

may qualify for grants-in-aid available under that act. The county welfare board shall supervise wards of the commissioner and, when so designated, act as agent of the commissioner of public welfare in the placement of his wards in adoptive homes or in other foster care facilities.

Sec. 3. Minnesota Statutes 1971, Section 393.07, Subdivision 3, is amended to read:

Subd. 3. **FEDERAL SOCIAL SECURITY.** The county welfare board shall be charged with the duties of administration of all forms of public assistance and public child welfare or other programs within the purview of the federal social security act, other than public health nursing and home health services, and which now are, or hereafter may be, imposed on the commissioner of public welfare by law, of both children and adults. The duties of such county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the commissioner of public welfare in order to achieve the purposes of the law and to comply with the requirements of the federal social security act needed to qualify the state to obtain grants-in-aid available under that act. Notwithstanding the provisions of any other law to the contrary, the welfare board may delegate to the director the authority to determine eligibility and disburse funds without first securing board action, provided that the director shall present to the board, at the next scheduled meeting, any such action taken by him for ratification by the board.

Approved May 24, 1973.

---

## CHAPTER 679—S.F.No.1445

[Coded in Part]

*An act relating to courts; amending numerous provisions pertaining to the county court and judges of the county court; amending Minnesota Statutes 1971, Sections 487.01; 487.03, Subdivisions 2 and 4, and by adding a subdivision; 487.08; 487.09; 487.10, Subdivisions 1, 2, and by adding subdivisions; 487.16; 487.18; 487.19, by adding a subdivision; 487.21, Subdivisions 1 and 2; 487.23, Subdivisions 1, 2 and 5, and by adding subdivisions; 487.24, Subdivision 3; 487.25, Subdivisions 3 and 4; 487.26, Subdivision 2; 487.27, Subdivision 3; 487.29; 487.30; 487.31, Subdivisions 1, 2 and 3; 487.33, Subdivision 5; 487.36; 487.37; 487.39, Subdivision 1; 487.40, by adding a subdivision; and repealing Minnesota Statutes 1971, Sec-*

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

tions 487.10, Subdivision 3; 487.23, Subdivision 7; 487.26, Subdivisions 3, 5 and 7; 488.04, Subdivisions 6 and 7; 488A.35; 488A.36; 488A.37; 488A.38; 488A.39; 488A.40; 488A.41; 488A.42; 488A.43; 488A.44; 488A.45; 488A.46; 488A.47; 488A.48; 488A.49; 488A.50; 488A.51; 488A.52; 488A.53; 488A.54; 488A.55; 488A.56; 488A.57; 488A.58; 488A.59; 488A.60; 488A.61; 488A.62; 488A.63; 488A.64; 488A.65; 488A.66; 488A.67; 488A.68; 488A.69; 488A.70; 488A.71; 488A.72; 488A.73; 488A.74; 488A.75; 488A.76; 488A.77; 488A.78; 488A.79; 488A.80; and 488A.81.

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

Section 1. Minnesota Statutes 1971, Section 487.01, is amended to read:

**487.01 COUNTY COURTS; PROBATE AND COUNTY COURTS; PROVISIONS.** Subdivision 1. A probate court, which shall be a court of record having a seal, and, except in the counties of Hennepin, and Ramsey and St. Louis shall also be a county court, is established in each county. The court shall be open for the transaction of business at the county-seat at all reasonable hours. Hearings may be had at such times and places in the county as the court may deem advisable. The necessary and reasonable traveling expenses of judges, judicial officers, referees, reporters, clerks, and employees in attending hearings in places other than the county-seat incident to their duties shall be paid by the county.

Subd. 2. The county board of a county to which sections 487.01 to 487.39 apply shall provide and furnish to the county court the courtrooms, quarters, supplies, equipment and personnel the court finds necessary for its purposes.

Subd. 3. The following probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman, Clearwater and Mahnomon; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; Wilkin, Big Stone and Traverse; Swift and Stevens; Pope, Grant and Douglas; Lac qui Parle, Yellow Medicine and Chippewa; Lincoln and Lyon; Murray and Pipestone; Jackson and Cottonwood; Rock and Nobles; Dodge and Olmsted; Lake and Cook; Aitkin and Carlton; Sibley, Meeker and McLeod; Martin, Watonwan and Faribault; Houston and Fillmore; Nicollet and Le Sueur; Winona and Wabasha; Pine, Isanti and Chisago; Sherburne, Benton and Stearns.

A combined county court district may be separated into single county courts by the concurrence of the county boards of the respective counties affected. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

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

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin, and Ramsey and St. Louis, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to 487.39.

