

Sec. 24. *Minnesota Statutes 1965, Section 355.01, Subdivision 7, is repealed.*

Approved May 24, 1967.

CHAPTER 688—S.F. No. 187

[Coded]

An act relating to the public employees retirement association; providing for increase in retirement annuities paid to certain annuitants.

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

Section 1. **[353.83] P.E.R.A.; increase in retirement annuities to certain persons.** Payments of retirement annuities pursuant to Minnesota Statutes, Chapter 353, to annuitants who retired prior to July 1, 1962, and who had at least 20 years of allowable service as a member of the public employees retirement association, who were eligible for a pension upon their termination of public employment and who receive annuities of less than \$200 per month shall, effective July 1, 1967, be supplemented by additional payments by the public employees retirement association from moneys in the general revenue fund of the state in the amount of \$15 per month, provided that in no case shall such adjusted annuities exceed \$200 per month. Moneys necessary to pay the supplemental benefit provided by this section are hereby annually appropriated from the said general revenue fund.

Such additional payments shall be made only to annuitants who request in writing the payment thereof.

Approved May 24, 1967.

CHAPTER 689—S. F. No. 313

An act relating to garnishment; limiting the amount of the garnishee's disclosure; providing penalties; amending Minnesota Statutes 1965, Sections 571.47; 571.48; 571.49, Subdivisions 1 and 3; and 571.67.

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

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

Section 1. Minnesota Statutes 1965, Section 571.47, is amended to read:

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

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

STATE OF MINNESOTA,)
County of) ss

DISTRICT COURT
.....JUDICIAL DISTRICT

.....
Against Plaintiff

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

.....

 And Defendant

.....
 Garnishee

GARNISHMENT SUMMONS

THE STATE OF MINNESOTA,

To the above named Garnishee:

You are hereby summoned and required to serve upon the plaintiff or his attorney, within 20 days after the service of this summons upon you, a written disclosure under oath, touching your indebtedness to the defendant,

(Give full name and residence of defendant) above named, and any property, money, or effects of said defendant in your possession or under your control, *which disclosure need not exceed twice the amount of plaintiff's claim in the case of your indebtedness to the defendant.* The amount of plaintiff's claim against the defendant is \$....; and you are hereby required to retain in your possession such property, money, and effects in an amount not exceeding twice the amount of such claim.

.....
 Attorney for plaintiff

Dated 19 ..

.....
 Address

NOTICE TO DEFENDANT

To Defendant

SIR.....:

Take notice that a Garnishment Summons, of which the above is a true copy, and which is herewith served upon you, was personally served upon The Garnishee named therein, by delivering a copy thereof to the said Garnishee, at in said County, on the .. day of, 19.., and that at said time and place the said Garnishee was paid in advance the sum of \$1 fees.

.....
 Attorney for plaintiff

.....
 Address

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

debtedness owing to defendant not exceeding twice the amount of such claim. The summons shall be served in the same manner as a justice court summons against a defendant, except that the service must be personal. A copy of the summons, together with a notice to the defendant of such service upon the garnishee, signed by the justice or the officer who served the same, shall be served upon the defendant within six days after service upon the garnishee; provided that if the court officer shall make a return that defendant cannot be found, such service may be made by mail addressed to defendant's last known address.

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

STATE OF MINNESOTA,)
County of) ss

IN JUSTICE COURT

Before
Justice of the Peace

.....
Plaintiff

.....
Address

.....
Defendant

.....
.....
Garnishee

THE STATE OF MINNESOTA,

To the above named Garnishee:

You are hereby summoned and required to serve upon the
 plaintiff or his attorney,
 (Name and address of attorney)

within 12 days after the service of this summons upon you, a written disclosure under oath, touching your indebtedness to defendant above named, and any property, money or effects
(Name and address)

of the said Defendant in your possession or under your control, which disclosure need not exceed twice the amount of plaintiff's claim in the case of your indebtedness to the defendant. The amount of plain-

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

tiff's claim is \$....; and you are hereby required to retain in your possession such property, money, and effects in an amount not exceeding twice the amount of such claim. Given under my hand, this day of, 19..

Justice of the Peace.

NOTICE TO DEFENDANT

STATE OF MINNESOTA,)
County of) ss
To Defendant :

SIR : Take Notice that a Garnishee Summons, of which the within is a true copy, and which is herewith served upon you, was personally served upon the Garnishee named therein, by delivering a copy thereof to the said Garnishee, at the of in said County, on the day of, 19.., and that at said time and place the said Garnishee was paid in advance the sum of \$1 fees.

Justice of the Peace.

STATE OF MINNESOTA,)
County of) ss

I hereby certify and return that on the day of, 19.., at the of in said County, I served the within Summons upon the within named Garnishee, by delivering a copy thereof to the said Garnishee, and paid him in advance the sum of \$1 fees; and I further certify that on the day of, 19.., at the of in said County, I served upon the within named Defendant, a copy of the within Summons, together with a Notice to said Defendant, of which the foregoing is a copy, stating the time, place and manner of service of said Summons upon said Garnishee, signed by

Constable.

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

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

Sec. 3. Minnesota Statutes 1965, Section 571.49, Subdivision 1, is amended to read:

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

Sec. 4. Minnesota Statutes 1965, Section 571.49, Subdivision 3, is amended to read:

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

STATE OF MINNESOTA,)	
) ss	
County of)COURT
.....		
Plaintiff		
vs.		
.....		
Defendant and		
.....		
Garnishee		

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

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

(1) There was due and owing the defendant above named,
, from said garnishee, the sum of \$.....;

 (State how evidenced, when payable, whether an absolute or con-

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

.....
tingent liability. *The amount disclosed above need not exceed twice*
.....
the plaintiff's claim, after subtracting from such total the total of
.....
items (3) through (5) below.)

(2) There was in the possession of the garnishee the fol-
lowing personal property, instruments, and papers belonging to the
above named defendant:
.....
(Describe the property and state the title or claim of the defendant
to same.)

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

(4) The defendant claims the following exemption from ex-
ecution:
.....
.....

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

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

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

Sec. 5. Minnesota Statutes 1965, Section 571.67, is amended
to read:

571.67 Penalty in certain garnishment proceedings. *Subdi-
vision 1.* A party who serves a garnishment summons prior to the
issuance of the summons in the main action is liable to the defendant

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

named in the garnishment proceedings in the amount of \$50, except where the defendant is a nonresident.

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

Sec. 6. *This act takes effect July 1, 1967.*

Approved May 24, 1967.

CHAPTER 690—S. F. No. 461

An act relating to pest control; regulating the licensing of aerial applicators of sprays or dusts; providing a penalty for late license renewals; amending Minnesota Statutes 1965, Section 18.031, Subdivisions 3 and 5, and Section 18.032, Subdivisions 1 and 5.

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

Section 1. Minnesota Statutes 1965, Section 18.031, Subdivision 3, is amended to read:

Subd. 3. **Pest control; licensing aerial applicators.** “Spraying ~~and~~ *or* dusting operations for hire” means compensation or payment for the application of pesticides or plant growth regulators by any power driven machine, non-power machine, or by any other device or in any other manner, including manual application, used on the ground or in the air to spray or dust or to provide any other treatment to trees, ornamental shrubbery and lawns, to crops or land or to animals and buildings; and intended to regulate plant growth, to control or eradicate weeds, undesirable brush, plant diseases, insects, nematodes, mites, or destructive or nuisance animals as defined in Minnesota Statutes 1961, Section 18.021, and acts amendatory thereof.

Sec. 2. Minnesota Statutes 1965, Section 18.031, Subdivision 5, is amended to read:

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