

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1289

(SENATE AUTHORS: SCHOEN)

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to creditor remedies; providing for the use of the Minnesota minimum
- 1.3 wage in garnishment; amending Minnesota Statutes 2016, section 571.922.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2016, section 571.922, is amended to read:
- 1.6 **571.922 LIMITATION ON WAGE GARNISHMENT.**
- 1.7 (a) Unless the judgment is for child support, the maximum part of the aggregate
- 1.8 disposable earnings of an individual for any pay period subjected to garnishment may not
- 1.9 exceed the lesser of:
- 1.10 (1) 25 percent of the debtor's disposable earnings; or
- 1.11 (2) the amount by which the debtor's disposable earnings exceed the following product:
- 1.12 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair Labor
- 1.13 Standards Act of 1938, United States Code, title 29, section 206(a)(1), or state minimum
- 1.14 wage set under section 177.24, subdivision 1, paragraph (b), whichever is higher, in effect
- 1.15 at the time the earnings are payable, times the number of work weeks in the pay period.
- 1.16 When a pay period consists of other than a whole number of work weeks, each day of that
- 1.17 pay period in excess of the number of completed work weeks shall be counted as a fraction
- 1.18 of a work week equal to the number of excess workdays divided by the number of days in
- 1.19 the normal work week.
- 1.20 (b) If the judgment is for child support, the garnishment may not exceed:

(1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the garnishment summons is received);

(3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the garnishment summons is received).

Wage garnishments on judgments for child support are effective until the judgments are satisfied if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied.

(c) No court may make, execute, or enforce an order or any process in violation of this section.

Sec. 2. REVISOR'S INSTRUCTION.

The revisor of statutes shall add "or state minimum wage set under section 177.24, subdivision 1, paragraph (b), whichever is higher," to language referencing the federal minimum wage in Minnesota Statutes, sections 550.136, 550.143, 551.05, 551.06, 571.72, 571.75, and 571.912.