)

### Garnishment Exemption Notice

*The State of Minnesota*

*To the above named Judgment Debtor:*

*Please take notice that a Garnishment Summons may be served upon your employer, without any further court proceedings or notice to you, ten days or more from the date hereof. Your wages may be exempted from garnishment if you are now a recipient of relief based on need, if you have been a recipient of such relief within the last six months, or if you have been an inmate of a correctional institution in the last six months. Relief based on need includes, AFDC, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. It does not include Social Security, unemployment compensation, food stamps, or workers' 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's attorney 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 costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.*

*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 \$100.*

*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 \$100.

Dated: .....

(Attorney for) Judgment Creditor

Address

Telephone

I hereby claim under penalty of perjury that my wages are exempt from garnishment because:

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

Program

Case Number (if known)

County

(2) ..... 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, case number, and the county from which relief has been received.) I am aware that I am not permitted by law to use this exemption for more than one six month period every three years, and that I may be penalized if I violate this law.

Program

Case Number (if known)

County

(3) ..... 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 and location.)

Correctional Institution

Location

I hereby authorize any agency that has distributed relief to me or any correctional institution wherein I was an inmate to disclose to the above-named creditor or his attorney whether or not I was a recipient of relief based on need or an inmate of a correctional institution within the last six months.

Judgment Debtor

Address

Sec. 17. 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 23 of this act 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 that any assignment of wages made by the debtor or indebtedness to the garnishee incurred by the debtor within 10 days prior to the receipt of the first garnishment on a debt or prior to a subsequent garnishment on a debt if there has been no garnishment on that debt for one year is void. 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.*

*Any assignment of wages made by the judgment debtor or indebtedness to you incurred by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt or prior to a subsequent garnishment on a debt if there has been no garnishment on that debt for one year is void and should be disregarded.*

*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....*

*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 judgment 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. 18. Minnesota Statutes 1974, Chapter 571, is amended by adding a section to read:

[571.495] [DISCLOSURE.] *Subdivision 1. [GARNISHEE TO DISCLOSE.] Within the time herein limited, the garnishee 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 disclosure need not exceed 110 percent of the amount of the judgment creditor's judgment which remains unpaid, after subtracting 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 judgment 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 claims 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 )*

*) ss*

*County of ..... ) ..... 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 consists 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 the facts by which such set-off, defense, lien or claim is claimed. (Any indebtedness to a garnishee-employer incurred by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt or prior to a

*subsequent garnishment on a debt if there has been no garnishment on that debt for one year is void and should be disregarded.)*

.....

*(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. (Any assignment of wages made by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt or prior to a subsequent garnishment on a debt if there has been no garnishment on that debt for one year is void and should be disregarded. 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. 19. 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 remain-

ing after the deduction from those earnings of amounts required by law to be withheld.

Sec. 20. 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 exceeds 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. 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 within a 90 day period involving more than one indebtedness or execution.

Sec. 22. 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 \$100 plus reasonable attorneys' 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 20 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 20 days thereafter neither the garnishing party nor his attorney has objected in writing to said discharge.



Sec. 23. 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. 24. 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 the 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. 25. [REPEALER.] *Minnesota Statutes 1974, Sections 571.-47, 571.48, and 571.49 are repealed."*

Amend the title as follows:

Page 1, line 2, strike "and" and insert a comma

Page 1, line 2, after "execution" insert ", and wage assignment"

Page 1, line 3, strike "550.04" and insert "550.041"

Page 1, line 8, after "Chapters" insert "181, by adding a section;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1728: A bill for an act relating to courts; providing for recovery of attorney's fees in certain situations.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 5, after "1." insert "Minnesota Statutes 1974, Chapter 491, is amended by adding a section to read:

[491.09] [RECOVERY OF ATTORNEY'S FEES.]"

Page 1, line 5, after "court" insert ", on an appeal from the

final judgment of a conciliation court, under this chapter or under chapter 488A."

