

son shall be in custody, the fact that a presentment has been made or an indictment found or ordered against him, and every grand juror who, except when lawfully required by a court or officer, shall wilfully disclose any evidence adduced before the grand jury, or anything which he himself or any other member of the grand jury said, or in what manner he or any other grand juror voted upon any matter before them, shall be guilty of a misdemeanor. *Provided, however, disclosure may be made by the county attorney, by notice to the defendant or his attorney of the indictment and the time of defendant's appearance in the district court, if in the discretion of the judge such notice is sufficient to insure defendant's appearance.*

Approved April 25, 1969.

CHAPTER 198—H. F. No. 229

An act relating to the issuance of writs of habeas corpus ad prosequendum and ad testificandum; amending Minnesota Statutes 1967, Section 589.28.

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

Section 1. Minnesota Statutes 1967, Section 589.28, is amended to read:

589.28 **Habeas corpus; power of court.** Nothing herein shall prevent any court from issuing a writ of habeas corpus necessary or proper to bring before it *or any inferior court* any prisoner for trial, preliminary hearing, arraignment, appearance, or to be examined as a witness in any action or proceeding, civil or criminal; ~~pending in such court.~~

Approved April 25, 1969.

CHAPTER 199—H. F. No. 397

An act relating to workmen's compensation; providing for the division of money recovered in third party liability actions or settlement; amending Minnesota Statutes 1967, Section 176.061, Subdivisions 5 and 6.

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

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

Section 1. Minnesota Statutes 1967, Section 176.061, Subdivision 5, is amended to read:

Subd. 5. **Workmen's compensation; third party liability; cumulative remedies.** Where an injury or death for which compensation is payable is caused under circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or his dependents against the other party to recover damages, notwithstanding the payment by the employer or his liability to pay compensation. If the action against such other party is brought by the injured employee or his dependents and a judgment is obtained and paid ~~and~~ or settlement is made with the other party, the employer may deduct from the compensation payable by him the amount actually received by the employee or dependents ~~after deducting costs, reasonable attorney's fees, and reasonable expenses incurred by the employee or dependents in making collections or enforcing liability in accordance with subdivision 6.~~ If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer, upon application the court may grant the employer the right to intervene in any such action for the prosecution thereof. If the injured employee or his dependents agree to receive compensation from the employer or institute proceedings to recover the same or accept from the employer any payment on account of such compensation, the employer is subrogated to the rights of the employee or his dependents. This employer may maintain an action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the dependents or in the name of the employer against such other party for the recovery of damages. If the action is not diligently prosecuted by the employer or the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or his dependents the right to intervene in the action for the prosecution thereof. ~~The employer shall pay over to the injured employee or his dependents all sums collected from such other party in excess of the amount of the compensation payable by the employer under this chapter, costs, reasonable attorney's fees, and reasonable expenses incurred by the employer in making the collection and enforcing the liability.~~ *The proceeds of such action or settlement thereof shall be paid in accordance with subdivi-*

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sion 6. Such party is not liable to any person other than the employee or his dependents for any damages resulting from the injury or death.

Sec. 2. Minnesota Statutes 1967, Section 176.061, Subdivision 6, is amended to read:

Subd. 6. **Costs, attorney fees, expenses.** *As between employer and employee or his dependents, in all actions governed by this subdivision the employer shall bear that proportion of the costs, reasonable attorney's fees; and reasonable expenses incurred in making collection from and enforcing liability against the party other than the employer which the amount claimed by the employer for deduction from; or to be retained against; compensation payable bears to the whole amount recovered from such other party. The proceeds of all actions for damages or settlement thereof under Minnesota Statutes, Section 176.061, received by the injured employee or his dependents or by the employer as provided by subdivision 5, shall be divided as follows:*

(a) *After deducting the reasonable cost of collection, including but not limited to attorneys fees and burial expense in excess of the statutory liability, then*

(b) *One-third of the remainder shall in any event be paid to the injured employee or his dependents, without being subject to any right of subrogation.*

(c) *Out of the balance remaining, the employer shall be reimbursed for all compensation paid under Minnesota Statutes, Chapter 176.*

(d) *Any balance remaining shall be paid to the employee or his dependents, and shall be a credit to employer for any compensation which employer is obligated to pay, but has not paid, and for any compensation that such employer shall be obligated to make in the future.*

There shall be no reimbursement or credit to employer for interest or penalties.

Approved April 25, 1969.

CHAPTER 200—H. F. No. 1311

[Not Coded]

An act relating to the county civil service of St. Louis county, amending Laws 1941, Chapter 423, Section 30, as amended.

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