

1.1 moves to amend H.F. No. 2065 as follows:

1.2 Page 1, after line 6, insert:

1.3 "Section 1. Minnesota Statutes 2018, section 550.136, subdivision 3, is amended to read:

1.4 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
1.5 the maximum part of the aggregate disposable earnings of an individual for any pay period
1.6 subjected to an execution levy may not exceed the lesser of:

1.7 (1) 25 percent of the judgment debtor's disposable earnings; or

1.8 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
1.9 ~~product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1,
1.10 paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages
1.11 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
1.12 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
1.13 of work weeks in the pay period. When a pay period consists of other than a whole number
1.14 of work weeks, each day of that pay period in excess of the number of completed work
1.15 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
1.16 divided by the number of days in the normal work week.

1.17 (b) If the judgment is for child support, the levy may not exceed:

1.18 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
1.19 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
1.20 to be calculated to the beginning of the work week in which the execution levy is received);

1.21 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
1.22 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
1.23 to be calculated to the beginning of the work week in which the execution levy is received);

2.1 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
2.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
2.3 to be calculated to the beginning of the work week in which the execution levy is received);
2.4 or

2.5 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
2.6 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
2.7 to be calculated to the beginning of the work week in which the execution levy is received).

2.8 Execution levies under this section on judgments for child support are effective until
2.9 the judgments are satisfied if the judgment creditor is a county and the employer is notified
2.10 by the county when the judgment is satisfied.

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

2.13 Sec. 2. Minnesota Statutes 2018, section 550.136, subdivision 4, is amended to read:

2.14 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
2.15 section 518A.53, the priority of multiple earnings execution levies is determined by the
2.16 order in which the execution levies were served on the employer. If the employer is served
2.17 with two or more writs of execution at the same time on the same day, the writ of execution
2.18 issued pursuant to the first judgment entered has priority. If two or more execution levies
2.19 are served on the same day and are based on judgments entered on the same day, then the
2.20 employer shall select the priority of the earnings levies. However, in all cases except earnings
2.21 execution levies on judgments for child support if the judgment creditor is a county and the
2.22 employer is notified by the county when the judgment is satisfied, the execution levies shall
2.23 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

2.24 Sec. 3. Minnesota Statutes 2018, section 550.136, subdivision 5, is amended to read:

2.25 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by sections 550.37
2.26 and 571.922, and any other applicable statute, and except as otherwise provided in paragraph
2.27 (b), the service of a writ of execution under this chapter attaches all unpaid nonexempt
2.28 disposable earnings owing or to be owed by the third party and earned or to be earned by
2.29 the judgment debtor before and within the pay period in which the writ of execution is
2.30 served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
2.31 after the date of service of the writ of execution. "Paydays" means the days upon which the
2.32 third party pays earnings to the judgment debtor in the ordinary course of business. If the
2.33 judgment debtor has no regular paydays, paydays means the 15th day and the last day of

3.1 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
3.2 sum.

3.3 (b) The service of a writ of execution on a judgment for child support attaches to all
3.4 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
3.5 or to be earned by the judgment debtor before and within the pay period in which the writ
3.6 of execution is served and within all subsequent pay periods until the judgment is satisfied
3.7 if the judgment creditor is a county and the third party is notified by the county when the
3.8 judgment is satisfied.

3.9 Sec. 4. Minnesota Statutes 2018, section 550.136, subdivision 9, is amended to read:

3.10 Subd. 9. **Execution earnings disclosure form and worksheet.** The judgment creditor
3.11 shall provide to the sheriff for service upon the judgment debtor's employer an execution
3.12 earnings disclosure form and an earnings disclosure worksheet with the writ of execution,
3.13 that must be substantially in the form set forth below.

3.14	STATE OF MINNESOTA	DISTRICT COURT
3.15	COUNTY OF .....	.....JUDICIAL DISTRICT
3.16		FILE NO.
3.17	..... (Judgment Creditor)	
3.18	against	EARNINGS
3.19	..... (Judgment Debtor)	EXECUTION
3.20	and	DISCLOSURE
3.21	..... (Third Party)	

3.22 DEFINITIONS

3.23 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
3.24 payable to an employee for personal services or compensation paid or payable to the producer
3.25 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
3.26 products produced when the producer is operating a family farm, a family farm corporation,
3.27 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
3.28 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
3.29 payments pursuant to a pension or retirement.