Page 1, line 7, strike "commenced on action or appealed a" and insert "appealed that"

Page 1, line 8, strike "of any court"

Page 1, line 10, strike "action or"

Underline all new language in the bill

Amend the title as follows:

Page 1, line 2, after "to" insert "conciliation"

Page 1, line 3, before the period, insert "; amending Minnesota Statutes 1974, Chapter 491, by adding a section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1951: 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.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 1913: A bill for an act relating to the city of Waseca; authorizing lump sum firemen's service pensions.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

H. F. No. 1918: A bill for an act relating to the city of Shakopee; authorizing an increase in fire department relief association lump sum service benefits.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 1962: A bill for an act relating to the city of Wadena; increasing payments for firemen's relief association service pensions.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 2007: A bill for an act relating to the city of Wayzata; volunteer firemen's service pensions; amending Laws 1973, Chapter 472, Section 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 2321: A bill for an act relating to the city of Sauk Rapids; fireman's lump sum service pensions; amending Laws 1973, Chapter 481, Section 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 2338: A bill for an act relating to the city of Fergus Falls; firemen's service pensions; amending Laws 1971, Chapter 2, Section 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 1967: A bill for an act relating to the city of Rockford; proportionate service pensions and financing requirements of the firemen's relief association.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

H. F. No. 595: A bill for an act relating to retirement; authorized expenditures of firemen's relief associations; amending Minnesota Statutes 1974, Section 424.31.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

H. F. No. 1870: A bill for an act relating to public employees; administrative expenses of salary deductions for annuity contracts; appropriating funds; repealing Laws 1975, Chapter 433, Section 12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe from the Committee on Natural Resources and Agriculture, 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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe from the Committee on Natural Resources and Agriculture, to which was re-referred

H. F. No. 925: A bill for an act relating to natural resources, monuments, recreation reserves, and waysides; increasing motor vehicle permit fees; amending Minnesota Statutes 1974, Section 85.05, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, strike *"for out state vehicles and"*

Page 2, line 4, strike *"a fee of \$3 for resident vehicles"*

Page 2, line 6, strike *"for out state vehicles and \$1.00 for resident vehicles"*

Page 3, strike lines 13 and 14 and insert *"are effective the day following final enactment."*

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe from the Committee on Natural Resources and Agriculture, to which was referred

H. F. No. 454: A bill for an act relating to game and fish; seasons and licenses for taking of game; amending Minnesota Statutes 1974, Section 98.46, Subdivisions 2 and 14; and Minnesota Statutes, 1975 Supplement, Section 100.27, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, strike *"\$8.50"* and insert *"\$10.50"*

Page 2, line 7, after *"deer"* strike the comma and insert *"or"*

Page 2, line 7, strike *", or timber wolf, any or all of"*

Page 2, line 8, strike *"them,"*

Page 2, line 15, strike *"or timber wolf, or both"*

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

H. F. No. 1993: A bill for an act relating to education; providing standards for the education of handicapped children; requiring a hearing and appeals process; limiting expenditures to meet federal requirements; amending Minnesota Statutes 1974, Section 120.17, Subdivisions 3 and 4, and by adding subdivisions; and Minnesota Statutes, 1975 Supplement, Section 120.17, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 29, strike *"take such steps as may be necessary to"*

Page 3, line 2, strike *"to the extent appropriate"*

Page 4, line 2, after the comma insert *"addition,"*

Page 4, line 5, after *"in"* insert *"at least"*

Page 4, line 5, strike *"or more"*

Page 4, line 6, strike *"conferences"* and insert *"conference"*

Page 4, line 11, after *"after"* insert *"at least"*

Page 4, line 11, strike *"or more"*

Page 4, line 11, strike *"conferences"* and insert *"conference"*

Page 4, line 27, after *"board"* insert *"within ten days"*

Page 5, line 3, strike *"or school board"*

Page 5, line 9, strike *"explain if"* and insert *"state whether"*

Page 5, line 13, strike *"reflect"* and insert *"state"*

Page 5, line 20, after *"of"* strike *"the"* and insert *"that"*

Page 5, line 21, strike *"or the school board"*

Page 5, line 21, after the period insert *"The school board shall be a party to any appeal."*