Subd. 4. The provisions of sections 487.01 to 487.39 do not apply to the counties of Hennepin, and Ramsey and St. Louis.

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(1) (2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(2) (3) The district consisting of Olmsted and Dodge counties, the district consisting of Winona and Wabasha counties and the district consisting of Washington county shall each elect three judges;

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

~~(3)~~ (4) The district consisting of Blue Earth county, the district consisting of Clay county, the district consisting of Sibley, Meeker and McLeod counties, the district consisting of Martin, Watonwan and Faribault counties and the district consisting of Pine, Chisago and Isanti counties shall each elect two county court judges.

(4) ~~(5)~~ The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts.

Subd. 6. For the more effective administration of justice, two or more county court districts may combine their respective county court districts into a single county court district by concurrence of the county boards of the respective counties affected. If districts are combined, the office of a judge may be terminated at the expiration of his term and he shall be eligible for retirement compensation under the provisions of section 487.06.

Subd. 7. When the judicial business of a county court permits, the chief justice of the supreme court, upon the recommendation of all of the county boards of a county court district may, by order filed in the office of the secretary of state, reduce the number of county court judges. The office of any judge shall not be terminated until the expiration of his term and the judge shall be eligible for retirement compensations under the provisions of section 487.06.

Subd. 8. All municipal courts and magistrate courts existing pursuant to a municipal ordinance, charter, or legislative act located in counties covered by sections 487.01 to 487.39 are hereby abolished as of July 1, 1972, except the courts located in St. Louis county are hereby abolished as of January 1, 1974, unless an earlier date is designated by a county board or county boards pursuant to Laws 1971, Chapter 951, Section 45, and no additional municipal courts shall be formed therein pursuant to the provisions of Minnesota Statutes, Chapter 488.

Subd. 9. (1) All probate judges in office on July 1, 1972 shall be the county court judges of their respective counties and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office. In counties hereby combined into county court districts and for which only one judge is provided, the probate judge of the county having the largest population determined by the last United States census shall be the judge of the county court if he consents, and files his consent prior to July 1, 1972 in the office of the secretary of state. If he does not consent, the probate judge of the smaller county shall be the judge of the county court. In counties combined into county court districts for which only one judge is

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

provided, a probate judge in any of the affected counties who at the effective date of this act, is, or before or at the expiration of his then current term of office will become, eligible for retirement pursuant to section 487.06 shall not become county court judge upon the effective date of this act, but he shall serve as a judicial officer until his retirement which shall occur not later than the expiration of his then current term of office. If all probate judges in such a county court district will qualify for retirement pursuant to section 487.06 at or before the expiration of their current term of office as of the effective date of this act, the county court judge shall be selected according to the population of the respective counties in the county court district as hereinbefore provided in subparagraph 1. The probate judge who is not hereby designated as judge of the county court shall continue in office until the expiration of his term and become a part time judicial officer of the county court, hearing and trying matters assigned to him by the judge of the county court but, if he is not learned in the law, then he shall hear and try only matters assigned to him by the judge of the county court he was heretofore authorized by law to hear and try.

(1a) The probate judges of St. Louis county probate court in effect on January 1, 1974 shall be county court judges of the county court of St. Louis county and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office.

(2) Except as provided in subparagraph 1, the judges required by the application of this section shall be appointed by the governor from among the municipal court judges or magistrates serving pursuant to a municipal ordinance, charter, or legislative act other than special municipal court judges serving within the county who are learned in the law and consent thereto. A judge so appointed shall serve ~~for the balance of the term for which he was last elected until his successor is elected and qualifies.~~ If there are no serving municipal court judges, such county court judges shall be elected at the next general election following July 1, 1972.

(2a) Except as provided in subparagraph (1a), the judges required by the application of this section in the south district of the county court of St. Louis county shall be appointed by the governor from among the full time judges of the municipal court of the city of Duluth in office on January 1, 1974, and a judge so appointed shall serve until his successor is elected and qualifies; and the judges required in the northwest and northeast districts of the county court of St. Louis county shall be appointed by the governor from among persons learned in the law residing in each district, and a judge so appointed shall serve until his successor is elected and qualifies.

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

Sec. 2. Minnesota Statutes 1971, Section 487.03, Subdivision 2, is amended to read:

Subd. 2. **ELECTION.** (1) Each judge shall be elected at the general election for a term of six years, beginning on the first Monday of the January next following his election and until his successor qualifies. Each judge holds a separate nonpartisan office. When one or more judges of the court are to be nominated or elected at a primary or general election, the notice of election shall state the name of the judge, if any, whose successor is to be elected or nominated.

