

member of the commission shall be paid actual expenses on itemized and verified statements. The commission shall organize by electing one of its members as chairman and one as secretary. Such commission shall hold regular meetings at least once a month and may hold such additional meetings as may be necessary to discharge the duties of the commission. Twenty-four hours' notice shall be given members of special meetings.

Sec. 2. *This act shall become effective upon its approval by the board of county commissioners of Ramsey county, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*

Approved May 24, 1969.

---

CHAPTER 729—H. F. No. 289

[Coded in Part]

*An act relating to the municipal and conciliation courts of Saint Paul; amending Minnesota Statutes 1967, Sections 488A.19, Subdivisions 2, and 10; 488A.20, Subdivisions 1, 3, 4, 5, and 6; 488A.22, Subdivision 3; 488A.23, Subdivision 1; 488A.27, Subdivision 3; 488A.29, Subdivisions 3 and 7; 488A.30, Subdivisions 1, 2, and 3; 488A.31, Subdivisions 3, 5, and 6; 488A.32, Subdivisions 2, 7, and 9; 488A.33, Subdivision 1 and adding a subdivision; and 488A.34, Subdivisions 1, 2, 7, and adding a subdivision.*

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

Section 1. Minnesota Statutes 1967, Section 488A.19, Subdivision 2, is amended to read:

Subd. 2. **St. Paul, city of; municipal and conciliation courts; 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 Saint Paul in this state. Before entering upon the duties of office, each judge shall take and subscribe an oath, in the form prescribed by law for judicial officers, and shall file that oath in the office of the city clerk. *No judge shall practice as an attorney or counselor at law, except in cases in which he is a party in interest.*

Sec. 2. Minnesota Statutes 1967, Section 488A.19, Subdivision 10, is amended to read:

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

Subd. 10. **Salaries.** Each judge shall be paid an annual salary of ~~\$18,000~~ \$22,000 in ~~semimonthly~~ *biweekly* installments out of the treasury of the city of Saint Paul. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 3. Minnesota Statutes 1967, Section 488A.20, Subdivision 1, is amended to read:

**488A.20 Clerk; deputies; assistant clerks.** Subdivision 1. **Appointment, term, removal, suspension.** (a) A majority of the judges shall appoint a clerk of the court.

(b) The court shall have ~~four~~ *employees, consisting of deputy clerks, 13 assistant clerks and five bailiffs other necessary employees; each appointed by the clerk with the approval of a majority of the judges as are presently employed.*

(c) Additional deputy clerks, assistant clerks and ~~bailiffs other necessary employees~~ may be appointed by the clerk; ~~with the approval of a majority of the judges~~, when the city council consents to the creation of such new positions.

(d) The clerk and deputy clerks shall each be appointed for a term of six years from the date of appointment. At any time within six months from the date of initial appointment, each may be removed and his appointment terminated, with or without cause and without notice or hearing, by the appointing official or officials. At any time, each may be suspended by the appointing official or officials without pay for a period not to exceed 30 days with or without cause pending a hearing for removal and termination of appointment for cause before the appointing official or officials.

(e) *The clerk and all other employees of the court shall be in the unclassified service of the city of Saint Paul.*

Sec. 4. Minnesota Statutes 1967, Section 488A.20, Subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** (a) The clerk, deputy clerks, ~~and assistant clerks and bailiffs~~ may each administer oaths and affirmations and take acknowledgments.

(b) The clerk shall delegate and supervise the work of the deputy clerks, assistant clerks and ~~bailiffs other necessary employees~~. He shall have all the powers and duties incident to the office of a clerk of a court of record or necessary to carry out the purposes of this act.

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

(c) The clerk shall make minutes, records and indices of all proceedings; enter all orders, judgments or sentences; issue all process; keep proper accounts; have custody of all court records; and tax all costs and disbursements.

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

Sec. 5. Minnesota Statutes 1967, Section 488A.20, Subdivision 4, is amended to read:

Subd. 4. **Disposition of fines, fees and other moneys.** (a) Except as otherwise provided by law, the clerk shall pay to the proper officer of the city of Saint Paul daily all moneys received by him required by law to be paid to the city. Such sums shall be credited to the general fund of the city.

(b) Each such payment shall be accompanied by a daily report in writing to the proper officer of the city of Saint Paul, showing the name of each defendant after date of the clerk's preceding report upon whom any fine has been imposed or confinement ordered, the date thereof, the nature of the offense, the amount of money received from each such person and the final disposition. Said report shall further show the aggregate amount of money and the sources thereof due the city received by the clerk since his last report.