Page 5, line 25, strike *"; except that"* and insert *". However,"*

Page 5, line 26, after *"decisions"* insert *"issued"*

Page 5, line 28, after *"made"* insert *"if the parent or guardian requests a chapter 15 due process hearing pursuant to this clause at the time the appeal is filed"*

Page 5, line 31, strike *"; provided,"* and insert a period

Page 5, line 32, after *"decisions"* insert *"issued"*

Page 6, line 2, after *"(4),"* insert *"a parent or guardian may, at the time the appeal is filed, request a due process hearing conducted pursuant to the provisions of chapter 15. In that case"*

Page 6, line 3, strike *"a due process"* and insert *"that"*

Page 6, line 3, strike *"conducted"*

Page 6, line 4, strike *"pursuant to the provisions of chapter 15"*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

H. F. No. 1996: A bill for an act relating to education; requiring school boards to take control of all co-curricular school activities; changing the method of accounting for co-curricular and extra curricular activities; describing co-curricular and extra curricular activities; amending Minnesota Statutes 1974, Section 123.38, Subdivisions 1, 2 and 3, and by adding subdivisions.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2388: A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "(22)" insert "except that portion of the southeast one-quarter (SE 1/4) thereof which lies east of the part taken by the state of Minnesota for highway purposes"

Page 3, line 3 after "indebtedness" insert ", debt service and capital loans"

And when so amended the bill do pass. Pursuant to Joint Rule 20 the bill and report were referred to the Committee on Rules and Administration.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 2075: 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; extending social security coverage to and establishing a coordinated retirement program for teachers covered by the Minneapolis teachers retirement fund association; amending Minnesota Statutes 1974, Chapter 355, by adding sections; and Minnesota Statutes, 1975 Supplement, Section 354A.12.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 354A.12, is amended to read:

354A.12 [STATE PAYMENTS TO RETIREMENT FUND ASSOCIATIONS IN CITIES OF THE FIRST CLASS.] Notwith-

standing any law to the contrary, for taxes levied in 1975 payable in 1976 and thereafter, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by a fully or partially coordinated teachers retirement social security fund, are disallowed and the state shall assume the total employer obligation. Effective July 1, 1975 the state shall pay to said retirement fund association an employer contribution equal to the amount, expressed as a percentage of payroll, that the state of Minnesota is required to pay for all contributing members of the state teachers retirement association including social security taxes, in accordance with the provisions of Minnesota Statutes 1974, Section 354A.07, Subdivisions 3, 3a and 4, except that:

(1) employer contributions which are paid to the retirement fund associations pursuant to this section shall be appropriated and remitted directly to said retirement fund associations each month in accordance with the procedures described in section 354.43, Subdivisions 1, 2, and 5; and

(2) with respect to any city of the first class having a fully or partially coordinated teachers retirement fund association, employer social security taxes on salaries paid after June 30, 1975 shall be paid by the state in accordance with the provisions of section 355.46, subdivision 3, clause (b), and employer contributions to said retirement fund association shall be reduced by the amount of such taxes. Effective March 1, 1976, the contribution required to be paid by each coordinated member of a teachers retirement fund association in a city of the first class which does have a fully or partially coordinated teachers retirement social security fund shall not be less than four percent of total salary, and the contribution required to be paid by each basic member of a teachers retirement fund association in a city of the first class which does not have a fully coordinated teachers retirement social security fund shall not be less than eight percent of total salary. *Provided, however, that the changes in the employee contribution to the teachers retirement fund are contingent upon a determination of benefit adjustment by the legislature before March 1, 1976, as provided in this section. After April 1, 1975, no teachers retirement fund association in a city of the first class shall enact any amendment to the bylaws or articles of incorporation; provided, however, that benefits for a teachers retirement fund association in a city of the first class may be increased by special law or general statute. No change in bylaws or articles of incorporation affecting benefits, contributions or actuarial assumptions shall be made without approval by the legislature. Notwithstanding any provision of the articles or bylaws, amendments may be made at the annual meeting called for such purpose, without further local approval.*