3.30 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
3.31 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
3.32 required by law to be withheld do not include items such as health insurance, charitable
3.33 contributions, or other voluntary wage deductions.)

4.1 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
4.2 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
4.3 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

4.4 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
4.5 QUESTIONS:

4.6 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
4.7 on you, will you or may you owe money to the judgment debtor for earnings?

4.8 Yes No

4.9 (2) Does the judgment debtor earn more than \$... per week? (this amount is the greater
4.10 of \$9.50 per hour or the federal minimum wage per week)

4.11 Yes No

4.12 INSTRUCTIONS FOR COMPLETING THE
4.13 EARNINGS DISCLOSURE

4.14 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
4.15 below and return this disclosure to the sheriff within 20 days after it was served on you,
4.16 and you do not need to answer the remaining questions.

4.17 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
4.18 and the Earnings Disclosure Worksheet as follows:

4.19 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
4.20 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
4.21 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.

4.22 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
4.23 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
4.24 DISCLOSURE WERE MADE.

4.25 Each payday, you must retain the amount of earnings listed in column I on the Earnings
4.26 Disclosure Worksheet.

4.27 You must pay the attached earnings and return this earnings disclosure form and the
4.28 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
4.29 worksheet to the judgment debtor within ten days after the last payday that falls within
4.30 the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's
4.31 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
4.32 and remittance should be made within ten days after the last payday for which earnings
4.33 were attached.

5.1 For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure
5.2 Worksheet.

- 5.3 (3) COLUMN A. Enter the date of judgment debtor's payday.
- 5.4 (4) COLUMN B. Enter judgment debtor's gross earnings for each payday.
- 5.5 (5) COLUMN C. Enter judgment debtor's disposable earnings for each
5.6 payday.
- 5.7 (6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply
5.8 column C by .25.)
- 5.9 (7) COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
5.10 hourly federal minimum wage (\$.....) times the
5.11 number of work weeks included in each payday. (Note:
5.12 If a payday includes days in excess of whole work
5.13 weeks, the additional days should be counted as a
5.14 fraction of a work week equal to the number of
5.15 workdays in excess of a whole work week divided by
5.16 the number of workdays in a normal work week.)
- 5.17 (8) COLUMN F. Subtract the amount in column E from the amount in
5.18 column C, and enter here.
- 5.19 (9) COLUMN G. Enter here the lesser of the amount in column D and the
5.20 amount in column F.
- 5.21 (10) COLUMN H. Enter here any amount claimed by you as a setoff,
5.22 defense, lien, or claim, or any amount claimed by any
5.23 other person as an exemption or adverse interest which
5.24 would reduce the amount of earnings owing to the
5.25 judgment debtor. (Note: Any indebtedness to you
5.26 incurred within ten days prior to your receipt of the first
5.27 execution levy on a debt may not be set off against the
5.28 earnings otherwise subject to this levy. Any wage
5.29 assignment made by the judgment debtor within ten
5.30 days prior to your receipt of the first execution levy on
5.31 a debt is void.)
- 5.32 You must also describe your claim(s) and the claims of
5.33 others, if known, in the space provided below the
5.34 worksheet and state the name(s) and address(es) of these
5.35 persons.
- 5.36 Enter zero in column H if there are no claims by you or
5.37 others which would reduce the amount of earnings
5.38 owing to the judgment debtor.
- 5.39 (11) COLUMN I. Subtract the amount in column H from the amount in
5.40 column G and enter here. This is the amount of earnings
5.41 that you must remit for the payday for which the
5.42 calculations were made.

5.43 AFFIRMATION

5.44 I, (person signing Affirmation), am the third party/employer or I am
5.45 authorized by the third party/employer to complete this earnings disclosure, and have done
5.46 so truthfully and to the best of my knowledge.

6.1 DATED:

6.2 Signature

6.3

6.4 Title

6.5

6.6 Telephone Number

6.7 EARNINGS DISCLOSURE WORKSHEET

6.8 Debtor's Name

6.9 A B C

6.10 Payday Date Gross Earnings Disposable
6.11 Earnings

6.12 1. \$ \$

6.13 2.

6.14 3.

6.15 4.

6.16 5.

6.17 6.

6.18 7.

6.19 8.

6.20 9.

6.21 10.

