

## CHAPTER 876—S. F. No. 1509

*An act relating to the tax on cigarettes and sale of stamps therefor; amending Minnesota Statutes 1961, Section 297.03, Subdivision 5.*

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

Section 1. Minnesota Statutes 1961, Section 297.03, Subdivision 5, is amended to read:

Subd. 5. **Cigarettes; sale of tax stamps.** The commissioner shall sell stamps to any person licensed as a distributor at a discount of ~~two and one-half~~ *three and one-quarter* percent from the face amount of the stamps *for the first \$150,000 of such stamps purchased in any fiscal year; and at a discount of two and one half percent for all additional stamps purchased in any fiscal year.* He shall not sell stamps to any other person.

Approved May 27, 1963.

## CHAPTER 877—S. F. No. 1678

[Coded in Part]

*An act relating to courts in Hennepin county, except the district and probate court, and creating a municipal court of Hennepin county; amending Minnesota Statutes 1961, Section 488A.01, Subdivisions 1, 4, 6, 8, 9, and by adding new subdivisions thereto; 488A.02; 488A.03, Subdivisions 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12; 488A.04, Subdivisions 1, 2 and 4; 488A.05, Subdivisions 1 and 3; 488A.06, Subdivisions 1, 2, 3 and 4; 488A.07, Subdivisions 2, 3, and 7; 488A.08, Subdivisions 1, 2, 3 and 4; 488A.10, Subdivisions 3, 6 and 11; 488A.12, Subdivisions 1 and 2; 488A.13; 488A.16, Subdivision 8; and 488A.17, Subdivisions 1 and 3.*

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

Section 1. Minnesota Statutes 1961, Section 488A.01, Subdivision 1, is amended to read:

488A.01 **Hennepin county municipal court; establishment; jurisdiction; powers; appeals.** Subdivision 1. **Establishment.** ~~The establishment of the existing municipal court of the city of Minneapolis is confirmed and the court is continued~~ *There is hereby created a municipal court of Hennepin county with the jurisdiction and powers hereinafter stated.*

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*regular terms of court established pursuant to this clause, all functions of the court may be discharged, including both court and jury trials of civil and criminal matters.*

(b) *In addition to the regular places of holding court set forth in clause (a) of this subdivision, trials of traffic and criminal violations shall be held in the municipalities of Bloomington, Golden Valley, Richfield, Excelsior, St. Louis Park, Edina, Minnetonka, Hopkins, Mound, Maple Plain, Wayzata, Plymouth, Crystal, Brooklyn Center, St. Anthony, Osseo, Robbinsdale, Brooklyn Park, Eden Prairie, and Orono, if not so designated in clause (a) above and such additional locations as may be designated by a majority of the judges of the court. The county of Hennepin shall provide suitable quarters for the holding of court in such locations as may be designated under this clause.*

Sec. 5. Minnesota Statutes 1961, Section 488A.01, is amended by adding a subdivision to read:

*Subd. 12 Trial of civil actions. (a) All civil actions brought in the municipal court of Hennepin county shall be tried at the place of holding court specified in writing on the summons issued therein. If no place of trial is specified on the summons by the plaintiff or plaintiffs, the action shall be tried at the Hennepin county courthouse.*

(b) *A defendant residing in Hennepin county outside of the city of Minneapolis and the village of St. Anthony may change the place of trial of a civil action to the place of holding court in the senatorial district of his residence in the manner provided herein. A defendant residing in Hennepin county within the city of Minneapolis or the village of St. Anthony may change the place of trial of a civil action to the city of Minneapolis in the same manner. If there are several defendants residing in different senatorial districts or in the city of Minneapolis or the village of St. Anthony, the trial shall be held in the city of Minneapolis or in the senatorial district upon which a majority of them shall unite in demanding or, if the number be equal, at the city of Minneapolis or in the senatorial district whose place of holding court is nearest to the place where such action would have been tried in the absence of such demand.*

(c) *If the place of court determined by the summons is not the place of residence of the defendant or defendants, the action may notwithstanding be tried therein unless, within 20 days after the summons is served, the defendant demands in writing that it be tried in the proper place of holding court. This demand shall be accompanied by the affidavit of the defendant, or his agent or*

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attorney, setting forth the municipality or senatorial district of defendant's residence at the time of the commencement of the action. This demand and affidavit, with proof of service thereof upon the plaintiff's attorney, shall be filed with the clerk within 30 days from the date of its service and thereupon the place of trial shall be changed to the proper place of holding court without any other proceedings.

When the place of trial is changed all other proceedings shall be had in the place to which the change is made, unless otherwise provided by consent of the parties filed with the clerk or by order of the court.

(d) For the purpose of determining the place of residence of a domestic corporation, such corporation shall be considered as residing at any place where it has an office, resident agent or business place.

(e) If none of the parties shall reside or be found in the county of Hennepin or the defendant be a foreign corporation, the action may be tried at any place of holding court designated in the summons.

Sec. 6. Minnesota Statutes 1961, Section 488A.01, is amended by adding a subdivision to read:

*Subd. 13. Trial of criminal actions. All charges of traffic and ordinance violations shall be tried in the municipality where the alleged violation occurred. If there is no designated place of holding court in such municipality, the alleged violation shall be tried in the designated place of holding court which is nearest to the place where the alleged violation occurred.*

Sec. 7. Minnesota Statutes 1961, Section 488A.02, is amended to read.

