

Sec. 2. This act becomes effective upon its approval by the governing body of the city of Minneapolis and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 20, 1971.

CHAPTER 426—H.F.No.2466

[Not Coded]

An act relating to the municipal court of Washington county; establishing certain conciliation court fees; establishing salaries for the municipal court clerk and court reporters; amending Laws 1967, Chapter 792, Section 3, Subdivision 9; Section 4, Subdivision 3; and Section 21, Subdivisions 1 and 5.

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

Section 1. Laws 1967, Chapter 792, Section 3, Subdivision 9, is amended to read:

Subd. 9. **WASHINGTON COUNTY; MUNICIPAL COURT; FEES AND SALARIES; DISPOSITION OF FORFEITED SUMS.** All sums collected on any bail, bond, or recognizance forfeited by court order shall be paid to the county of Washington to be applied to the support of the law library of the Washington county municipal court. The receipt of the county treasurer to the clerk shall be a sufficient voucher therefor. When the sums so forfeited, minus refunds, during any calendar year equal \$500, all sums in excess thereof shall be paid to the county treasurer who shall remit said sums to the municipality or subdivision of government in which the violation occurred in accordance with the provisions of this act. Such payments to the county shall be made periodically but not prior to six months from the date of the order for forfeiture. During that six month period, but not thereafter, any judge may set aside the forfeiture order upon proper showing of cause therefor. No obligation to pay to the county sums so ordered forfeited exists unless the forfeiture is not set aside within said six-month period. For the purpose of determining when said \$500 shall have accrued to the ~~county law library~~ Washington county municipal court law library the final forfeiture shall be deemed to occur at the end of the six-month period.

Sec. 2. Laws 1967, Chapter 792, Section 4, Subdivision 3, is amended to read:

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

Subd. 3. **SALARY.** The annual salary of each reporter shall be ~~set by the board of county commissioners the same as but not more than the salary of the district court reporters of the tenth judicial district~~ and said salary payable out of the treasury of the county of Washington in semi-monthly installments.

Sec.3. Laws 1967, Chapter 792, Section 21, Subdivision 1, is amended to read:

Sec. 21. **COMMENCEMENT OF ACTION; FILING FEE; REQUISITES OF CLAIM; SUMMONS; COUNTERCLAIM; REPLEVIN.** Subdivision 1. **COMMENCEMENT OF ACTION.** An action is commenced against each defendant when the complaint is filed with the clerk of conciliation court and a filing fee of ~~\$1~~ \$2 is paid to the clerk or the prescribed affidavit in lieu of filing fee is filed.

Sec. 4. Laws 1967, Chapter 792, Section 21, Subdivision 5, is amended to read:

Subd. 5. **COUNTERCLAIM.** (a) The defendant may interpose as a counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the clerk a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant or his attorney, and paying a filing fee of ~~\$1~~ \$2 to the clerk. If the defendant is not represented by an attorney, the clerk shall draw up the counterclaim on request.

(c) The clerk shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff or his attorney by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of a written or oral counterclaim before or after the hearing of the merits of the claim and counterclaim. The judge, in his discretion, may require the payment of absolute or conditional costs up to \$25 by the defendant as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim arising out of the same transaction or occurrence which exceeds the jurisdiction of the court and the defendant files an affidavit by himself or his attorney with the clerk not less than five days before the date set for court hearing showing that he has filed with the clerk of a specified other court of

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competent jurisdiction a complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the clerk shall strike the action from the calendar and so advise the plaintiff or his attorney by mail. If the plaintiff, not less than 30 days nor more than three years after the filing of such an affidavit, shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally determined, the clerk shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter-affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the clerk or any judge. Prior to the expiration of this three year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Sec. 5. The annual salary of the clerk of the Washington county municipal court shall be established by the Washington county board of commissioners, but in no event shall be less than \$14,500.

Approved May 20, 1971.

CHAPTER 427—H.F.No.35

[Coded in Part]

An act relating to taxation and assessment of property; limiting property tax rates and maximum net indebtedness; amending Minnesota Statutes 1969, Sections 124.03, Subdivision 2; 270.074; 273.11; 273.12; 273.13, Subdivisions 2, 3, 4, 5, 6, 7, 7a, 8a, 9, 13, 14, and 17; 273.135, Subdivision 1; 273.15; 273.37, Subdivision 2; 273.38; 273.40; 273.49; and repealing Minnesota Statutes 1969, Section 272.03, Subdivision 12.

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

Section 1. Minnesota Statutes 1969, Section 273.11, is amended to read:

273.11 TAXATION; ASSESSMENT OF PROPERTY. All property shall be valued at its market value. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or at a forced sale, or in the aggregate

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