6.22 D E F

6.23 25% of Greater of 40 X Column C minus
6.24 Column C \$9.50 or 40 X Column E

6.25 Fed. Min. Wage

6.26 1.

6.27 2.

6.28 3.

6.29 4.

6.30 5.

6.31 6.

6.32 7.

6.33 8.

6.34 9.

6.35 10.

7.1	G	H	I
7.2	Lesser of	Setoff, Lien,	Column G minus
7.3	Column D and	Adverse Interest,	Column H
7.4	Column F	or Other Claims	
7.5	1. ....	.....	.....
7.6	2. ....	.....	.....
7.7	3. ....	.....	.....
7.8	4. ....	.....	.....
7.9	5. ....	.....	.....
7.10	6. ....	.....	.....
7.11	7. ....	.....	.....
7.12	8. ....	.....	.....
7.13	9. ....	.....	.....
7.14	10. ....	.....	.....
7.15		TOTAL OF COLUMN I \$	

7.16 *If you entered any amount in column H for any payday(s), you must describe below
7.17 either your claims, or the claims of others. For amounts claimed by others, you must both
7.18 state the names and addresses of such persons, and the nature of their claim, if known.
7.19
7.20
7.21

7.22 AFFIRMATION

7.23 I, (person signing Affirmation), am the third party or I am authorized by the
7.24 third party to complete this earnings disclosure worksheet, and have done so truthfully and
7.25 to the best of my knowledge.

7.26
7.27 Signature
7.28 Dated: (...)
7.29 Title Phone Number

7.30 Sec. 5. Minnesota Statutes 2018, section 550.136, subdivision 10, is amended to read:

7.31 Subd. 10. **Execution earnings disclosure form and worksheet for child support**
7.32 **judgments.** The judgment creditor shall provide to the sheriff for service upon a child
7.33 support judgment debtor's employer an execution earnings disclosure form and an earnings

8.1 disclosure worksheet with the writ of execution, that must be substantially in the form set
8.2 forth below.

8.3 STATE OF MINNESOTA DISTRICT COURT

8.4 COUNTY OF JUDICIAL DISTRICT

8.5 FILE NO.

8.6 (Judgment Creditor)

8.7 against EARNINGS

8.8 (Judgment Debtor) EXECUTION

8.9 and DISCLOSURE

8.10 (Third Party)

8.11 DEFINITIONS

8.12 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
8.13 payable to an employee for personal services or compensation paid or payable to the producer
8.14 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
8.15 products produced when the producer is operating a family farm, a family farm corporation,
8.16 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
8.17 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
8.18 payments pursuant to a pension or retirement, workers' compensation, or unemployment
8.19 benefits.

8.20 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
8.21 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
8.22 required by law to be withheld do not include items such as health insurance, charitable
8.23 contributions, or other voluntary wage deductions.)

8.24 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
8.25 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
8.26 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

8.27 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

8.28 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
8.29 on you, will you or may you owe money to the judgment debtor for earnings?

8.30 Yes No

8.31 INSTRUCTIONS FOR COMPLETING THE

8.32 EARNINGS DISCLOSURE

9.1 A. If your answer to question 1 is "No," then you must sign the affirmation below and
9.2 return this disclosure to the sheriff within 20 days after it was served on you, and you do
9.3 not need to answer the remaining questions.

9.4 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
9.5 Disclosure Worksheet as follows:

9.6 For each payday that falls within ~~70~~90 days from the date the execution levy was served
9.7 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
9.8 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
9.9 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
9.10 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
9.11 DISCLOSURE WERE MADE.

9.12 Each payday, you must retain the amount of earnings listed in column G on the Earnings
9.13 Disclosure Worksheet.

9.14 You must pay the attached earnings and return this earnings disclosure form and the
9.15 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
9.16 worksheet to the judgment debtor within ten days after the last payday that falls within
9.17 the ~~70-day~~90-day period. If the judgment is wholly satisfied or if the judgment debtor's
9.18 employment ends before the expiration of the ~~70-day~~90-day period, your disclosure
9.19 and remittance should be made within ten days after the last payday for which earnings
9.20 were attached.

9.21 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

9.22 (2) COLUMN A. Enter the date of judgment debtor's payday.