**488A.02 Judges. Subdivision 1. Number of judges.** There are ~~eight~~ *shall be ten* judges of the municipal court of the city of Minneapolis commencing July 1, 1963. *The salary of six judges shall be paid by the city of Minneapolis, and the salary of four judges shall be paid by the county of Hennepin. Commencing January 1, 1965, there shall be 14 judges of the municipal court of the county of Hennepin.*

**Subd. 2. Qualifications and oath.** Each judge shall be a person learned in the law who is admitted and qualified to practice in the supreme court of this state and is a resident of the city of ~~Minneapolis~~ *county of Hennepin* in this state. Before entering upon the duties of office, each judge shall take and subscribe an

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oath, in the form prescribed by law for judicial officers, and shall file that oath in the office of the *city clerk county auditor*.

Subd. 3. **Term; vacancies; appointments and election.** (a) Each elected judge holds office for six years beginning the first Monday in ~~July~~ *January* next succeeding his election.

(b) Whenever there is a vacancy in the office of judge, the governor shall appoint 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.

(c) At the general ~~city~~ election immediately preceding the expiration of his term, the qualified voters of the ~~city of Minneapolis county of Hennepin~~ shall elect the successor to any elected or appointed judge.

(d) Each judge holds a separate non-partisan office.

(e) When one or more judges of the court are to be nominated or elected at an ~~city~~ election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the ~~city of Minneapolis county of Hennepin~~ to which \_\_\_\_\_ was elected for the regular term", or:

(name of judge)

"For the office of Judge of the Municipal Court of the ~~city of Minneapolis county of Hennepin~~ to which \_\_\_\_\_

(name of judge)

was appointed," as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed himself, the word "incumbent" shall be printed after his name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be "Successor to \_\_\_\_\_

(name of judge)

(elected", or "Successor to \_\_\_\_\_ (appointed)",

(name of judge)

as the case may be.

(f) Each person desiring to have his named placed upon the primary ballot as a candidate for judge shall state in his affidavit of candidacy the office of the particular judge for which he is a

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candidate. The filing of this affidavit with the ~~city clerk~~ *county auditor* and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.

Subd. 4. The present judges of the municipal court of the city of Minneapolis are hereby confirmed and continued in office. Each such judge shall serve for the balance of his present term.

Subd. 5 4. **Powers.** The judges have the general powers of judges of courts of record and all powers necessary to effectuate the purposes of this act. Each judge may administer oaths and take and certify acknowledgments. Each judge is a conservator of the peace and has all powers and authority vested in justices of the peace or magistrates.

Subd. 6 5. **Contempt of court.** Any judge has the power to punish for contempt of court by a fine not exceeding \$100 or by imprisonment in the county jail or city workhouse not exceeding 90 days.

Subd. 7 6. **Court rules.** A majority of the judges may promulgate rules of court consistent with this act. Unless the rule forbids, a judge may waive its application.

Subd. 8 7. **District court judges.** Upon a request of a majority of the judges of the municipal court, any one or more district court judges of this state may, while serving pursuant to such request, perform all the duties and exercise all the powers and functions of a judge of the municipal court. Each district court judge so acting shall be additional to the number of municipal judges provided for elsewhere in this act, but shall receive no additional salary for so acting.

Subd. 9 8. **Salaries.** Each judge shall be paid an annual salary of \$14,250 in semi-monthly installments out of the treasury of the city of Minneapolis *county of Hennepin*. If a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 8. Minnesota Statutes 1961, Section 488A.03, Subdivision 2, is amended to read:

488A.03 **Clerks, deputies.** Subdivision 2. **Oath, bond.**  
 (a) The clerk shall take and subscribe an oath to support the Constitution of the United States and the state of Minnesota and to perform faithfully the duties of his office.

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(b) The clerk shall execute to the *city of Minneapolis county of Hennepin* a penal bond in such sum and with such surety as the *council county board* directs, conditioned that:

(1) He will account to and pay over to the *city county* treasurer as required by law all money belonging to or to be paid to the *city county*.

(2) He will pay over to all persons on demand all money to which they are entitled which comes into his hands as clerk.

(3) At the expiration of his tenure in office he will forthwith pay to such *city county* all money to which it is entitled and to his successor in office all other money then remaining in his hands which came into his hands as clerk.

(c) The clerk may not enter upon his official duties until his appointment, oath and bond are filed with the *city clerk county auditor*.

Sec. 9. Minnesota Statutes 1961, Section 488A.03, Subdivision 3, is amended to read:

Subd. 3. **Deputy clerks.** (a) The court has one chief deputy clerk, three assistant chief deputy clerks, eight senior deputy clerks, and such number of junior deputy clerks as the clerk, with the approval of a majority of the judges, deems necessary from time to time, but no new or additional positions may be created without the consent of the *city council county board*.

(b) With the approval of a majority of the judges the clerk shall appoint deputy clerks.

(c) Each appointment shall be made under the hand of the clerk and seal of the court and the approval of a majority of the judges shall be endorsed thereon.

(d) Each deputy shall take and subscribe an oath similar to that prescribed for the clerk and shall execute a bond to the *city of Minneapolis county of Hennepin* for the faithful performance of his duties in such amount and with such terms, conditions, and surety as the *city council county board* directs. No deputy may enter upon his office and duties before his appointment, oath and bond are filed with the *city clerk county auditor*.

(e) The appointments of the deputy clerks shall be for terms of six years from their respective dates of appointment and shall not expire or be suspended by reason of the suspension, removal, termination of appointment, death or other incapacity of the clerk. At any time within six months from the date of his initial

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appointment, a deputy clerk may be removed and his appointment terminated, with or without cause and without prior notice or hearing. At any time a deputy clerk may be suspended without pay for a period not exceeding 30 days, with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, a deputy clerk, during his term, may be removed and his appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal or suspension provided for in this subdivision shall be made by a majority of the judges.

