

against all of the *such* taxable property located outside of the cities of the first class.

Sec. 16. *This act takes effect July 1, 1965.*

Approved May 26, 1965.

---

CHAPTER 822—S. F. No. 1021

[Coded in Part]

*An act relating to courts; fees to be charged and collected in judicial proceedings, and the compensation of clerks of the district court; amending Minnesota Statutes 1961, Sections 357.021, by adding new subdivisions, and 357.021, Subdivision 2.*

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

Section 1. Minnesota Statutes 1961, Section 357.021, is amended by adding a subdivision to read:

*Subd. 2. Courts; fees; compensation of clerks. The fees to be charged and collected by the clerk of district court shall be as follows:*

(1) *In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$10.*

*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, shall pay, when the first paper on his or their part is filed in said action, a fee of \$5.*

*The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed.*

(2) *Copy of any instrument from a civil or criminal proceeding \$2.50 and \$1 for a certificate of the clerk.*

(3) *Issuing a subpoena 50 cents for each name.*

(4) *Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$2.*

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

(5) *Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$3.*

(6) *Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$1.*

(7) *Certificate as to existence or non-existence of judgments docketed, 50 cents for each name certified to and 50 cents for each judgment certified to.*

(8) *Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, dentists, osteopaths, chiropractors, veterinarians or optometrists, \$1.*

(9) *Filing and entering notice of appeal and bond and making return on appeal to supreme court, \$15, as provided by Minnesota Statutes 1961, Section 605.03, as amended by Laws 1963, Chapter 806.*

(10) *All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.*

Sec. 2. Minnesota Statutes 1961, Section 357.021, is amended by adding a subdivision to read:

*Subd. 3. All fees of said clerks, except in criminal proceedings, shall be paid in advance at or prior to the time of the performance of any service requiring payment of such fees, and said clerk shall not proceed in any matter requiring the payment of fees until the full amount of the same is paid.*

Sec. 3. Minnesota Statutes 1961, Section 357.021, is amended by adding a subdivision to read:

*Subd. 4. Sections 1 to 4 shall not affect any actions, or proceedings that have been or are pending in said court on the effective date hereof.*

Sec. 4. Minnesota Statutes 1961, Section 357.021, is amended by adding a subdivision to read:

*Subd. 5. Sections 1 to 4 shall be effective on July 1, 1965, in each respective county in which the compensation of the clerk of district court on January 5, 1965 was by annual salary, with the fees collected to be paid into the county treasury. Said sections shall be effective in all other counties of the state on January 1, 1967, except for those counties excluded by section 5 of this act.*

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

Sec. 5. Minnesota Statutes 1961, Section 357.021, Subdivision 2, is amended to read:

~~Subd. 2.~~ *Subd. 6.* This section shall not apply to the clerk of court in any county containing a city of the first class.

Sec. 6. **[485.018] Clerk of district court, salary, counties under 75,000 inhabitants.** *Subdivision 1. Minimum salary. The clerk of district court in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive as full compensation for services rendered by them as clerk of district court for their respective counties annual salaries not less than the following amounts based on the population according to the then last preceding federal census:*

(a) *In counties with less than 10,000 inhabitants, \$6,000;*

(b) *In counties with 10,000 but less than 20,000 inhabitants, \$6,500;*

(c) *In counties with 20,000 but less than 30,000 inhabitants, \$7,000;*

(d) *In counties with 30,000 but less than 40,000 inhabitants, \$7,500;*

(e) *In counties with 40,000 but less than 75,000 inhabitants, \$8,000.*

*Subd. 2. Set by board. The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the clerk of district court which shall be paid to the clerk of district court at such intervals as the board shall determine but not less often than once each month. At the January meeting prior to the first date on which applicants may file for the office of clerk of district court the board shall set by resolution the minimum salary to be paid the clerk of district court for the term next following. In the event a vacancy occurs in the office of the clerk of district court the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the clerk of district court shall not be reduced during the term for which he is elected or appointed.*

*Subd. 3. Cost of living adjustments. The salary of the clerk of district court when set pursuant to the provisions of sub-*

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

*divisions 1 and 2 shall constitute a base salary and the clerk of district court shall be subject to any cost of living adjustment hereafter made pursuant to the provisions of Minnesota Statutes 375.43 and acts amendatory thereof or supplemental thereto.*

**Subd. 4. Effect upon certain sections.** *Subdivisions 1 through 3 shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the clerk of district court in any of the counties specified in subdivision 1.*

**Subd. 5. Collection of fees.** *The clerk of district court shall charge and collect all fees as prescribed by law and all such fees collected by him as clerk of district court shall be paid to the county in the manner and at the times prescribed by the county board, but not less often than once each month. The clerk of district court shall not retain any additional compensation, per diem or other emolument for his services in any activity of county government, but may receive and retain mileage and expense allowances as prescribed by law.*

**Subd. 6. Budget for office.** *The county board by resolution shall provide the budget for (1) the salaries of deputies, clerks and other employees in the office of the clerk of district court; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of any deputy, clerk or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the clerk of district court. Nothing in this subdivision shall limit the right of the clerk of district court to appoint deputies for said office as provided in Minnesota Statutes 1961, Section 485.03.*

**Subd. 7. Appeal from resolution of the board.** *The clerk of district court, if dissatisfied with the action of the county board in setting the amount of his salary or the amount of the budget for the office of clerk of district court, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review*

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

*the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.*

Sec. 7. [Subd. 8.] **Provisions to take effect.** *The provisions of section 6 shall take effect in the respective counties specified in section 6 (1) Upon the expiration of the term of the incumbent holding the office on July 1, 1965 or (2) upon the occurrence prior thereto of a vacancy in the office of clerk of district court or (3) subsequent to July 1, 1965 and upon not less than 30 days written notice by the clerk of district court, the county board shall make the provisions of section 6 effective on the first day of the month following the expiration of the notice period.*

Sec. 8. *All laws relating to the compensation, fees, budget of the office of clerk of district court inconsistent herewith are superseded.*

Sec. 9. *This act shall not apply to the district court of any county having a special act governing fees applicable thereto and enacted during the 1965 session of the legislature.*

Approved May 26, 1965.

---

#### CHAPTER 823—S. F. No. 1226

*An act relating to the commissioner of administration; authorizing the commissioner to purchase and furnish uniforms to certain employees of his department; appropriating money; amending Minnesota Statutes 1961, Section 16.72, Subdivision 1.*

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

Section 1. Minnesota Statutes 1961, Section 16.72, Subdivision 1, is amended to read:

16.72 **Parking facilities; operation by state.** Subdivision 1. **Powers and duties of commissioner of administration.** No motor vehicle, either privately or publicly owned, may be parked upon any parking lot or facility owned or operated by the state of Minnesota except as authorized by this section. The operation and

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