9.23 (3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

9.24 (4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

9.25 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
9.26 on which of the following descriptions fits the child support judgment debtor:

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

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

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

10.5 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
 10.6 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
 10.7 to be calculated to the beginning of the work week in which the execution levy is received).
 10.8 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

10.9 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
 10.10 claim, or any amount claimed by any other person as an exemption or adverse interest that
 10.11 would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness
 10.12 to you incurred within ten days prior to your receipt of the first execution levy may not be
 10.13 set off against the earnings otherwise subject to this levy. Any wage assignment made by
 10.14 the judgment debtor within ten days prior to your receipt of the first execution levy is void.)

10.15 You must also describe your claim(s) and the claims of others, if known, in the space
 10.16 provided below the worksheet and state the name(s) and address(es) of these persons.

10.17 Enter zero in column E if there are no claims by you or others that would reduce the
 10.18 amount of earnings owing to the judgment debtor.

10.19 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
 10.20 enter here. This is the amount of earnings that you must remit for the payday for which the
 10.21 calculations were made.

10.22 AFFIRMATION

10.23 I, (person signing Affirmation), am the third party/employer or I am
 10.24 authorized by the third party/employer to complete this earnings disclosure, and have done
 10.25 so truthfully and to the best of my knowledge.

10.26 DATED:

10.27 Signature

10.28

10.29 Title

10.30

10.31 Telephone Number

10.32 EARNINGS DISCLOSURE WORKSHEET

10.33 Debtor's Name

11.1	A	B	C
11.2	Payday Date	Gross Earnings	Disposable Earnings
11.3			
11.4	1.	\$.....	\$.....
11.5	2. ....	.....	.....
11.6	3. ....	.....	.....
11.7	4. ....	.....	.....
11.8	5. ....	.....	.....
11.9	6. ....	.....	.....
11.10	7. ....	.....	.....
11.11	8. ....	.....	.....
11.12	9. ....	.....	.....
11.13	10. ....	.....	.....

11.14	D	E	F
11.15	Either 50, 55, 60, or	Setoff, Lien,	Column D minus
11.16	65% of Column C	Adverse Interest,	Column E
11.17		or Other Claims	
11.18	1. ....	.....	.....
11.19	2. ....	.....	.....
11.20	3. ....	.....	.....
11.21	4. ....	.....	.....
11.22	5. ....	.....	.....
11.23	6. ....	.....	.....
11.24	7. ....	.....	.....
11.25	8. ....	.....	.....
11.26	9. ....	.....	.....
11.27	10. ....	.....	.....

11.28 TOTAL OF COLUMN F \$

11.29 *If you entered any amount in column E for any payday(s), you must describe below
 11.30 either your claims, or the claims of others. For amounts claimed by others, you must both
 11.31 state the names and addresses of such persons, and the nature of their claim, if known.

11.32

11.33

11.34

11.35 AFFIRMATION

12.1 I, (person signing Affirmation), am the third party or I am authorized by the
 12.2 third party to complete this earnings disclosure worksheet, and have done so truthfully and
 12.3 to the best of my knowledge.

12.4
 12.5 Signature
 12.6 Dated: (...)
 12.7 Title Phone Number

12.8 Sec. 6. Minnesota Statutes 2018, section 550.136, subdivision 12, is amended to read:

12.9 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
 12.10 earnings, the third party shall serve the execution earnings disclosure form upon the sheriff
 12.11 within 20 days after service of the writ of execution. However, if the judgment debtor has
 12.12 attachable earnings, the third party shall serve the execution earnings disclosure form and
 12.13 remit to the sheriff the attached earnings within ten days of the last payday to occur within
 12.14 the ~~70~~ 90 days after the date of the service of the execution. If the judgment is wholly
 12.15 satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~
 12.16 90-day period, the disclosure and remittance should be made within ten days after the last
 12.17 payday for which earnings were attached. The amount of the third party's execution earnings
 12.18 disclosure form and remittance need not exceed 110 percent of the amount of the judgment
 12.19 creditor's judgment that remains unpaid, after subtracting the total of setoffs, defenses,
 12.20 exemption, or other adverse interests. If the disclosure is by a corporation, it shall be made
 12.21 by an officer or an authorized agent having knowledge of the facts.