(f) The clerk shall delegate, supervise and expedite the work and accounting of the deputy clerks. He is not personally responsible for their acts beyond his responsibility for proper delegation and supervision.

(g) Each deputy may administer oaths and affirmations, and take acknowledgments and shall perform the duties and exercise the powers of the clerk which are delegated to him by the clerk or by a majority of the judges in the event of the death or disability of the clerk.

Sec. 10. Minnesota Statutes 1961, Section 488A.03, Subdivision 4, is amended to read:

Subd. 4. **Powers and duties; supervision of judges.** (a) The clerk may administer oaths and affirmations and take acknowledgments. He has all the powers and shall perform all of the duties usually incident to the office of a clerk of a court of record or necessary to carry out the purposes of this act.

(b) Under the supervision and approval of a majority of the judges and with the consent of the *council county board* the clerk shall procure at the expense of the *city county* all blanks, stationery, books, furniture, furnishings, and supplies necessary for the use of the court and its officers and jurors.

(c) In the performance of all his duties the clerk is subject to the control and supervision of the judges.

Sec. 11. Minnesota Statutes 1961, Section 488A.03, Subdivision 6, is amended to read:

Subd. 6. **Disposition of fines, fees and other monies; accounts.** (a) ~~All fines collected by the clerk for violations of the ordinances, rules, or regulations of the Minneapolis-St. Paul Metropolitan Airports Commission shall be paid by him to such commission. Except as otherwise provided herein and except as otherwise provided by law, the clerk of the court shall pay to the Hennepin county treasurer~~

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*all fines and penalties collected by him, all fees collected by him for services of himself, all sums forfeited to the Court as hereinafter provided, and all other monies received by the clerk.*

(b) Except as provided in clause (a) and except as otherwise provided by law, the clerk shall pay to the city treasurer, all fines or penalties collected by him; all fines received by him for services of himself and police officers, and all other money of the city or required by law to be paid to the city. *The clerk of court shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed for each fine or penalty and the total amount of fines or penalties collected for each such municipality or other subdivision of government.*

(c) At the beginning of the first day of any month the amount owing to the city *any municipality or county* in the hands of the clerk shall not exceed \$5,000.

(d) Prior to the 16th day of each month the clerk shall file on account with the city treasurer. ~~This account shall show all receipts, disbursements and deductions for the previous month and the balance held by the clerk for any person or for the city at the close of the last day of the previous month. On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government in Hennepin county all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government.~~

(e) Amounts represented by checks issued by the clerk or received by the clerk which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(f) The clerk may receive negotiable instruments in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable therefor until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

Sec. 12. Minnesota Statutes 1961, Section 488A.03, Subdivision 7, is amended to read:

Subd. 7. **Payment of witness fees and mileage.** The clerk shall pay such fees and mileage to witnesses as may be ordered by any judge in any action or proceeding involving a charged violation of a criminal law or municipal ordinance. The clerk shall obtain receipts therefor as vouchers for the sums paid and shall deduct these payments from the amount otherwise due to the city *county*.

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Sec. 13. Minnesota Statutes 1961, Section 488A.03, Subdivision 8, is amended to read:

Subd. 8. **Abandonment of deposits and bail.** (a) All sums deposited with the clerk to cover witness fees, jury fees, clerk's fees or the fees of police officers shall be deemed abandoned and forfeited if the witness fees are not disbursed or the services covered by the fees are not performed and the person entitled to refund thereof does not file a written demand for refund with the clerk within six months from the date of trial, dismissal or striking of the cause as to jury fees and from the date of deposit as to other fees.

(b) Any bail deposited with the clerk and not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand for refund with the clerk within six months from the date when he became entitled to the refund. All such forfeited sums shall be paid over by the clerk to the city county treasurer promptly.

(c) Any judge may order any sums so forfeited under (a) or (b) to be reinstated for cause and the clerk shall then refund accordingly. The city county treasurer shall reimburse the clerk if the clerk refunds the deposit upon such an order and obtains a receipt to be used as a voucher.

Sec. 14. Minnesota Statutes 1961, Section 488A.03, Subdivision 9, is amended to read:

Subd. 9. **Disposition of forfeited sums.** All sums collected on any bail, bond, or recognizance forfeited by court order shall be paid to the county of Hennepin to be applied to the support of the law library of the county. 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 \$2,500, all sums in excess thereof shall be paid to the city of Minneapolis 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 or the city 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 or city sums so ordered forfeited exists unless the forfeiture is not set aside within said six-month period. For the purpose of determining when said \$2,500 shall have accrued to the county law library the final forfeiture shall be deemed to occur at the end of the six-month period.

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Sec. 15. Minnesota Statutes 1961, Section 488A.03, Subdivision 10, is amended to read:

Subd. 10. **Order for prisoner release.** When a person is confined to the ~~city~~ *Minneapolis* workhouse and a fine is remitted, a sentence stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which he was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the clerk and under the court's seal shall be furnished to the superintendent of the ~~city~~ *Minneapolis* workhouse. *All costs of confinement or imprisonment in any jail or workhouse shall be paid by the municipality or subdivision of government in Hennepin county in which the violation occurred.*

Sec. 16. Minnesota Statutes 1961, Section 488A.03, Subdivision 11, is amended to read:

Subd. 11. **Fees payable to clerk.** (a) The fees payable to the clerk for the following services in civil actions are:

1. \$2 payable by the plaintiff, in addition to any library fee otherwise required, when the action is entered in court or when the first paper on the plaintiff's part is filed.

2. \$2 payable by the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others when his or their appearance is entered in the action or when the first paper on his or their part is filed.