(2) Each person desiring to have his name placed upon the primary ballot as a candidate for judge, except as provided in (3) of this subdivision, shall state in his affidavit of candidacy the office of the particular judge for which he is a candidate. The filing of this affidavit, ~~with the county auditor in each county of the county court district and compliance with all other requirements of law~~ secretary of state where the county court district consists of more than one county, or with the county auditor in the case of a single county court district constitutes a person a candidate for that office. No person shall be a candidate for more than one county court judgeship at any election.

(3) In any election following reduction of the number of county court judges pursuant to section 487.01, subdivision 7 the requirement that a candidate for office of judge state the office for which he is a candidate shall not apply. In such a situation all parties filing for office of judge shall run against each other for the remaining seats. However, each candidate who otherwise would have qualified to have the word "incumbent" printed after his name on the ballot pursuant to subdivision 3 shall retain this right.

Sec. 3. Minnesota Statutes 1971, Section 487.03, Subdivision 4, is amended to read:

Subd. 4. **CHIEF JUDGE.** If a county court district elects more than one county court judge, ~~the judges shall select one of their number as the chief county court judge who shall be responsible for assigning the work of the court.~~ If no such selection is made, the chief justice of the supreme court shall select a chief county court judge who shall serve at the pleasure of the chief justice and for a term of two years and who shall be responsible for assigning the work of the court.

Sec. 4. Minnesota Statutes 1971, Section 487.03, is amended by adding a subdivision to read:

Subd. 5. **VACANCY.** Whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill

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

the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after such appointment.

Sec. 5. Minnesota Statutes 1971, Section 487.08, is amended to read:

**487.08 JUDICIAL OFFICERS.** When the judicial business of a county court requires, the county court may appoint one or more full or part time judicial officers who shall be learned in the law and whose salary shall be fixed by the county court, with the approval of the county board or boards of the counties of the district, and paid by the county. They shall serve at the pleasure of the county court. They shall hear and try such matters as shall be assigned to them by the county court judge. Before entering upon the duties of office each judicial officer shall take and subscribe an oath, in the form provided by law for judicial officers, and a certified copy of the oath shall be filed in the office of each of the county auditors within the county court district.

Sec. 6. Minnesota Statutes 1971, Section 487.09, is amended to read:

**487.09 MUNICIPAL COURT JUDGES AS JUDICIAL OFFICERS.** All municipal court judges other than special municipal court judges serving July 1, 1972 shall become part time judicial officers of the county district court of the county in which their municipal courts are located. They shall try and hear matters assigned to them by the county court judge but, if they are not learned in the law, they may try and hear only actions as arise under section 487.16. They shall continue to serve as judicial officers and be paid by the county the salaries theretofore provided or as otherwise increased by the county court with the approval of the county board until the expiration of their terms of office.

All municipal court judges of St. Louis county, other than special municipal court judges, serving as of January 1, 1974 shall become part time judicial officers of the county court. They shall try and hear matters assigned to them by the chief county court judge but, if they are not learned in the law, they may try and hear only actions of forcible entry and unlawful detainer and shall perform such other duties as are assigned to them by the chief judge of the county court. They shall continue to serve as judicial officers and be paid by the county the salaries theretofore provided until the expiration of their terms of office, or as otherwise increased by the county court with the approval of the county board.

Sec. 7. Minnesota Statutes 1971, Section 487.10, Subdivision 1, is amended to read:

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

**487.10 CLERKS, DEPUTIES, RECORDS.** Subdivision 1. The clerk of the district court of each county within the county court district, ~~with the written approval of the clerk of district court, the county board of the county and the chief judge of the district court,~~ shall have and perform the duties heretofore provided by law for the clerks of the probate, county and municipal courts and other duties as prescribed by law or rule of court. In the performance of those duties the clerk of the district court shall also be known as the clerk of county court.

Sec. 8. Minnesota Statutes 1971, Section 487.10, Subdivision 2, is amended to read:

Subd. 2. ~~If the clerk of district court is approved as the clerk of county court as provided in subdivision 1,~~ The clerks and deputy clerks of the present probate courts and the clerical employees thereof shall become deputy clerks and clerical employees respectively of the clerks of court of the respective counties in which they served.

Sec. 9. Minnesota Statutes 1971, Section 487.10, is amended by adding a subdivision:

Subd. 6. In a county court district having three or more county court judges, the chief judge with the concurrence of a majority of the judges may appoint a court administrator whose salary shall be set by and who shall serve at the pleasure of the majority of the county court judges and whose duties shall be prescribed by the chief judge.