12.22 Sec. 7. Minnesota Statutes 2018, section 551.04, subdivision 2, is amended to read:

12.23 Subd. 2. **Property attachable.** Subject to the exemptions provided by subdivision 3 and
 12.24 section 550.37, and any other applicable statute, the service of a writ of execution under
 12.25 this chapter attaches:

12.26 (a) Except as otherwise provided in paragraph (c), all unpaid nonexempt disposable
 12.27 earnings owing or to be owed by the third party and earned or to be earned by the judgment
 12.28 debtor within the pay period in which the writ of execution is served and within all subsequent
 12.29 pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ
 12.30 of execution. "Payday" means the day upon which the third party pays earnings to the
 12.31 judgment debtor in the ordinary course of business. If the judgment debtor has no regular
 12.32 paydays, payday means the 15th day and the last day of each month.

13.1 (b) All other nonexempt indebtedness or money due or belonging to the judgment debtor
13.2 and owing by the third party or in the possession or under the control of the third party at
13.3 the time of service of the writ of execution, whether or not the same, has become payable.
13.4 The third party shall not be compelled to pay or deliver the same before the time specified
13.5 by any agreement unless the agreement was fraudulently contracted to defeat an execution
13.6 levy or other collection remedy.

13.7 (c) For an execution on a judgment for child support, all unpaid nonexempt disposable
13.8 earnings owing or to be owed by the third party and earned or to be earned by the judgment
13.9 debtor within the pay period in which the writ of execution is served and within all subsequent
13.10 pay periods until the judgment is satisfied if the judgment creditor is a county and the third
13.11 party is notified by the county when the judgment is satisfied.

13.12 Sec. 8. Minnesota Statutes 2018, section 551.04, subdivision 11, is amended to read:

13.13 Subd. 11. **Forms.** No judgment creditor shall use a form that contains alterations or
13.14 changes from the statutory forms that mislead judgment debtors as to their rights and the
13.15 execution procedure generally. If a court finds that a judgment creditor has used a misleading
13.16 form, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's
13.17 fees resulting from additional proceedings, and an amount not to exceed \$100. All forms
13.18 must be clearly legible and printed in not less than the equivalent of 10-point type. A form
13.19 that uses both sides of a sheet must clearly indicate on the front side that there is additional
13.20 information on the back side of the sheet.

13.21 Forms, including the statutory forms, used in executions upon earnings for the satisfaction
13.22 of judgments for child support must be changed by the creditor to reflect the fact that the
13.23 ~~70-day~~ 90-day period of effectiveness does not apply to these executions if the judgment
13.24 creditor is a county and the employer is notified by the county when the judgment is satisfied.

13.25 Sec. 9. Minnesota Statutes 2018, section 551.06, subdivision 3, is amended to read:

13.26 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
13.27 the maximum part of the aggregate disposable earnings of an individual for any pay period
13.28 subjected to an execution levy may not exceed the lesser of:

13.29 (1) 25 percent of the judgment debtor's disposable earnings; or

13.30 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
13.31 ~~product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1,
13.32 paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages

14.1 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
14.2 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
14.3 of work weeks in the pay period. When a pay period consists of other than a whole number
14.4 of work weeks, each day of that pay period in excess of the number of completed work
14.5 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
14.6 divided by the number of days in the normal work week.

14.7 (b) If the judgment is for child support, the levy may not exceed:

14.8 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
14.9 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
14.10 to be calculated to the beginning of the work week in which the execution levy is received);

14.11 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
14.12 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
14.13 to be calculated to the beginning of the work week in which the execution levy is received);

14.14 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
14.15 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
14.16 to be calculated to the beginning of the work week in which the execution levy is received);
14.17 or

14.18 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
14.19 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
14.20 to be calculated to the beginning of the work week in which the execution levy is received).

14.21 Execution levies under this section on judgments for child support are effective until
14.22 the judgments are satisfied if the judgment creditor is a county and the employer is notified
14.23 by the county when the judgment is satisfied.