3. No trial fee is payable by any party when trial is by a judge without a jury.

4. \$3 for trial by a jury of six persons, \$5 for trial by a jury of 12 persons. The fee paid for trial by a jury shall be refunded if a jury panel is never sworn for voir dire in the action.

(b) Except as provided in paragraph (a), the fees payable to the clerk for his services are the same in amount as the fees then payable to the clerk of the district court of Hennepin county for like services. The fees payable to the clerk for all other services of himself or the court shall be fixed by rules promulgated by a majority of the judges.

(c) Fees are payable to the clerk in advance.

~~(d) No fees for services are payable by the state, county or city.~~

(d) *The following fees shall be taxed in all cases where*

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*applicable: (a) The state of Minnesota and any governmental subdivision within the jurisdictional area of any municipal court herein established may present cases for hearing before said municipal court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city, village, or town in Hennepin county, all fines, penalties, and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution under ordinance violation and to the county treasurer in all other cases except where a different disposition is provided by law, in which case, payment shall be made to the public official entitled thereto. The following fees shall be taxed to the county or to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be paid to the clerk of the court for disposing of the matter:*

*(1) In all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without trial .....\$5*

*(2) In arraignments where the defendant waives a preliminary examination .....\$10*

*(3) In all other cases where the defendant stands trial or has a preliminary examination by the court .....\$15.*

Sec. 17. Minnesota Statutes 1961, Section 488A.03, Subdivision 12, is amended to read:

Subd. 12. **Salaries.** (a) The annual salary of the clerk is \$7018. per year.

(b) The classifications and annual salaries of the deputy clerks are:

- (1) Chief deputy clerk, \$5420.80
- (2) Assistant chief deputy clerks, \$5073.75
- (3) Senior deputy clerks, from \$4012.80 to \$4765.20
- (4) Junior deputy clerks, from \$3696. to \$4224.

(c) All of the foregoing salaries are payable out of the treasury of the city of ~~Minneapolis~~ *county of Hennepin* in semi-monthly installments.

(d) Each junior deputy clerk and each senior deputy clerk shall serve in his classification for one year at the minimum salary for that classification, and his salary shall be increased at the end of each year's service by \$132 for junior deputy clerks and \$125.40 for

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senior deputy clerks until such salaries reach the maximum salaries for such classifications. This act shall not be construed to reduce the present salary of any deputy clerk. Deputy clerks returning from active service in the armed forces of the United States shall receive automatic salary increases in the same fashion as though the time spent in said active service had been spent as a deputy clerk. With the approval of a majority of the judges, senior deputy clerks may be started in that classification at a salary more than the minimum and may be granted raises in excess of \$125.40 per year by the clerk.

Sec. 18. Minnesota Statutes 1961, Section 488A.04, Subdivision 1, is amended to read:

**488A.04 Probation officers.** Subdivision 1. **Appointment; term; removal; suspension.** A majority of the judges shall appoint a chief probation officer. With the approval of a majority of the judges, the chief probation officer shall appoint a chief deputy probation officer and such number of deputy probation officers, clerks and stenographers as a majority of the judges may from time to time deem necessary, but no new or additional positions may be created without the consent of the ~~city council~~ *board of county commissioners*. Each appointment shall be for a term of four years from the respective date of appointment and shall not expire or be suspended by reason of the suspension, removal, termination of appointment, death or other incapacity of the chief probation officer. At any time within six months from the date of his initial appointment, the chief probation officer, the chief deputy probation officer, a deputy probation officer, a clerk or a stenographer, may be removed and his appointment terminated with or without cause and without prior notice or hearing. At any time the chief probation officer, the chief deputy probation officer, a deputy probation officer, a clerk or a stenographer may be suspended without pay for a period not exceeding 30 days, with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, the chief probation officer, the chief deputy probation officer, a deputy probation officer, a clerk or a stenographer, during his term, may be removed and his appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal or suspension provided for in this subdivision shall be made by a majority of the judges.

Sec. 19. Minnesota Statutes 1961, Section 488A.04, Subdivision 2, is amended to read:

Subd. 2. **Duties and powers.** Probation officers shall be present at such sessions of the court as the judge presiding may direct. The probation officers shall take charge of all persons placed on pro-

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bation or parole and committed to their care during a probation or parole period and supervise them as the court directs. They are not regular members of the *any* police force, but in the execution of their official duties, they have all the powers of police officers. The chief probation officer shall supervise the other probation officers and may delegate duties and powers to them.

Sec. 20. Minnesota Statutes 1961, Section 488A.04, Subdivision 4, is amended to read:

Subd. 4. **Offices and supplies.** The ~~city council board of county commissioners~~ shall provide the probation officers, clerks, and stenographers with suitable furnished offices in the building where the court is held, and with record books, blanks, stationery, postage, and funds required for the performance of their duties.

Sec. 21. Minnesota Statutes 1961, Section 488A.05, Subdivision 1, is amended to read:

488A.05 **Court reporters.** Subdivision 1. **Appointment; oath; tenure; retirement.** Each judge may appoint as his court reporter a competent person skilled in that profession. Each reporter shall take and subscribe an oath to support the Constitutions of the United States and the state of Minnesota and to discharge and perform his duties as a court reporter faithfully and honestly. Each reporter shall file his oath with the ~~city clerk~~ *county auditor* before he enters upon the duties of his office. Each reporter is an officer of the court and holds his office during the pleasure of the judge appointing him and until the judge's successor appoints a court reporter to succeed him, notwithstanding any rule or regulation heretofore or hereafter made by any board or commission of the ~~city county~~ establishing and fixing a compulsory age for retirement of employees of the ~~city county~~. It is not compulsory for any such court reporter who is a member of the public employees' retirement association, to become a member of any municipal pension or retirement fund.