(c) The clerk shall promptly pay all other moneys to the other public officers entitled thereto by law and shall inform the proper officer of the city of Saint Paul of all moneys remaining in his hands pursuant to law or court order.

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

Sec. 6. Minnesota Statutes 1967, Section 488A.20, Subdivision 5, is amended to read:

Subd. 5. **Bail.** (a) 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 therefor within six months from the date of entitlement to refund.

(b) All sums collected by bail, bond or recognizance forfeited by court order or by abandonment shall be forthwith paid by the clerk to the city of Saint Paul.

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

(c) *Any judge may order any bail, bond, or recognizance forfeited under this subdivision to be reinstated for cause and the clerk shall then refund accordingly. The city of Saint Paul 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. 7. Minnesota Statutes 1967, Section 488A.20, Subdivision 6, is amended to read:

Subd. 6. **Salaries.** (a) *The clerk of court shall be paid an annual salary of \$13,000 a year equal to that of the annual salary of the clerk of district court of Ramsey county but in no event more than \$17,000 a year.*

(b) ~~The bailiffs shall be paid the same salary as a patrolman in the bureau of police of the city of Saint Paul.~~

(c) (b) *The salaries of the deputy clerks and assistant clerks and other necessary employees shall be set by the clerk and approved by the city council; however, the present salary of any employee of this court shall not be reduced by virtue of this act. The fact that the city council may, for payroll purposes or otherwise, designate the assistant clerks of this court by a different title shall not affect their acting as assistant clerks of this court.*

(d) (c) *All salaries under this act shall be payable out of the city treasury in ~~semimonthly~~ biweekly installments.*

(d) *After January 1, 1971, the salary of the clerk and other employees shall be set by the city council upon the recommendation of the civil service bureau.*

Sec. 8. Minnesota Statutes 1967, Section 488A.22, Subdivision 3, is amended to read:

Subd. 3. **Salaries.** ~~The annual salary of each reporter shall be set by the city council, payable in semimonthly installments. The city council shall fix and establish the salary of the municipal court reporters at an amount not exceeding the annual salary of court reporters in the district court of the second judicial district.~~

Sec. 9. Minnesota Statutes 1967, Section 488A.23, Subdivision 1, is amended to read:

488A.23 **Fees payable to the clerk.** Subdivision 1. **Filing fees in civil actions.** *The fees payable to the clerk of for the following services in civil actions shall be:*

(a) \$6 payable by the plaintiff, in addition to any library fee

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

otherwise required, when the action is entered in court or when the first paper on the plaintiff's part is entered;

(b) ~~\$4~~ \$6 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.

Sec. 10. Minnesota Statutes 1967, Section 488A.27, Subdivision 3, is amended to read:

Subd. 3. **Complaints.** Complaints charging violation of a statute, ordinance, charter provision, rule or regulation shall be sworn to before ~~the clerk, any deputy or assistant clerk, or~~ any judge of the court and *such complaints and warrants relating to such complaints* shall be filed with the clerk.

Sec. 11. Minnesota Statutes 1967, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. **Jurisdiction.** Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of ~~\$250~~ \$500. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

Sec. 12. Minnesota Statutes 1967, Section 488A.29, Subdivision 7, is amended to read:

Subd. 7. **Computation of time.** In computing any period of time prescribed or allowed by this act, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a *Saturday*, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a *Saturday*, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate *Saturdays*, Sundays and holidays shall be excluded in the computation.

Sec. 13. Minnesota Statutes 1967, Section 488A.30, Subdivision 1, is amended to read:

488A.30 **Judges; clerks; salaries; quarters.** Subdivision 1. **Judges.** (a) The judges of the municipal court of the city of ~~Saint Paul~~ shall serve as judges of the conciliation court for such

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

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 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 and cannot act upon the application promptly or sign the certificate due to expiration of his term, death, disability, absence from the court house or any other cause.