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

14.26 Sec. 10. Minnesota Statutes 2018, section 551.06, subdivision 4, is amended to read:

14.27 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
14.28 section 518A.53, the priority of multiple earnings execution levies is determined by the
14.29 order in which the execution levies were served on the employer. If the employer is served
14.30 with two or more writs of execution at the same time on the same day, the writ of execution
14.31 issued pursuant to the first judgment entered has priority. If two or more execution levies
14.32 are served on the same day and are based on judgments entered on the same day, then the
14.33 employer shall select the priority of the earnings levies. However, in all cases except earnings

15.1 execution levies on judgments for child support if the judgment creditor is a county and the
 15.2 employer is notified by the county when the judgment is satisfied, the execution levies shall
 15.3 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

15.4 Sec. 11. Minnesota Statutes 2018, section 551.06, subdivision 5, is amended to read:

15.5 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by subdivision
 15.6 3 and section 550.37, and any other applicable statute, and except as otherwise provided in
 15.7 paragraph (b), the service of a writ of execution under this chapter attaches all unpaid
 15.8 nonexempt disposable earnings owing or to be owed by the third party and earned or to be
 15.9 earned by the judgment debtor before and within the pay period in which the writ of execution
 15.10 is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
 15.11 after the date of service of the writ of execution. "Paydays" means the days upon which the
 15.12 third party pays earnings to the judgment debtor in the ordinary course of business. If the
 15.13 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
 15.14 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
 15.15 sum.

15.16 (b) The service of a writ of execution on a judgment for child support attaches to all
 15.17 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
 15.18 or to be earned by the judgment debtor before and within the pay period in which the writ
 15.19 of execution is served and within all subsequent pay periods until the judgment is satisfied
 15.20 if the judgment creditor is a county and the third party is notified by the county when the
 15.21 judgment is satisfied.

15.22 Sec. 12. Minnesota Statutes 2018, section 551.06, subdivision 9, is amended to read:

15.23 Subd. 9. **Notice of levy on earnings, disclosure, and worksheet.** The attorney for the
 15.24 judgment creditor shall serve upon the judgment debtor's employer a notice of levy on
 15.25 earnings and an execution earnings disclosure form and an earnings disclosure worksheet
 15.26 with the writ of execution, that must be substantially in the form set forth below.

15.27	STATE OF MINNESOTA	DISTRICT COURT
15.28	COUNTY OF .....	.....JUDICIAL DISTRICT
15.29		FILE NO.....
15.30	..... (Judgment Creditor)	
15.31	against	NOTICE OF LEVY ON
15.32		EARNINGS AND DISCLOSURE
15.33	..... (Judgment Debtor)	

16.1 and

16.2 (Third Party)

16.3 PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and
16.4 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and
16.5 levies execution upon all earnings due and owing by you (up to \$10,000) to the judgment
16.6 debtor for the amount of the judgment specified below. A copy of the writ of execution
16.7 issued by the court is enclosed. The unpaid judgment balance is \$.....

16.8 This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by
16.9 you and earned or to be earned by the judgment debtor before and within the pay period in
16.10 which the writ of execution is served and within all subsequent pay periods whose paydays
16.11 occur within the ~~70~~90 days after the service of this levy.

16.12 In responding to this levy, you are to complete the attached disclosure form and worksheet
16.13 and mail it to the undersigned attorney for the judgment creditor, together with your check
16.14 payable to the above-named judgment creditor, for the nonexempt amount owed by you to
16.15 the judgment debtor or for which you are obligated to the judgment debtor, within the time
16.16 limits set forth in the aforementioned statutes.

16.17
16.18 Attorney for the Judgment Creditor
16.19
16.20
16.21
16.22 Address
16.23 (...)
16.24 Phone Number

16.25 DISCLOSURE

16.26 DEFINITIONS

16.27 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
16.28 payable to an employee for personal services or compensation paid or payable to the producer
16.29 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
16.30 products produced when the producer is operating a family farm, a family farm corporation,
16.31 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
16.32 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
16.33 payments pursuant to a pension or retirement.

17.1 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
 17.2 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
 17.3 required by law to be withheld do not include items such as health insurance, charitable
 17.4 contributions, or other voluntary wage deductions.)

17.5 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
 17.6 the employer pays earnings to the judgment debtor in the ordinary course of business. If
 17.7 the judgment debtor has no regular payday, payday(s) means the 15th and the last day of
 17.8 each month.

17.9 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
 17.10 QUESTIONS:

17.11 1. Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
 17.12 on you, will you or may you owe money to the judgment debtor for earnings?

17.13 Yes No

17.14 2. Does the judgment debtor earn more than \$... per week? (This amount is the greater
 17.15 of \$9.50 per hour of the federal minimum wage per week.)

17.16 Yes No

17.17 INSTRUCTIONS FOR COMPLETING THE
 17.18 EARNINGS DISCLOSURE

17.19 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
 17.20 on page 2 and return this disclosure to the judgment creditor's attorney within 20 days after
 17.21 it was served on you, and you do not need to answer the remaining questions.