Sec. 22. Minnesota Statutes 1961, Section 488A.05, Subdivision 3, is amended to read:

Subd. 3. **Salary.** The annual salary of each reporter is \$5800 and is payable in semi-monthly installments by the ~~city county~~ treasurer from any funds in the ~~city county~~ treasury not otherwise appropriated.

Sec. 23. Minnesota Statutes 1961, Section 488A.06, Subdivision 1, is amended to read:

488A.06 **Bailiffs.** Subdivision 1. **Appointment; duties.**

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The city shall provide and assign to the court a sufficient number of police officers who shall be approved by a majority of the judges and who shall obey the mandates and serve the process of the court and the traffic bureau and preserve order in the court. *The sheriff with approval of a majority of the judges shall assign to the court a sufficient number of deputy sheriffs who shall act as bailiffs of the court. A bailiff shall be in attendance at all sessions of the court involving traffic or criminal matters, and serve all process and warrants and perform such other duties as may be directed by the judges of the court.*

Sec. 24. Minnesota Statutes 1961, Section 488A.06, Subdivision 2, is amended to read:

Subd. 2. **Service of papers.** No police officer bailiff shall serve or receive for service any summons or other paper in any forcible entry, unlawful detainer or civil action until the complaint has been filed with the clerk. The police officer bailiff to whom a summons or other paper is delivered for service shall make a prompt return to the clerk showing whether or not it has been served and if not served the reason therefor.

Sec. 25. Minnesota Statutes 1961, Section 488A.06, Subdivision 3, is amended to read:

Subd. 3. **Fees and mileage.** The fees and mileage of police officers bailiffs in civil actions and actions of forcible entry and unlawful detainer are in the same as those payable to the sheriff of Hennepin county for like services *for district court actions*. The fees and mileage for all other services of police officers bailiffs shall be fixed by rules promulgated by a majority of the judges. The fee provided for by Chapter 349 of the Laws of 1953 is not payable. No fees or mileage are payable by the state, county or city to police officers bailiffs for their services, except that the city county may pay police officers bailiffs for automobile mileage within the limits provided by law when the officers bailiffs furnish automobiles for use in the performance of their duties. Police officers bailiffs shall make returns showing their fees and mileage after performing such services. The amount of the police officers' bailiffs' fees and mileage is payable to the ~~clerk~~ sheriff in advance.

Sec. 26. Minnesota Statutes 1961, Section 488A.06, Subdivision 4, is amended to read:

Subd. 4. **Compensation; gratuities.** Except as provided in subdivision 3 above, such police officers bailiffs shall be paid for their services only the compensation payable to them by the city county as police officers bailiffs. If any fee, gratuity, or reward is paid to any

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~~police officer~~ bailiff for his services while on duty as an ~~officer~~ bailiff of the court, he shall forthwith pay it over to the clerk of court for the use of the ~~city~~ county. Failure to do so is a misdemeanor and is punishable by a fine not exceeding \$100, or by imprisonment in the county jail or city workhouse for not more than 30 days.

Sec. 27. Minnesota Statutes 1961, Section 488A.07, Subdivision 2, is amended to read:

488A.07 **Petit jurors.** Subd. 2. **Selection: list.** Before the first day of September in each year the judges shall select from the qualified electors of the ~~city of Minneapolis~~ county of Hennepin a list of persons properly qualified to serve as petit jurors and certify the list to the clerk of the municipal court. If there be a deficiency of persons on the list, the judges may select from the qualified electors of the ~~city~~ county additional persons to cover the deficiency and certify and deliver to the clerk a supplementary list which shall thereafter stand as part of the original list. The validity of the selection is not affected by the fact that any person selected is disqualified from serving as a juror.

Sec. 28. Minnesota Statutes 1961, Section 488A.07, Subdivision 3, is amended to read:

Subd. 3. **Summoning.** Petit jurors shall be drawn from such list and summoned as the judges direct. The clerk shall issue venires for the jurors drawn which shall be returnable on such dates and hours *and places* as the judges direct. No person shall be drawn as a juror more than once in two years.

Sec. 29. Minnesota Statutes 1961, Section 488A.07, Subdivision 7, is amended to read:

Subd. 7. **Selection from jurors summoned for service by district court.** (a) If a court rule so providing is adopted by a majority of the judges of said district court and also by a majority of the judges of the municipal court, all petit jurors to serve in the municipal court of the ~~city of Minneapolis~~ county of Hennepin may be selected from the petit jurors summoned for jury service by the district court of Hennepin county.

(b) The rule may provide the manner in which jurors for the municipal court shall be selected from the jurors summoned by the district court and the period of time during which they shall serve in municipal court.

(c) The rule may be amended by a majority of the judges of the district court and a majority of the judges of the municipal court.

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It may be rescinded entirely at any time by a majority of the judges of either court.

(d) The rule may be made effective on any date and shall then supersede any jury list for municipal court theretofore in effect. If the rule be rescinded the judges of the municipal court may reinstate any just list drawn for that year by the judges of municipal court or prepare a new jury list.

(e) The petit jurors summoned for service in both courts shall have the same qualifications and shall be selected by the district court under the same procedure as is now provided by law for selecting jurors for service in the district court. ~~Jurors who serve in municipal court under this subdivision need not be qualified electors of the city of Minneapolis but need only be qualified to serve as jurors in the district court of Hennepin county.~~

(f) Jurors shall report to and be excused, governed, instructed and controlled by a judge of either the district court or the municipal court as provided in the court rule.

