

Sherburne, and upon compliance with Laws 1959, Chapter 368.

Approved May 23, 1961.

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EXTRA SESSION

CHAPTER 32—H. F. No. 155

[Coded]

*An act relating to the establishment and operation of joint municipal courts by two or more cities, except cities of the first class, or villages or boroughs.*

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

Section 1. [488.31] **Joint municipal courts; definitions.** Subdivision 1. For purposes of sections 1 to 8, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Municipality" means any city, village, or borough except a city of the first class.

Subd. 3. "Municipal court" means a court organized and operated pursuant to the municipal court act.

Subd. 4. "Joint municipal court" means a court organized and operated by two or more municipalities as provided in this act.

Sec. 2. [488.32] **Establishment; agreement; name; withdrawal; dissolution.** Subdivision 1. If two or more municipalities have a combined population of 1,000 or more or if one is a county seat, a joint municipal court is established in such municipalities with jurisdiction coextensive with and limited to the county or counties in which such municipalities are located; but no joint municipal court so established is organized until such municipalities enter into an agreement approved by a four fifths vote of each governing body. If a municipal court has been organized in any municipality entering into such an agreement, the agreement may provide that the existing municipal court shall be the joint municipal court and in that event the judge or judges of the existing court shall continue to serve as judges of the joint municipal court until the expiration of their terms of office and until their successors are elected and qualified as provided in

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section 5, subdivision 1. If the agreement does not so provide, the agreement and the jurisdiction of the joint municipal court shall not become effective in any municipality having an existing municipal court until the expiration of the term of office of the judge or judges of that court. Upon expiration of the term of office of the incumbent judge or judges of the existing municipal court, the court is abolished and its functions, powers and duties, and pending cases are transferred to the joint municipal court.

Subd. 2. The name of such a court shall be the "Municipal Court of \_\_\_\_\_," inserting the names of the municipalities participating in the agreement.

Subd. 3. The term of the agreement shall be indefinite subject to the right of withdrawal as provided in subdivision 4 or dissolution of the court as provided in subdivision 6. The agreement may be altered from time to time consistent with this act.

Subd. 4. No municipality shall withdraw from a joint municipal court agreement if such withdrawal terminates the court, but otherwise any municipality participating in such an agreement may withdraw therefrom at any time. No withdrawal shall become effective until the expiration of the term of the judge or judges in office at the time of the withdrawal. At that time the joint municipal court shall cease to have jurisdiction over cases thereafter arising in any municipality withdrawing from the agreement.

Subd. 5. If all but one of the municipalities participating in a joint municipal court agreement withdraw therefrom, the court shall continue to exist as the municipal court in the remaining municipality as though organized therein under the municipal court act, and shall be subject to all of the provisions of that act. The location of the court shall be changed, if necessary, to the remaining municipality.

Subd. 6. By concurrent resolutions adopted by a four fifths vote of the governing body of each municipality participating in a joint municipal court agreement, the question of dissolving the court may be submitted to the voters at an election held as provided in section 5, subdivision 1, or at a special election held at the same time in each municipality participating in the agreement. If a majority of the total vote cast upon the question in all participating municipalities is in favor of dissolution, the court is dissolved upon the expiration of the term of office of the incumbent judge or

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judges of the court, and court records and pending cases shall thereupon be disposed of as in the case of dissolution under the municipal court act.

**Sec. 3. [488.33] Content of agreement.** An agreement establishing a joint municipal court shall

(a) Designate the municipality in which the court is to be located and authorize the court to provide for court sessions in the other participating municipalities if sessions are to be held in more than one municipality;

(b) Specify the number of judges and provide for additional judges from time to time as the needs of the court may require;

(c) Provide suitable space and other facilities for operation of the court;

(d) Provide for the appointment and the bonds of court officers and other personnel except for the clerk and deputy clerk;

(e) Provide for the manner in which the expense of establishing and operating the court is to be apportioned and paid by the participating municipalities, including the compensation of the clerk, deputy clerk, and other court officers and personnel;

(f) Provide for disposition of the fees and other moneys collected by the court in civil actions and the fines, fees, and costs which would otherwise be paid to the individual municipalities participating in the agreement under the municipal court act;

(g) Provide for the distribution of any property acquired as a result of the agreement, and the return of any surplus funds in proportion to the contributions of the contracting parties upon withdrawal of any municipality from the agreement or dissolution of the court;

(h) Include such other provisions, not inconsistent with this act and with the authority otherwise possessed by the court to make rules for its own operations, as may be necessary for establishment and operation of the court.