17.22 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
 17.23 and the Earnings Disclosure Worksheet as follows:

17.24 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
 17.25 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
 17.26 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
 17.27 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
 17.28 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
 17.29 DISCLOSURE WERE MADE.

17.30 Each payday, you must retain the amount of earnings listed in column I on the Earnings
 17.31 Disclosure Worksheet.

18.1 You must pay the attached earnings and return this Earnings Disclosure Form and the
 18.2 Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy
 18.3 to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~
 18.4 90-day period.

18.5 If the judgment is wholly satisfied or if the judgment debtor's employment ends before
 18.6 the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be
 18.7 made within ten days after the last payday for which earnings were attached.

18.8 For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

- | | | | |
|-------|-----|-----------|--|
| 18.9 | 3. | COLUMN A. | Enter the date of judgment debtor's payday. |
| 18.10 | 4. | COLUMN B. | Enter judgment debtor's gross earnings for each payday. |
| 18.11 | 5. | COLUMN C. | Enter judgment debtor's disposable earnings for each |
| 18.12 | | | payday. |
| 18.13 | 6. | COLUMN D. | Enter 25 percent of disposable earnings. (Multiply |
| 18.14 | | | Column C by .25.) |
| 18.15 | 7. | COLUMN E. | Enter here <u>the greater of 40 times \$9.50 or 40 times the</u> |
| 18.16 | | | hourly federal minimum wage (\$.....) times the number |
| 18.17 | | | of work weeks included in each payday. (Note: If a pay |
| 18.18 | | | period includes days in excess of whole work weeks, |
| 18.19 | | | the additional days should be counted as a fraction of a |
| 18.20 | | | work week equal to the number of workdays in excess |
| 18.21 | | | of a whole work week divided by the number of |
| 18.22 | | | workdays in a normal work week.) |
| 18.23 | 8. | COLUMN F. | Subtract the amount in Column E from the amount in |
| 18.24 | | | Column C, and enter here. |
| 18.25 | 9. | COLUMN G. | Enter here the lesser of the amount in Column D and |
| 18.26 | | | the amount in Column F. |
| 18.27 | 10. | COLUMN H. | Enter here any amount claimed by you as a setoff, |
| 18.28 | | | defense, lien, or claim, or any amount claimed by any |
| 18.29 | | | other person as an exemption or adverse interest which |
| 18.30 | | | would reduce the amount of earnings owing to the |
| 18.31 | | | judgment debtor. (Note: Any indebtedness to you |
| 18.32 | | | incurred within ten days prior to your receipt of the first |
| 18.33 | | | execution levy on a debt may not be set off against the |
| 18.34 | | | earnings otherwise subject to this levy. Any wage |
| 18.35 | | | assignment made by the judgment debtor within ten |
| 18.36 | | | days prior to your receipt of the first execution levy on |
| 18.37 | | | a debt is void.) |
| 18.38 | | | You must also describe your claim(s) and the claims of |
| 18.39 | | | others, if known, in the space provided below the |
| 18.40 | | | worksheet and state the name(s) and address(es) of these |
| 18.41 | | | persons. |
| 18.42 | | | Enter zero in Column H if there are no claims by you |
| 18.43 | | | or others which would reduce the amount of earnings |
| 18.44 | | | owing to the judgment debtor. |
| 18.45 | 11. | COLUMN I. | Subtract the amount in Column H from the amount in |
| 18.46 | | | Column G and enter here. This is the amount of earnings |

19.1 that you must retain for the payday for which the
 19.2 calculations were made. The total of all amounts entered
 19.3 in Column I is the amount to be remitted to the attorney
 19.4 for the judgment creditor.

AFFIRMATION

19.6 I, (person signing Affirmation), am the third party/employer or I am
 19.7 authorized by the third party/employer to complete this earnings disclosure, and have done
 19.8 so truthfully and to the best of my knowledge.