Sec. 30. Minnesota Statutes 1961, Section 488A.08, Subdivision 1, is amended to read:

**488A.08 Traffic and ordinance violations bureau.** Subdivision 1. **Establishment.** ~~The establishment of the existing traffic violations bureau is hereby confirmed and said bureau is continued for the purpose of this act. Traffic and ordinance violation bureaus shall be established at the locations of court in each senatorial district and at such additional places as a majority of the judges of the court may establish.~~

Sec. 31. Minnesota Statutes 1961, Section 488A.08, Subdivision 2, is amended to read:

**Subd. 2. Supervision; personnel; rules; fines; traffic tags.**

(a) The clerk of municipal court shall supervise the traffic violations bureaus. Subject to approval by a majority of the judges the clerk shall assign one or more deputy clerks to discharge and perform the duties of the bureaus.

(b) A majority of the judges shall issue rules governing the duties and operation of the bureaus. These rules shall specify the violations for which fines may be paid to the bureaus without appearance before a judge and shall set the fine for each such violation.

(c) The traffic violations bureaus shall process all traffic tags, accept all fines payable on traffic tags at the bureaus pursuant to the judges' rules, set dates for arraignment on traffic tag charges to be

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heard in court, arrange for the issuance of warrants where there is a failure to respond to traffic tags, keep proper records and accounts and perform such other and further duties as the judges or the clerks may prescribe.

Sec. 32. Minnesota Statutes 1961, Section 488A.08, Subdivision 3, is amended to read:

Subd. 3. **Traffic tag defined.** The term "traffic tag" means a written or printed notice served upon a person charged with the violation of a traffic law or municipal ordinance, charter provision, rule or regulation or affixed conspicuously to a motor vehicle operated, parked or standing in violation thereof, which requires appearance before ~~the~~ *a* traffic violations bureau within a specified time.

Sec. 33. Minnesota Statutes 1961, Section 488A.08, Subdivision 4, is amended to read:

Subd. 4. **Procedure by person receiving traffic tag.** A person who receives a traffic tag shall proceed as follows:

(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified in the tag. Such a payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and a consent to the imposition of a sentence for the violation in the amount of the fine paid. A receipt shall be issued to evidence the payment and the receipt so issued shall be complete satisfaction for the violation charged in that traffic tag.

(b) When a fine is not so paid, the person charged must appear at ~~the~~ *a* bureau within the time specified in the tag, state whether he desires to enter a plea of guilty or not guilty, arrange for a date of arraignment in court and appear in court for arraignment on the date set by the bureau.

Sec. 34. Minnesota Statutes 1961, Section 488A.10, Subdivision 6, is amended to read:

Subd. 6. **Trials by judge without jury.** A charge of violation of any municipal ordinance, charter provision, rule or regulation shall be heard, tried and determined by a judge without a jury and the defendant shall have no right to a jury trial on such a charge, *except as otherwise required by law.*

Sec. 35. Minnesota Statutes 1961, Section 488A.10, Subd. 3, is amended to read:

Subd. 3. **Complaints.** Complaints charging violations of a

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criminal law of this state or a municipal ordinance shall be sworn to before the clerk, *deputy clerk*, or any judge of the court and shall be filed with the clerk, or *deputy clerk*. *The court may deputize additional deputy clerks for the purpose of receiving sworn complaints and may establish reasonable compensation therefor. Each town or municipality of Hennepin county shall have at least one resident deputy clerk authorized to receive sworn complaints.*

Sec. 36. Minnesota Statutes 1961, Section 488A.10, Subdivision 11, is amended to read:

Subd. 11. **Prosecuting attorneys.** Except where the county attorney is specifically designated by law as the prosecutor for the particular violation charged, the ~~city~~ attorney of the ~~city of Minneapolis~~ *municipality in which the violation is alleged to have occurred* shall have charge of the prosecution of all violations of the state laws and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for said violations.

Sec. 37. Minnesota Statutes 1961, Section 488A.12, Subdivision 1, is amended to read:

488A.12 **Establishment; jurisdiction; powers; computation of time.** Subdivision 1. **Establishment.** ~~The establishment of the existing conciliation court of the city of Minneapolis is confirmed and said court is continued as the~~ *There is hereby established a conciliation court of the county of Hennepin* with the jurisdiction and powers hereinafter stated.

Sec. 38. Minnesota Statutes 1961, Section 488A.12, Subdivision 2, is amended to read:

Subd. 2. **Court of records; seal; separate court.** The conciliation court is a court of record with its own seal. It is separate from the municipal court of the ~~city of Minneapolis county of Hennepin~~ *city of Minneapolis*.

Sec. 39. Minnesota Statutes 1961, Section 488A.13, is amended to read:

488A.13 **Judges; clerk; police officers; reporters; salaries; quarters.** Subdivision 1. **Judges of municipal court serve as judges; referees for conciliation court.** (a) The judges of the municipal court of the ~~city of Minneapolis county of Hennepin~~ shall serve as judges of the conciliation court for such periods and in such rotation as the judges may determine. While so serving they shall act and be known as conciliation judges.

(b) *The municipal judge who conducts the conciliation court*

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hearing shall act upon any applications to vacate a judgment or an order for judgment whatever the grounds may be and shall sign the certificate upon a removed cause, but any other municipal judge may act upon such an application or sign such a certificate in the event that the judge who conducted the hearing has not previously denied the application promptly or sign the certificate due to expiration of his term, death, disability, absence from the courthouse or any other cause.

