

Sec. 4. [76.35] Fees. Upon the filing of every such application, the applicant shall pay to the state fire marshal a filing and inspection fee of \$25.00, except that the fee for agencies or stations referred to in *paragraph d* of Section 2 shall be \$3.00 and no additional fee shall be charged for licenses to store flammable liquids.

Approved April 25, 1955.

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CHAPTER 881—H. F. No. 954

[Not Coded]

*An act proposing an amendment to Article VI of the Constitution; providing for the exercise of the judicial power of the state.*

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

Section 1. An amendment to the Constitution of the State of Minnesota, Article VI, is proposed to the people of the state for their approval or rejection. The proposed amendment is as follows, and if adopted, Article VI will read:

ARTICLE VI  
JUDICIARY

Section 1. Judicial power. The judicial power of the state is hereby vested in a supreme court, a district court, a probate court, and such other courts, minor judicial officers and commissioners with jurisdiction inferior to the district court as the legislature may establish.

Sec. 2. Supreme Court. The supreme court shall consist of one chief judge and not less than six nor more than eight associate judges, as the legislature may establish. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, but there shall be no trial by jury in said court.

A judge of the district court may be assigned as provided by law temporarily to act as a judge of the supreme court upon its request.

The supreme court shall appoint, to serve at its pleasure, a clerk, a reporter, a state law librarian, and such other employees as it may deem necessary.

Sec. 3. Judicial Districts; District Judges. The number and boundaries of judicial districts shall be established or

changed in the manner provided by law but the office of a district judge may not be abolished during his term. There shall be two or more district judges in each district. Each judge of the district court in any district shall be a resident of such district at the time of his selection and during his continuance in office.

Sec. 4. District Court Clerks. There shall be elected in each county one clerk of the district court, whose qualifications and duties shall be prescribed by law, and whose term of office shall be four years. His compensation shall be prescribed by law and shall not be diminished during his term of office.

Sec. 5. Jurisdiction of District Court. The district court shall have original jurisdiction in all civil and criminal cases, and shall have such appellate jurisdiction as may be prescribed by law.

Sec. 6. Jurisdiction of Probate Court. The Probate Court shall have unlimited original jurisdiction in law and equity for the administration of the estates of deceased persons and all guardianship and incompetency proceedings, and such further jurisdiction as the legislature may establish, including jurisdiction over the administration of trust estates and for the determination of taxes contingent upon death. Until otherwise provided by law, each county shall constitute a probate court district and there shall be one or more probate judges in each district. Each judge of the probate court in any district shall be a resident of such district at the time of his selection and during his continuance in office.

Sec. 7. Qualifications; Compensation. Judges of the supreme court, the district court, and the probate court shall be learned in the law. The qualifications of all other judges and judicial officers shall be prescribed by law. The compensation of all judges shall be prescribed by the legislature and shall not be diminished during their term of office.

Sec. 8. Terms of Office; Election; Vacancies; Re-election. The term of office of all judges shall be six years and until their successors are qualified, and they shall be elected in the manner provided by law by the electors of the state, district, county, municipality, or other territory wherein they are to serve.

Sec. 9. Holding Other Office. Judges of the supreme court and the district court shall not hold any office under the United States except a commission in a reserve component of the military forces of the United States and shall not hold any other office under this state. The term of office of any such judge shall terminate at the time he files as a candidate for an

elective office of the United States or for a nonjudicial office of this state.

Sec. 10. Retirement. The legislature may provide by law for retirement of all judges, for the extension of the term of any judge who shall become eligible for retirement within three years after expiration of the term for which he is selected and for the removal of any judge who is incapacitated while in office.

Sec. 11. Appointment. Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after such appointment.

Sec. 12. Retired Judges. As provided by law, a retired judge may be assigned to hear and decide any cause over which the court to which he is assigned shall have jurisdiction.

#### SCHEDULE

(a) All justices of the peace shall continue in office each for the remainder of his term which remains unexpired at the time this Article takes effect.

(b) All probate judges in office at the time this Article takes effect shall be deemed learned in the law for the purpose of continuance in, and reelection to, any judicial office inferior to the district court.

(c) All municipal courts in existence at the time this Article takes effect shall continue in existence until otherwise provided by law.

(d) Salary schedules, in effect when this Article takes effect for the compensation of judges, court commissioners, clerks of court, and other court employees, shall remain in effect until otherwise prescribed by the legislature or provided by law.

(e) Statutory provisions fixing the retirement compensation of judges, in effect when this Article takes effect shall remain in effect until otherwise provided by law.

(f) The office of court commissioner in any county at the time this Article takes effect shall continue in existence until otherwise provided by law.

Sec. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the general election for the year 1956 in the manner provided by

law for the submission of amendments to the constitution. The ballots used at this election shall have the following printed thereon:

“Shall Article VI of the Constitution of the State of Minnesota relating to the judicial power of the state be amended to organize, establish, conduct, and operate the judicial power of the State of Minnesota in accordance with the provisions of the amendment printed and published in Laws 1955, Chapter (*Here insert chapter number when assigned*)?”

Yes \_\_\_\_\_

No \_\_\_\_\_”

Approved April 18, 1955.

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CHAPTER 882—H. F. No. 1407

[Not Coded]

*An act proposing an amendment to the constitution of the State of Minnesota by including a consolidated article on public highways, providing for systems of public roads to be constructed, improved and maintained by the state, counties and municipalities; authorizing the state to construct and maintain trunk highways and aid in the construction and maintenance of other public highways; establishing and authorizing the creation of a fund for such purposes by the taxation of motor vehicles and motor fuel; the issuance of bonds for such purposes as to trunk highways; consolidating and combining the several provisions of the constitution relating thereto into a single article to be known as Article XVI taking the place of present Article XVI, Article IX, Section 16, and repealing inconsistent provisions of the constitution.*  
Be it enacted by the Legislature of the State of Minnesota:

Section 1. An amendment to the constitution of the State of Minnesota is proposed to the people of the state for their approval or rejection, which amendment if adopted shall be known as Article XVI and shall take the place of present Article XVI and Article IX, Section 16. The proposed amendments reads:

ARTICLE XVI

Section 1. Subject to the limitations of this article the state may establish, locate, construct, reconstruct, improve and maintain public highways and may assist political subdivisions in such work.