19.9 Dated:

Signature

Title

Telephone Number

EARNINGS DISCLOSURE WORKSHEET

Judgment Debtor's Name

19.18	A	B	C
19.19	Payday Date	Gross Earnings	Disposable Earnings
19.20			
19.21	1.	\$.....	\$.....
19.22	2. ....	.....	.....
19.23	3. ....	.....	.....
19.24	4. ....	.....	.....
19.25	5. ....	.....	.....
19.26	6. ....	.....	.....
19.27	7. ....	.....	.....
19.28	8. ....	.....	.....
19.29	9. ....	.....	.....
19.30	10. ....	.....	.....
19.31	D	E	F
19.32	25% of	Greater of 40X	Column C minus
19.33	Column C	<u>\$9.50 or 40 X</u>	Column E
19.34		<u>Fed. Min. Wage</u>	
19.35	1. ....	.....	.....
19.36	2. ....	.....	.....

20.1	3. ....	.....	.....
20.2	4. ....	.....	.....
20.3	5. ....	.....	.....
20.4	6. ....	.....	.....
20.5	7. ....	.....	.....
20.6	8. ....	.....	.....
20.7	9. ....	.....	.....
20.8	10. ....	.....	.....
20.9	G	H	I
20.10	Lesser of	Setoff, Lien,	Column G minus
20.11	Column D and	Adverse Interest,	Column H
20.12	Column F	or Other Claims	
20.13	1. ....	.....	.....
20.14	2. ....	.....	.....
20.15	3. ....	.....	.....
20.16	4. ....	.....	.....
20.17	5. ....	.....	.....
20.18	6. ....	.....	.....
20.19	7. ....	.....	.....
20.20	8. ....	.....	.....
20.21	9. ....	.....	.....
20.22	10. ....	.....	.....
20.23		TOTAL OF COLUMN I \$	

20.24 *If you entered any amount in Column H for any payday(s), you must describe below
 20.25 either your claims, or the claims of others. For amounts claimed by others, you must both
 20.26 state the names and addresses of these persons, and the nature of their claim, if known.

20.27

20.28

20.29

20.30 **AFFIRMATION**

20.31 I, (person signing Affirmation), am the third party or I am authorized by the
 20.32 third party to complete this earnings disclosure worksheet, and have done so truthfully and
 20.33 to the best of my knowledge.

20.34

20.35 **Title**

21.1 Dated: (.....)
 21.2 Signature Phone Number

21.3 Sec. 13. Minnesota Statutes 2018, section 551.06, subdivision 12, is amended to read:

21.4 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
 21.5 earnings, the third party shall serve the execution earnings disclosure form upon the attorney
 21.6 for the judgment creditor within 20 days after service of the writ of execution. However, if
 21.7 the judgment debtor has attachable earnings, the third party shall serve the execution earnings
 21.8 disclosure form upon both the attorney for the judgment creditor and the judgment debtor
 21.9 and remit to the attorney for the judgment creditor the attached earnings within ten days of
 21.10 the last payday to occur within the ~~70~~ 90 days after the date of the service of the writ of
 21.11 execution. If the judgment is wholly satisfied or if the judgment debtor's employment ends
 21.12 before the expiration of the ~~70-day~~ 90-day period, the disclosure and remittance should be
 21.13 made within ten days after the last payday for which earnings were attached. The amount
 21.14 of the third party's execution earnings disclosure form and remittance need not exceed 100
 21.15 percent of the amount of the judgment creditor's judgment that remains unpaid, after
 21.16 subtracting the total of setoffs, defenses, exemption, or other adverse interests. If the
 21.17 disclosure is by a corporation, it shall be made by an officer or an authorized agent having
 21.18 knowledge of the facts."

21.19 Page 8, line 8, after the second "the" insert "greater of \$9.50 per hour or the"

21.20 Page 9, line 10, after "here" insert "the greater of 40 times \$9.50 or"

21.21 Page 10, line 27, strike "40 X Min. Wage" and insert "Greater of 40 X \$9.50 or 40 X
 21.22 Fed. Min. Wage"

21.23 Page 17, line 29, delete "state minimum" and delete "prescribed by" and insert "described
 21.24 in"

21.25 Page 17, line 30, before the semicolon, insert ", paragraph (b), clause (1), item (iii)"

21.26 Page 19, after line 14, insert:

21.27 "Sec. 22. EFFECTIVE DATE.

21.28 Sections 1 to 21 are effective August 1, 2019, and apply to all earnings garnished or
 21.29 levied, or all attorney's summary execution upon earnings, on or after that date."

21.30 Renumber the sections in sequence and correct the internal references

21.31 Amend the title accordingly