(c) ~~The A majority of the judges of municipal court may appoint one or more suitable persons to act as referees in conciliation court. The A majority of the judges of municipal court shall establish qualifications for the office, specify the duties and length of service of referees, and fix their compensation not to exceed \$35 per day or any part thereof. This compensation shall be payable from the same funds from which the salaries of the judges of conciliation court are now paid by the county treasurer at the same time and in the same manner as salaries of the judges of conciliation court.~~

**Subd. 2. Clerk of municipal court: duties; records.** (a) The clerk of the municipal court shall serve as the clerk of the conciliation court. He shall delegate deputy clerks of the municipal court to assist him in performing his duties under this act. The clerk shall keep such records and accounts and perform such duties as may be prescribed by the judges. He shall account for and pay over to the ~~city of Minneapolis~~ *county of Hennepin* all fees received by him in the same fashion as required in his capacity as clerk of municipal court.

(b) The clerk may, upon the consent of all the judges of municipal court of the ~~city of Minneapolis~~ *county of Hennepin*, destroy or dispose of all the following files and records of said court, which have been on file for more than 20 years:

- (1) Complaint files;
- (2) Transcript receipts;
- (3) Cash receipt books;
- (4) Cancelled checks.

~~Subd. 3. POLICE OFFICERS. The police officers assigned to municipal court may be assigned by the judges to perform duties for the conciliation court.~~

**Subd. 4 3. Court reporter, duties.** Each court reporter appointed by a judge of municipal court shall assist that judge in performing his duties as conciliation judge, but, unless ordered to do so

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by that judge he shall not take official notes of any trial or proceedings in conciliation court.

Subd. 5 4. **Salaries; oaths; bonds.** The judges, clerk, deputy clerks, and court reporters shall receive only their salaries payable for serving as officers of municipal court while serving in conciliation court. All oaths taken and bonds given by the judges, clerk, deputy clerks and court reporters for their respective offices in municipal court include their acts as officers of conciliation court, whether or not so expressed therein.

Subd. 6 5. **Quarters for court, supplies.** *The city of Minneapolis county of Hennepin* shall provide suitable quarters for the court, and court shall be held at that place. The clerk shall procure and furnish all necessary blanks, stationery, books, furniture, furnishings and other supplies for the use of the court and the officers thereof at the expense of the *city county* with the consent of the *city council county board* and under the supervision and approval of a majority of the judges.

Sec. 40. Minnesota Statutes 1961, Section 488A.16, Subdivision 8, is amended to read:

Subd. 8. **Docketing and enforcement in municipal court.** When a judgment has become finally effective under subdivision 2 of this section, the judgment creditor may obtain a transcript of the judgment from the clerk of conciliation court on payment of a fee of fifty cents therefor and file it with the clerk of the municipal court of the *city of Minneapolis county of Hennepin* without additional fee. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. A transcript of a judgment payable in installments may not be so obtained and filed until 20 days after default in the payment of an installment. No writ of execution or garnishment summons may be issued out of conciliation court.

Sec. 41. Minnesota Statutes 1961, Section 488A.17, Subdivision 1, is amended to read:

488A.17 **Removal of cause to municipal court.** Subdivision 1. **Trial de novo.** Any person aggrieved by an order for judgment entered by a conciliation judge after a contested hearing may remove the cause to the municipal court of the *city of Minneapolis county of Hennepin* for trial de novo.

Sec. 42. Minnesota Statutes 1961, Section 488A.17, Subdivision 3, is amended to read:

Subd. 3. **Limited removal of cause, procedure.** (a) When

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a motion for vacation of a judgment or an order for judgment under subdivision 5 or 6 of section 488A.16 has been denied, the aggrieved party may demand limited removal to the municipal court of the city of ~~Minneapolis~~ *county of Hennepin* for hearing de novo of his motion. The demand for limited removal and notice of the hearing de novo must be served by the aggrieved party on the other party in accordance with the provisions of subdivision 2 (a) of this section and the original demand and notice, with proof of service, just be filed with the clerk of conciliation court within ten days after the motion has been denied, or the original and one copy of the demand and notice, together with an affidavit similar to that required by subdivision 2 (b) of this section must be filed with the clerk of conciliation court within said ten-day period. When such an affidavit is filed, the clerk shall then mail the copy of the demand and notice to the other party at his last known residence address. The aggrieved party shall pay a fee of \$2 to the clerk of conciliation court for filing the demand and notice and this fee shall not be recoverable as a disbursement. The notice shall set a date for hearing de novo at a special term of the municipal court not less than ten days nor more than thirty days subsequent to the date of filing the original demand and notice.

(b) The clerk of conciliation court thereupon shall pay over to the municipal court the \$2 fee and shall file in municipal court the removal demand and notice together with all orders, affidavits, and other papers filed in conciliation court. The clerk of municipal court shall then place the cause on the special term calendar of the municipal court for hearing on the date specified in the notice.

(c) A municipal judge, other than the conciliation judge who denied the motion, shall hear the motion de novo at special term and may deny the motion, without allowance of costs, or grant the motion, with or without the allowance of absolute or conditional costs. At the hearing de novo the municipal judge shall consider the entire file of the conciliation court together with any subsequent affidavits of showing made by either party.

(d) The clerk of municipal court shall send a copy of the order made after the de novo hearing to both parties and return the file to the clerk of conciliation court.

Sec. 43. [488A.111] **Payment of court expenses.** *All salaries of the judges of the municipal court of the county of Hennepin, court reporters, the clerk, deputy clerks and all other employees of said court, and all expenses of said court shall be paid from the treasury of Hennepin county. The board of county commissioners of Hennepin county is authorized to levy taxes annually against each*

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dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court.

