

CHAPTER 302 — H.F.No. 591

An act relating to the city of St. Paul; repealing the people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **REPEAL.**

Minnesota Statutes 1980, Chapter 458B is repealed.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day after final enactment pursuant to Minnesota Statutes, Section 645.023, Subdivision 1. This act applies to the government units and agencies named in chapter 458B, including the city of St. Paul and the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Approved May 29, 1981

CHAPTER 303 — H.F.No. 691

An act relating to courts; permitting the use of electronic recording equipment in certain district court proceedings; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying that all law clerks are unclassified employees and without tenure; amending Minnesota Statutes 1980, Sections 484.545, Subdivision 2, and by adding a subdivision; 486.02 and 486.03; and proposing new law coded in Minnesota Statutes, Chapter 484.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[484.72] ELECTRONIC RECORDING OF COURT PROCEEDINGS.**

Subdivision 1. AUTHORIZATION. Except as provided in subdivision 4, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a competent stenographer who meets minimum qualifications promulgated by the supreme court, to make a complete stenographic record of the proceedings.

Subd. 2. APPOINTMENT OF OPERATOR, COSTS AND PAYMENT. The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. The person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.

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

Subd. 3. SPECIFICATION FOR ELECTRONIC RECORDING EQUIPMENT; QUALIFICATIONS FOR OPERATOR. For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor the equipment.

Subd. 4. LIMITATIONS ON USE OF ELECTRONIC RECORDING EQUIPMENT. A competent stenographer who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of the following court proceedings:

(1) Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the rules of criminal procedure.

(2) District court jury trials.

(3) Contested district court trials and fact-finding hearings. Where required by statute or court rule, electronic recording equipment may be used in addition to the services of a competent stenographer.

Subd. 5. MALFUNCTION OF ELECTRONIC RECORDING. If, when electronic recording equipment is used, a malfunction occurs in the recording process so that the recording is incomplete, the court may declare a mistrial if the malfunction is discovered during the trial. If the malfunction is discovered in the course of preparing a transcript after a verdict has been entered, the court may grant a new trial upon motion of any party.

Sec. 2. Minnesota Statutes 1980, Section 486.02, is amended to read:

486.02 STENOGRAPHIC RECORD.

Such reporter Except as provided in section 1, a competent stenographer who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of all testimony given and all proceedings had before the judge upon the trial of issues of fact, with or without a jury, or before any referee appointed by such judge. In so doing he shall take down all questions in the exact language thereof, and all answers thereto precisely as given by the witness or by the sworn interpreter. He shall also record, verbatim, all objections made, and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions, orders, and admissions made and the charge to the jury. When directed so to do by the judge, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice.

Sec. 3. Minnesota Statutes 1980, Section 486.03, is amended to read:

486.03 FURNISH TRANSCRIPT; FILE RECORD.

As soon as the trial is ended the reporter or operator of electronic recording equipment shall file his stenographic report, or tape recording, thereof

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with the clerk, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of his fees therefor, he shall furnish a transcript of such record in the words and figures represented by the characters used in making the same and for that purpose he may take and retain such record so long as may be necessary, when it shall be returned to the files.

Sec. 4. Minnesota Statutes 1980, Section 484.545, Subdivision 2, is amended to read:

Subd. 2. The judges, by order filed with the county auditors on or before the first Monday in August, 1975, and annually on or before the first Monday in January thereafter shall fix and establish the salary of each law clerk not to exceed \$15,000 per year without the approval of the county board of each of the counties involved, and shall apportion the total salaries paid among the several counties to which the judges are assigned, according to the population of each county. Notwithstanding any law to the contrary, in all judicial districts, except the fourth judicial district, a salary range for law clerks shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each law clerk shall be set within that range annually by the district administrator after consultation with the chief judge.

Nothing herein shall change the manner by which law clerk salaries are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provision related to law clerk compensation other than the manner of setting salary. Each county shall be required by the order to pay a specified amount thereof in monthly installments which shall be such proportion of the whole salaries as the population of the county is to the total population of the counties to which the judge is assigned as determined by the last census.

Sec. 5. Minnesota Statutes 1980, Section 484.545, is amended by adding a subdivision to read:

Subd. 4. All law clerks in every judicial district, shall serve without tenure at the pleasure of the appointing judge or judges.

Sec. 6. EFFECTIVE DATE.

Section 1, subdivisions 3 and 4 are effective the day after final enactment. Section 1, subdivisions 1, 2 and 5, and sections 2 and 3 are effective upon promulgation of the specifications and qualifications as provided in section 1, subdivision 3.

Approved May 29, 1981

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