**Sec. 4. [488.34] Judges.** Subdivision 1. If a joint municipal court agreement provides for more than one judge, the judges shall be designated and the work of the court shall be assigned as provided in the municipal court act.

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Subd. 2. Each judge shall be learned in the law and a resident of the county or counties in which the joint municipal court has jurisdiction.

Sec. 5. **[488.35] Elections.** Subdivision 1. Each judge shall be elected at the regular municipal election if all municipalities participating in the agreement hold their regular municipal election at the same time. If the participating municipalities hold their regular municipal elections at different times, each judge shall be elected on the first Tuesday after the first Monday in November in the even-numbered year.

Subd. 2. Affidavits or applications of candidacy for the office of judge shall be filed with the clerk of the municipality in which the court is located within the period and in the manner provided by law or charter for filing for office in that municipality. Immediately after the last day for filing, the clerk shall certify the names of all the candidates to the clerk of each municipality participating in the joint municipal court agreement, and the names shall be included on the regular municipal election ballot, or, if the election is held on the first Tuesday after the first Monday in November as provided in subdivision 1, on a separate non-partisan ballot conforming to the ballot used at the regular municipal election. After the canvass of votes is completed, the results of the election for judge shall be certified to the clerk of the municipality in which the court is located. The clerk shall thereupon issue to each successful candidate a certificate of his election. No candidate for judge shall be deemed elected unless he receives a plurality of the total votes cast for the office in all municipalities participating in the joint municipal court agreement. When two judges are to be elected and one is not designated the special municipal judge or when more than two judges are to be elected the candidates, to a number equal to the number of judges to be elected, who receive the highest number of votes shall be deemed elected.

Subd. 3. Except as provided in subdivisions 1 and 2, all of the provisions of Laws 1959, Chapter 675, Article VI, Sections 1 to 17 relating to municipal elections shall apply to and govern the election of the judge or judges of a joint municipal court.

Subd. 4. Each judge shall serve for a term of six years beginning on the first Monday of the month next following his election and until his successor qualifies.

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Subd. 5. When a joint municipal court is organized more than 90 days prior to the election at which the judge or judges are to be elected as provided in subdivision 1, or whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to serve until a successor is elected and qualified. The successor shall be elected for a six-year term at the next election which occurs as provided in subdivision 1 more than one year after such appointment.

Sec. 6. [488.36] **Juries; duties of mayor and clerk.** Petit jurors for the trial of all types of actions shall be selected as provided in the municipal court act; but for purposes of this act the duties of the mayor and clerk shall be performed by the mayor and clerk of the municipality in which the court is located and persons to serve as jurors may be selected from the qualified electors of the municipalities participating in the joint municipal court agreement.

Sec. 7. [488.37] **Application of municipal court act.** Except as otherwise provided in this act all the provisions of the municipal court act shall apply to and govern the operations of a joint municipal court.

Sec. 8. This act takes effect on July 1, 1961.

Approved May 23, 1961.

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## EXTRA SESSION

### CHAPTER 33—H. F. No. 167

[Not Coded]

*An act relating to the retirement of employees of the village of Hibbing, and authorizing the payment of pensions.*

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

Section 1. **Hibbing, village of; employees; retirement.** This act applies to the village of Hibbing.

Sec. 2. The village of Hibbing may retire from its employment and pay a monthly pension to any employee of the municipality who has been employed by said municipality for more than 20 years and who had attained the age of 55 years or more on May 1, 1958, such pension to commence as of the date of retirement and the amount of such pension shall in

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