Sec. 44. [488A.112] **Court rooms.** *The municipal court of the county of Hennepin and its probation office shall occupy the court rooms and offices presently occupied by the municipal court of the city of Minneapolis until such time as the judges of the court may determine that this space is no longer necessary. The city of Minneapolis shall sell to the county of Hennepin the furniture and supplies in these court rooms and offices at their fair value.*

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Sec. 45. [488A.113] **Courts abolished.** *All courts in Hennepin county except district and probate courts are abolished as of January 1, 1965, including municipal courts established but not organized under the provisions of Minnesota Statutes, Section 488.03. The municipal court of the city of Minneapolis is merged into the municipal court of the county of Hennepin as hereinafter provided, as of January 1, 1965.*

Sec. 46. [488A.114] **Transfer of cases pending in other courts; transfer of funds from other courts; disposition of appeals from other courts.** (a) *All cases pending in courts abolished by this act are hereby transferred as of January 1, 1965, to the municipal court of Hennepin county for trial or other disposition according to law. Any case on appeal to any appellate court from any such abolished court shall be treated by the appellate court as though appealed thereto from the abolished court, except that all affirmances, reversals, mandates or remittiturs shall be addressed to the municipal court of Hennepin county.*

(b) *All judges and justices of the peace and all court clerks of such abolished courts shall continue in office after January 1, 1965, solely for the purpose of transmitting to the clerk of the municipal court of Hennepin county all pleadings, dockets and other records in pending cases in such abolished courts and for the purpose of paying over to the clerk of said court all moneys in the possession of such judges, justices of the peace and clerks by law payable to the state or any subdivision with proper detail to enable the clerk of the municipal court of Hennepin county to properly account to the proper officials for such moneys.*

(c) *All transmissions of pleadings, dockets and other records and paying over of moneys referred to shall be completed by the judges, justices of the peace and clerks of the aforesaid abolished courts within 60 days after the first Monday of January, 1965.*

Sec. 47. [488A.115] **Employees of the municipal court of the city of Minneapolis.** *Except as otherwise provided in this act*

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*the judges and employees of the municipal court of the city of Minneapolis, including court reporters and the employees in the probation office, on December 31, 1964, shall become employees of the municipal court of Hennepin county in the same positions for the same terms and at the same salaries. The judges, court reporters, employees of the probation office and other employees of the municipal court of the city of Minneapolis who become employees of the county court may elect to remain members of the Minneapolis Employee's Retirement association and the county shall pay the employer's contribution to the Minneapolis Employee's Retirement association. Such person desiring to remain a member the Minneapolis Employee's Retirement association shall notify the clerk of the municipal court in writing of his election within six months after the effective date of this section.*

**Sec. 48. [488A.116] Employees of municipal courts outside the city of Minneapolis.** *All persons who on May 1, 1963, were full time clerks of municipal courts outside of the city of Minneapolis shall be given preference in the hiring of clerks or deputy clerks under this act.*

**Sec. 49. [488A.117] Initial judges of the court.** *Subdivision 1. The judges of the municipal court of the city of Minneapolis as of December 31, 1964, shall continue as judges of the municipal court of the county of Hennepin. The original terms of office of such judges as judges of the municipal court of the county of Hennepin shall expire on the day before the first Monday in January of the second year following the year in which their terms of office as judges of the municipal court of the city of Minneapolis would otherwise have expired.*

*Subd. 2. The additional four judges of the municipal court of the county of Hennepin shall take office on the first Monday in January, 1965, and shall be selected as follows: One each shall be elected at the next general election following the effective date of this subdivision from among and by the qualified residents of present state senatorial districts numbered 30, 31, 32, 33, lying outside the city of Minneapolis. The applicable provisions of section 7, except subdivision 3, clauses (e) and (f) shall apply to the election; provided, however, that any of the incumbent municipal judges holding office on the effective date of this subdivision shall be entitled to place after his name on the ballot the words "incumbent judge of" (inserting therein the name of the municipality in which the judge then serves.) At such election, the official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected, and the number of candidates for whom an elector may vote.*

**Changes or additions indicated by italics, deletions by strikeout.**

*Each person desiring to have his name placed upon the primary ballot as a candidate for judge shall state in his affidavit of candidacy the office for which he is a candidate. The filing of this affidavit with the county auditor and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.*

Sec. 50. **Effective dates.** *Section 7, Subdivisions 1 and 2, and Section 52, shall become effective on July 1, 1963. Subdivision 2 of the preceding section shall become effective July 1, 1964. Section 51 is effective on passage of this act. The remainder of the act shall become effective January 1, 1965.*

Sec. 51. **[488A.118] Extension of terms.** *Notwithstanding any provisions of law to the contrary, the term of office of any judge, or special judge, or justice of the peace of any court to be abolished hereunder, which would otherwise expire between the passage of this act and January 1, 1965, shall be extended through and include the day before the first Monday of January, 1965.*

Sec. 52. Minnesota Statutes 1961, Section 488A.01, Subdivision 4, is amended to read:

Subd. 4. **Civil jurisdiction.** Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed the sum of ~~\$3,000~~ *\$4,000*, exclusive of interest and costs.

Approved May 27, 1963.

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#### CHAPTER 878—H. F. No. 677

*An act relating to the municipal court of the city of St. Paul; providing for judges' salaries; amending Minnesota Statutes 1961, Section 488A.19, Subdivision 10.*

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

Section 1. Minnesota Statutes 1961, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. **St. Paul municipal court; judges' salaries.** Each judge shall be paid an annual salary of ~~\$13,000~~ *\$15,000* in semi-monthly installments out of the treasury of the city of Saint Paul.

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