Sec. 2. Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.28] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 2 to 10 of this act the terms defined in this section shall have the meanings ascribed to them.*

**Subd. 2.** "Enabling act" means the act of this state entitled, "An act to provide for the coverage of certain officers and employees of the state and local governments under the old age and survivors insurance provisions of Title II of the Federal Social Security Act, as amended, and appropriating money therefor" which is codified in Minnesota Statutes, Sections 355.01 to 355.07.

**Subd. 3.** The terms "social security act", "state agency", "employment", "wages", "contribution fund", "Federal Insurance Contributions Act", and "political subdivision" mean as defined in the enabling act.

**Subd. 4.** "Teachers" means all employees of political subdivisions who hold positions covered by the Minneapolis teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A.

**Sec. 3.** Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.281] [REFERENDUM.] Pursuant to the provisions of the enabling act the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1977, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.

**Sec. 4.** Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.282] [NOTICE OF REFERENDUM.] The notice of referendum required by section 218 (d) of the social security act which is to be given to the teachers shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the teachers of the rights which accrue to them under the social security act. The statement shall also inform the teachers of the effect that coverage under the social security act will have on their public retirement program.

**Sec. 5.** Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.283] [DIVISION OF MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] In accordance with section 218 (d) (6) (C) of the social security act, the state agency shall divide into two divisions or parts the Minneapolis teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A. One division or part of the retirement fund association shall be composed of positions of teachers who desire coverage under an agreement under section 218 (d) of the social security act. The other division or part of the retirement fund association shall be composed of positions of teachers who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218 (d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of teachers who



*become members of the Minneapolis teachers retirement fund association after such coverage is extended; provided, a teacher whose service in a position covered by the retirement fund association commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund association upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.*

Sec. 6. Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.284] [TRANSFER OF MEMBERS.] *In accordance with section 218 (d) (6) (F) of the social security act, and when the Minneapolis teachers retirement fund association is divided into two divisions or parts, the position of any member of the division or part composed of positions of teachers who do not desire coverage under an agreement under section 218 (d) of the social security act may be transferred to the separate retirement system composed of teachers who desire such coverage; and a modification of agreement between the state and the secretary of health, education, and welfare may so provide, but only if prior to such modification the individual occupying such position files with the state agency a written request for such transfer.*

Sec. 7. Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.285] [CERTIFICATION BY GOVERNOR.] *If the governor receives satisfactory evidence that the conditions specified in section 218 (d) (7) of the social security act have been met with respect to the Minneapolis teachers retirement fund association, he shall so certify to the secretary of health, education, and welfare.*

Sec. 8. Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.286] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 7 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1977, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.*

Sec. 9. Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.287] [EMPLOYER CONTRIBUTIONS.] *Contributions required under the agreement or modification entered into pursuant to section 8 of this act to be made by political subdivisions employing teachers, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the state.*

Sec. 10. Minnesota Statutes 1974, Chapter 355, is amended by adding a section to read:

[355.288] **[EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.]** *After the date the agreement or modification is entered into pursuant to section 8 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.*

Sec. 11. *All teachers retirement fund associations in cities of the first class shall be governed by the provisions of Minnesota Statutes, Chapter 317, except that no association shall be required to amend its articles or bylaws to conform with section 317.08, subdivision 2, clause (3), and the definition contained in section 317.02, subdivision 5, shall have no application thereto. All corporate action of any such association heretofore taken shall be deemed valid if in conformity with either chapter 317, or Revised Laws 1905, Chapter 58, as amended, or both.*

