

deeds or registrar of titles of the county within which the land and premises are located. The certified copy of the order shall be first presented to the county auditor who shall enter the same in his transfer records and note upon the certified copy over his official signature, the words "entered in the transfer record." The order or a certified copy shall be received in all courts as competent evidence of the facts therein contained and be prima facie evidence of the regularity of the proceedings prior to the making thereof, except upon the hearing of an appeal.

Approved March 22, 1973.

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CHAPTER 25—S.F.No.65

[Coded]

*An act relating to the supreme court; authorizing certification of questions of law to the court and from the court to courts of other states.*

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

Section 1. **[480.061] UNIFORM CERTIFICATION OF QUESTIONS OF LAW.** Subdivision 1. **POWER TO ANSWER.** The supreme court may answer questions of law certified to it by the supreme court of the United States, a court of appeals of the United States, a United States district court or the highest appellate court or the intermediate appellate court of any other state, when requested by the certifying court if there are involved in any proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court of this state.

Subd. 2. **METHOD OF INVOKING.** This section may be invoked by an order of any of the courts referred to in subdivision 1 upon the court's own motion or upon the motion of any party to the cause.

Subd. 3. **CONTENTS OF CERTIFICATION ORDER.** A certification order shall set forth

- (a) the questions of law to be answered; and
- (b) a statement of all facts relevant to the questions certified and showing fully the nature of the controversy in which the questions arose.

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

**Subd. 4. PREPARATION OF CERTIFICATION ORDER.**

The certification order shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the supreme court by the clerk of the certifying court under its official seal. The supreme court may require the original or copies of all or of any portion of the record before the certifying court to be filed with the certification order, if, in the opinion of the supreme court, the record or portion thereof may be necessary in answering the questions.

**Subd. 5. COSTS OF CERTIFICATION.** Fees and costs shall be the same as in civil appeals docketed before the supreme court and shall be equally divided between the parties unless otherwise ordered by the certifying court in its order of certification.

**Subd. 6. BRIEFS AND ARGUMENT.** Proceedings in the supreme court shall be those provided in rules of the court.

**Subd. 7. OPINION.** The written opinion of the supreme court stating the law governing the questions certified shall be sent by the clerk of the court to the certifying court and to the parties and shall be res judicata as to the parties.

**Subd. 8. POWER TO CERTIFY.** The supreme court of this state, on its own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the certifying court that there are involved in any proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

**Subd. 9. PROCEDURE ON CERTIFYING.** The procedures for certification from this state to the receiving state shall be those provided in the laws of the receiving state.

**Subd. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** This section shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this section among those states which enact it.

**Subd. 11. CITATION.** This section may be cited as the uniform certification of questions of law act.

Approved March 22, 1973.

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