(c) *A majority of the judges of the municipal court may appoint an attorney to act as referee in conciliation court. A majority of the judges of the municipal court shall establish qualifications for the office, specify the duties and length of service of such referee, and fix the compensation not to exceed \$35 per day or any part thereof. This compensation is payable out of the city treasury at the same time and in the same manner as salaries of the judges of conciliation court.*

Sec. 14. Minnesota Statutes 1967, Section 488A.30, Subdivision 2, is amended to read:

Subd. 2. **Clerk, duties.** The clerk of the municipal court shall serve as the clerk of the conciliation court. He shall delegate deputy clerks, assistant clerks and ~~baillifs~~ *other necessary employees* 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 Saint Paul all fees received by him in the same fashion as required in his capacity as clerk of municipal court.

Sec. 15. Minnesota Statutes 1967, Section 488A.30, Subdivision 3, is amended to read:

Subd. 3. **Salaries; oaths; bonds.** The judges, clerk, deputy clerks, assistant clerks and ~~baillifs~~ *other necessary employees* 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, assistant clerks and ~~baillifs~~ *other necessary employees* for their respective offices in municipal court include their acts as officers of conciliation court, whether or not so expressed therein.

Sec. 16. Minnesota Statutes 1967, Section 488A.31, Subdivision 3, is amended to read:

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

Subd. 3. **Claim, verification, contents.** The claim must be verified by the plaintiff, *his attorney or agent* and shall contain a brief statement of the amount, date of accrual, and nature of the claim and the name and address of the plaintiff, *the plaintiff's attorney or agent, if any,* and the defendant. The clerk shall draw up the claim on request.

Sec. 17. Minnesota Statutes 1967, Section 488A.31, Subdivision 5, is amended to read:

Subd. 5. **Counterclaim.** (a) The defendant may interpose as a counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the clerk a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant, *his attorney or agent,* and paying a filing fee of \$2 to the clerk. The clerk shall draw up the counterclaim on request.

(c) The clerk shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge, in his discretion, may require the payment of absolute or conditional costs up to \$25 by the defendant to the plaintiff as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim which exceeds the jurisdiction of the court and the defendant files an affidavit by himself, *his attorney or agent* with the clerk not less than five days before the date set for court hearing showing that he has filed with the clerk of a specified other court of competent jurisdiction a complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the clerk shall strike the action from the calendar and so advise the plaintiff by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally de-

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

terminated, the clerk shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter-affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the clerk or any judge. Prior to the expiration of this three year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Sec. 18. Minnesota Statutes 1967, Section 488A.31, Subdivision 6, is amended to read:

Subd. 6. **Replevin.** If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of ~~\$250~~ \$500, the judge, in his discretion, may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever.

Sec. 19. Minnesota Statutes 1967, Section 488A.32, Subdivision 2, is amended to read:

Subd. 2. **Appearance of parties.** Any party may appear in his own behalf without an attorney, *or may retain and be represented by a duly admitted attorney who may participate in the hearing to the extent and in the manner that the judge, in his discretion, deems helpful.*

Sec. 20. Minnesota Statutes 1967, Section 488A.32, Subdivision 7, is amended to read:

Subd. 7. **Defendant, failure to appear.** If the defendant, after being summoned as provided by this act, fails to appear at the time set for hearing, the judge may hear the plaintiff, *his attorney or agent* and order judgment by default or he may fix a later date for hearing in accordance with what appears just and reasonable. If a later date be set for hearing, the clerk shall notify the defendant by mail.

Sec. 21. Minnesota Statutes 1967, Section 488A.32, Subdivision 9, is amended to read:

Subd. 9. **Continuance, further hearing, re-setting.** On proper showing of good cause, a continuance, further hearing or re-setting may be ordered on motion of either party. The court may require payment of costs, conditional or absolute, not to exceed \$25 to the other party as a condition of such an order. The clerk shall give

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

notice of any continuance, further hearing or re-setting by *mail* to any party who does not have other notice thereof.

Sec. 22. Minnesota Statutes 1967, Section 488A.33, Subdivision 1, is amended to read:

**488A.33 Notice of order for judgment; entry of judgment; costs and disbursements; payment; vacating; docketing.** Subdivision 1. **Notice of order.** The clerk shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the ~~last day~~ *number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to municipal court.*

Sec. 23. Minnesota Statutes 1967, Section 488A.33, is amended by adding a subdivision to read:

*Subd. 8. Vacation of judgment after ten days. When a defendant shows that he did not receive a summons before the hearing within sufficient time to permit a defense and that he did not receive notice of the order for default judgment within sufficient time to permit him to make application for relief within ten days or shows other good cause, a judge may vacate a default judgment after notice to the plaintiff and grant a new hearing on the merits with or without payment of absolute or conditional costs. The clerk shall notify the parties by mail of the new hearing date.*

Sec. 24. Minnesota Statutes 1967, Section 488A.34, Subdivision 1, is amended to read:

**488A.34 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 Saint Paul~~ for trial de novo.

Sec. 25. Minnesota Statutes 1967, Section 488A.34, Subdivision 2, is amended to read:

**Subd. 2. Procedure for removal of cause.** No cause shall be so removed unless all the following acts are performed by the aggrieved party within ten days after the date the clerk mailed to him notice of the order for judgment: :

(a) Serve on the opposing party *or his attorney* a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six or twelve *persons* or by the court without a jury is demanded. Service shall be made upon a party in accord-

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

ance with the provisions for personal service of a summons in the municipal court *or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.*

(b) File with the clerk of conciliation court the original demand for removal and proof of service thereof. If the opposing party *or his attorney* cannot be found and service of the demand be made within the ten-day period, the aggrieved party may file with the clerk within the ten-day period the original and a copy of the demand, together with an affidavit by himself *or his attorney* showing that due and diligent search has been made and that the opposing party *or his attorney* cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the clerk shall mail the copy of the demand to the opposing party at his last known address.

(c) File with the clerk of conciliation court an affidavit by the aggrieved party *or his attorney* stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay to the clerk of conciliation court \$6 when the demand is for trial by court, plus \$6 additional when the demand is for trial by a jury of six or \$12 additional when the demand is for trial by a jury of twelve.

Sec. 26. *Minnesota Statutes 1967, Section 488A.34, Subdivision 7, is amended to read:*

Subd. 7. **Pleadings.** No note of issue for trial in municipal court need be filed. The removed cause shall be brought on for trial in the same manner and substantially the same order as though a note of issue had been filed in municipal court on the date the claim was filed in conciliation court. Pleadings conforming to the municipal court rules of civil procedure ~~shall~~ *may* be served and filed. If any party fails to serve and file written pleadings ~~within 30 days after removal has been perfected the municipal court shall order a dismissal of the action or a default therein as the case may be, or such other relief as the court deems proper.~~ *, the complaint or counterclaim in conciliation court shall stand as the complaint or counterclaim on appeal. If the opposing party fails to interpose a responsive pleading to any pleading, the allegations of said pleadings are deemed denied. Either party, at his option, may serve pleadings. Either party may move the court at a special term thereof for an order requiring a pleading or*

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

*pleadings in said matter. The court, on its own motion, may order either or both parties to prepare and serve pleadings in said matter.*

Sec. 27. Minnesota Statutes 1967, Section 488A.34, is amended by adding a subdivision to read:

*Subd. 12. Limited removal of cause, procedure. (a) When a motion for vacation of a judgment or an order for judgment under section 488A.33, subdivision 5, or section 23 of this act has been denied, the aggrieved party may demand limited removal to the municipal court 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, clause (a), and the original demand and notice, with proof of service, must 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, clause (b), 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 30 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.*

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

Sec. 28. *The effective date of this act is June 1, 1969.*

Approved May 24, 1969.

---

CHAPTER 730—H. F. No. 2914

[Not Coded]

*An act authorizing the city of South St. Paul to issue bonds and levy taxes to provide funds for the acquisition and betterment of its municipal airport.*

Section 1. **South St. Paul, city of; tax levy; airport bonds.** Notwithstanding the provisions of any law or the city charter to the contrary, the council of the city of South St. Paul may by resolution and without authorization by the electors, issue general obligation bonds of the city in the amount of \$300,000, levy all taxes required by Minnesota Statutes, Section 475.61, for the payment of the bonds, and, in addition, each year levy a tax on all taxable property in the city equal to one mill times the assessed valuation of such property, all to provide funds for the acquisition and betterment of the city airport. Except as otherwise provided, the bonds shall be issued and sold in accordance with Minnesota Statutes, Chapter 475. The amount of such taxes shall not reduce the amounts of other taxes authorized to be levied by law or the city charter. "Acquisition" and "betterment" shall have the meanings given them in Minnesota Statutes, Section 475.51.

Sec. 2. This act applies only to the city of South St. Paul in Dakota county.

Sec. 3. This act shall become effective only after its approval by a majority of the council of the city of South St. Paul, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 24, 1969.

---

CHAPTER 731—H. F. No. 2915

*An act relating to port authorities; extending to all port authori-*

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