

shall be subject to the duties, liabilities, disabilities, and restrictions conferred and imposed by this act, notwithstanding anything to the contrary in its certificate of incorporation, bylaws, constitution, or rules.

Subd. 3. **All obligations heretofore contracted may be enforced.** All obligations to any such corporation heretofore contracted shall be enforceable by it and in its name, and demands, claims, and rights of action against any such corporation may be enforced against it as fully and completely as they could have been enforced heretofore.

Sec. 56. **[51A.56] Act controlling.** Insofar as the provisions of this act are inconsistent with the provisions of any other law affecting savings associations, the provisions of this act shall control.

Sec. 57. **[51A.57] Separability.** If any provision, clause, or phrase of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be separable.

Sec. 58. **Effective date of act.** This act shall become effective on July 1, 1969.

Sec. 59. **Repealer.** Minnesota Statutes 1967, Chapter 51, is repealed.

Approved May 20, 1969.

CHAPTER 491—S. F. No. 1382

An act relating to post conviction remedies for certain persons convicted of crime; amending Minnesota Statutes 1967, Sections 590.01, Subdivision 1; and 590.04, Subdivision 3.

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

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

Section 1. Minnesota Statutes 1967, Section 590.01, Subdivision 1, is amended to read:

590.01 Post conviction remedy; availability; conditions.
Subdivision 1. Except at a time when direct appellate relief is available, a person convicted of a crime, who claims that the conviction was obtained, or that the sentence or other disposition made violated his rights under the constitution or laws of the United States or of the state, may commence a proceeding to secure relief therefrom by filing a petition in the district court in the county wherein the conviction was had to vacate and set aside the judgment and to discharge the petitioner or to resentence him or grant a new trial or correct the sentence or make such other disposition as may be appropriate. *Nothing contained herein shall prevent the Supreme Court, upon application by a party, from granting a stay of a case on appeal for the purpose of allowing an appellant to apply to the district court for an evidentiary hearing under the provisions of this chapter.* Such proceeding shall conform with sections 590.01 to 590.06.

Sec. 2. Minnesota Statutes 1967, Section 590.04, Subdivision 3, is amended to read:

Subd. 3. If the court determines that the issues present only questions of law, it may order the petitioner to be present at the hearing; in all other cases it shall order the petitioner to be present at the hearing. If the petitioner is represented by an attorney, the attorney shall be present at any hearing.

A verbatim record of any hearing shall be made and kept.

Unless otherwise ordered by the court the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish such facts by a fair preponderance of the evidence.

In the discretion of the court it may receive evidence in the form of affidavit, deposition, or oral testimony. The court may inquire into and decide any grounds for relief, even though not raised by the petitioner.

The court may summarily deny a second or successive petition for similar relief on behalf of the same petitioner *and may summarily deny a petition when the issues raised therein have previously been decided by the Minnesota supreme court: in the same case.*

Approved May 20, 1969.

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