

copy of the ordinance with the Minnesota municipal commission, the clerk of the town where the annexed land is situated, and county auditor and the secretary of state.

Sec. 27. [116A.26] **POLLUTION CONTROL AGENCY.** No action taken under this act shall be inconsistent with Minnesota Statutes, Chapters 115 or 116, or lawful standards, regulations, orders or permits promulgated or issued thereunder.

Approved June 7, 1971.

CHAPTER 917—H.F.No.2094

An act relating to the number of jurors in civil and criminal actions; impaneling the jurors; and challenges of the panel or individual jurors; amending Minnesota Statutes 1969, Sections 593.01, 546.09, and 546.10; and repealing Minnesota Statutes 1969, Section 593.15.

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

Section 1. Minnesota Statutes 1969, Section 593.01, is amended to read:

593.01 JURIES; SIZE; IMPANELING; CHALLENGES; PETIT JURY. Subdivision 1. Notwithstanding any law or rule of court to the contrary, a petit jury is a body of ~~12~~ six men or women, or both, impaneled and sworn in ~~the district~~ any court to try and determine, by a true and unanimous verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court.

Subd. 2. The provisions of subdivision 1, as to the number of jurors does not apply to a criminal action where the offense charged is a gross misdemeanor or a felony. In that event the petit jury is a body of 12 persons, unless the defendant consents to a jury of six.

Sec. 2. Minnesota Statutes 1969, Section 546.09, is amended to read:

546.09 JURY, HOW IMPANELED; BALLOTS; RULES OF COURT; EXAMINATION; CHALLENGES. When a jury issue is to be tried the clerk shall draw from the jury box ballots containing the names of jurors until the jury is completed or the ballots are

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exhausted. If exhausted, the court shall direct the sheriff to summon from the bystanders, or the body of the county, qualified persons to complete the jury. The ballots containing the names of jurors sworn to try the case shall not be returned to the box until the jury is discharged. All others so drawn shall be returned as soon as the jury is completed. The judge or judges of any district court may provide by rule that in selecting a jury the clerk shall draw 12 names for a jury of 12 and six names for a jury of six, together with sufficient additional names to cover the requirements of the provisions of sections 546.10 and 546.095. These jurors shall then be examined as to their qualifications to sit as jurors in the action and if any juror be excused for any reason, another shall be immediately called in his place.

Sec. 3. Minnesota Statutes 1969, Section 546.10, is amended to read:

546.10 CHALLENGES. Either party may challenge the panel, or individual jurors thereon, for the same causes and in the same manner as in criminal trials, except that the number of peremptory challenges to be allowed on either side shall be as provided in this section. Before challenging a juror, either party may examine him in reference to his qualifications to sit as a juror in the cause. A sufficient number of jurors shall be called in the action so that 12 shall remain for a jury of 12 and six shall remain for a jury of six after the exercise of the peremptory challenges, as provided in this section and section 546.09, and to provide alternate jurors when ordered by the court under the provisions of section 546.095. Each party shall be entitled to three peremptory challenges when the jury is composed of 12 persons and two peremptory challenges when the jury is composed of six persons, which shall be made alternately beginning with the defendant. The parties to the action shall be deemed two, all plaintiffs being one party, and all defendants being the other party, except, in case two or more defendants have adverse interests, the court, if satisfied that the due protection of their interests so requires, may allow the defendant or defendants on each side of the adverse interests not to exceed three peremptory challenges when the jury is composed of 12 persons and two peremptory challenges when the jury is composed of six persons. When the peremptory challenges have been exhausted or declined, the first 12 of the remaining jurors when the jury is composed of 12 persons and the first six of the remaining jurors shall constitute the jury.

Sec. 4. Minnesota Statutes 1969, Section 593.15, is repealed.

Approved June 7, 1971.

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