Sec. 12. **[MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.]** *Subdivision 1. There shall be established effective July 1, 1977, a coordinated retirement program within the Minneapolis teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation of the Minneapolis teachers retirement fund association pertaining to annual automatic annuity increases, eligibility for membership in the association, and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.*

*Subd. 2. The articles of incorporation of the Minneapolis teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, 1977. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes, 1975 Supplement, Section 354A.12.*

**Sec. 13. [MINNEAPOLIS TEACHERS' RETIREMENT FUND ASSOCIATION.]** *Subdivision 1. The following amendments to the articles of incorporation of the Minneapolis Teachers' Retirement Fund Association are hereby approved in accordance with Minnesota Statutes, 1975 Supplement, Section 354A.12.*

*Subd. 2. Subsection (15) of Article IX providing for stock appreciation funded annuity increases may be repealed.*

*Subd. 3. Subsection (11) of Article IX may be amended by providing as an optional alternative to the 1953 Formula Annuity contained in paragraph (b) for all members who have retired or shall retire after May 1, 1974 and who are qualified under paragraph (a), a 1975 Revised Formula Annuity computed as in paragraph (b) except that the percentage used in the computation shall be two and one fourth percent multiplied by not to exceed 30 years of service.*

*Subd. 4. Paragraph (D) of subsection (14) of Article IX may be amended to provide for annual automatic annuity increases of one and one half percent for retired members 65 years of age or older who have been receiving an annuity for not less than 24 months, with the first of such increases to commence on July 1 of the year next following the year in which the retired member attains the age of 65 and 24 months as an annuitant.*

*Subd. 5. Subsection (10) of Article VII may be amended to delete the definition of "required deposit" and to substitute therefor a reference to subsection (3) of Article VIII.*

*Subd. 6. Subsection (3) of Article VIII shall be amended to increase the required deposit by teachers from six and one half percent to eight and one half percent effective July 1, 1976.*

*Subd. 7. Paragraph (c) of subsection (12) of Article IX may be amended to delete reference to the former six and one half percent required deposit.*

*Subd. 8. Subsection (14) of Article IX may be amended by adding a new paragraph (E) providing monthly across the board annuity increases of ten percent of the annual annuity received as of July 1, 1974 to members who were retired and receiving an annuity prior to May 1, 1974 and the beneficiaries of deceased members who were thus qualified other than beneficiaries receiving benefits under paragraph C of subsection (4) of Article IX; paying annuities to certain retired members for 12 months per year instead of ten months; and redesignating the remaining paragraphs accordingly.*

*Subd. 9. The foregoing amendments may be adopted to be effective July 1, 1976.*

**Sec. 14.** *This act is effective the day following final enactment."*

And when so amended the bill do pass. Pursuant to joint rule 20 the bill and report were referred to the Committee on Rules and Administration.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was re-referred

H. F. No. 2600: A bill for an act relating to highway traffic regulations; license requirements for operating motorcycles; requiring enrollment in two-wheeled vehicle safety course prior to issuance of instruction permit; amending Minnesota Statutes, 1975 Supplement, Section 169.974, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

H. F. No. 1895: A bill for an act relating to highway traffic regulations; brakes; amending Minnesota Statutes 1974, Section 169.67, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 2396 for proper reference, recommends that it be re-referred to the Committee on Governmental Operations.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

### **SECOND READING OF SENATE BILLS**

S. F. Nos. 2335, 1908, 1728 and 1951 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1326, 1913, 1918, 1962, 2007, 2321, 2338, 1967, 595, 1870, 1435, 1993, 1996, 2600 and 1895 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Mr. Milton moved that his name be stricken as co-author to S. F. No. 2495. The motion prevailed.

Mr. Lewis moved that the name of Mr. Kowalczyk be added as co-author to S. F. No. 2393. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 2:00 o'clock p.m., Wednesday, March 17, 1976. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate