

CHAPTER 941—H. F. No. 414

[Not Coded]

An act relating to the Anoka county municipal court; amending Extra Session Laws 1967, Chapter 29, Section 1, Subdivision 6; Section 3, Subdivisions 3 and 11; Section 10, Subdivisions 3 and 7; and by adding a section.

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

Section 1. Extra Session Laws 1967, Chapter 29, Section 1, Subdivision 6, is amended to read:

Subd. 6. **Anoka county; municipal court; criminal jurisdiction.** (a) The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor committed within the county of Anoka *or within any municipality located partly within and partly without the county of Anoka.*

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Anoka.

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports Commission.

(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within the county of Anoka.

(c) Jurisdiction under subparagraphs (1) and (2) of paragraph (a) and under paragraph (b) of this subdivision is exclusive for any violation committed in the county of Anoka.

Sec. 2. Extra Session Laws 1967, Chapter 29, Section 3, Subdivision 3, is amended to read:

Subd. 3. **Deputy clerks.** (a) The court has ~~one chief deputy clerk and~~ such number of deputy clerks and stenographers 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 county board.

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

(c) Each appointment shall be made under the hand of the

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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 county of Anoka for the faithful performance of his duties in such amount and with such terms, conditions, and surety as the county board directs. No deputy may enter upon his office and duties before his appointment, oath and bond are filed with the 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 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 acknowledgements 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. 3. Extra Session Laws 1967, Chapter 29, Section 3, Subdivision 11, is amended to read:

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

1. \$3, 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. \$3, payable by the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse

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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. (a) \$5, for trial by a jury of six persons; \$10, for trial by a jury of twelve persons. The fee paid for trial by a jury shall be refunded if the 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 Anoka 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) The following fees shall be taxed in all cases where 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 Anoka 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 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: *The clerk shall deduct the fees from any fine collected and transmit the balance in accordance with the law:*

(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.

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(4) *The court shall have the authority to waive the collection of fees in any particular case.*

Sec. 4. Extra Session Laws 1967, Chapter 29, Section 10, Subdivision 3, is amended to read:

Subd. 3. **Complaints.** Complaints charging violations of a 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 Anoka county shall have at least one resident deputy clerk authorized to receive sworn complaints.~~

Sec. 5. Extra Session Laws 1967, Chapter 29, Section 10, Subdivision 7, is amended to read:

Subd. 7. **Warrants.** ~~The clerk or~~ Any judge of the county may issue warrants.

Sec. 6. *Section 2 applies to the persons holding the affected offices.*

Sec. 7. Extra Session Laws 1967, Chapter 29, is amended by adding a section to read:

Sec. 26. **Application.** *Ninety days after the effective date of any general law providing for the merger of the probate courts and municipal courts in any county not exempted therefrom, the provisions of this act shall be null and void, and the provisions of such general law shall apply to probate courts and municipal courts in Anoka county.*

Approved June 4, 1969.

CHAPTER 942—H. F. No. 426

An act relating to wild animals; providing for issuance of non-resident shipping coupons without fee; amending Minnesota Statutes 1967, Sections 97.45, Subdivision 6, and 98.46, Subdivision 20.

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

Section 1. Minnesota Statutes 1967, Section 97.45, Subdivision 6, is amended to read:

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