Sec. 10. Minnesota Statutes 1971, Section 487.10, is amended by adding a subdivision to read:

Subd. 7. Notwithstanding the provisions of any other law to the contrary, excepting the clerk, the chief deputy clerks of each division and those classifications specifically exempted by Laws of 1941, Chapter 423, Section 6, as amended, every permanent employee of those courts being abolished under this act shall, with the approval of the St. Louis county civil service commission, be transferred as of the effective date of this act to a position of comparable classification in the classified service of St. Louis county with the equivalent status that he had in the office of his employment immediately prior thereto, and every such employee shall be subject to, and have the benefit of, the classified service as though he had served thereunder from the date of his entry into the service of his office of employment.

Sec. 11. Minnesota Statutes 1971, Section 487.16, is amended to read:

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

**487.16 MINOR CIVIL AND CRIMINAL JURISDICTION.** The county court shall also have jurisdiction in all civil and criminal cases now residing in municipal courts as provided in chapter 488, except that notwithstanding any law to the contrary, no county court shall have gross misdemeanor jurisdiction.

Sec. 12. Minnesota Statutes 1971, Section 487.18, is amended to read:

**487.18 CRIMINAL JURISDICTION.** (a) The county 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 court district; of

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

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

(c) The county court has jurisdiction to hear, try and determine any matter constituting a petty misdemeanor.

Sec. 13. Minnesota Statutes 1971, Section 487.19, is amended by adding a subdivision to read:

Subd. 3. Where the county court judge or judges in a county court district are disqualified from hearing a matter within concurrent jurisdiction of the county and district courts, or where the district court judge otherwise agrees to hear a matter, said matter shall be transferred to the district court for further proceedings.

Sec. 14. Minnesota Statutes 1971, Section 487.21, Subdivision 1, is amended to read:

**487.21 TRIAL OF CIVIL AND CRIMINAL ACTIONS.** Subdivision 1. The court by rule shall designate the locations within the county court district at which regular sessions of the court shall be held provided, however, that regular sessions of the court shall be held in at least the county seat of each county within the county court district; ~~provided further, that.~~ Upon petition of an incorporated municipality directed to the county board of the county in which the municipality is located and in which resolution the municipality agrees to provide at its own expense suitable facilities for holding court sessions, the county board may direct that court be held in such municipality. Upon petition of at least two governmental units within the district night court shall be held at least once every two weeks during regular session of court,

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

commencing after 7:00 o'clock P.M. at such place in the district that the court shall designate. The court, by rule, may limit the locations at which jury trials shall be conducted provided, however, that the court shall conduct jury trials in not less than one location in each county within the county court district.

Sec. 15. Minnesota Statutes 1971, Section 487.21, Subdivision 2, is amended to read:

Subd. 2. All civil actions shall be tried in the ~~municipality designated and~~ locations designated by the county court rules with the location to be specified in the summons unless, upon a showing of inconvenience, the court orders the case to be heard at another location within the same county court district.

Sec. 16. Minnesota Statutes 1971, Section 487.23, Subdivision 1, is amended to read:

**487.23 PLEADING, PRACTICE, PROCEDURE AND FORMS IN CIVIL ACTIONS.** Subdivision 1. **GENERAL.** Pleading, practice, procedure and forms in civil actions shall be governed by rules of civil procedure for county courts which shall be adopted by the supreme court. Until the rules become effective, such matters are governed by the rules for municipal courts and rules promulgated from time to time by the supreme court or by the statutes governing the district court insofar as the rules promulgated by the supreme court do not contain any applicable provision. The provisions of sections 487.01 to 487.39 relating to pleading, practice and procedure in civil actions shall be effective as rules of court until modified or superseded by a rule the rules hereafter adopted by the supreme court. Rules or statutory provisions modified or superseded by the rules of civil procedure for county courts adopted by the supreme court shall be of no effect in any county court from and after the effective date of said adopted rules.

Sec. 17. Minnesota Statutes 1971, Section 487.23, Subdivision 2, is amended to read:

Subd. 2. **COURT RULES.** The court may adopt rules governing pleading, practice, procedure and forms for civil actions which are not inconsistent with the provisions of sections 487.01 to 487.39, the rules for municipal county courts promulgated by the supreme court, or promulgated from time to time for county courts or governing statutes.

Sec. 18. Minnesota Statutes 1971, Section 487.23, Subdivision 5, is amended to read:

Subd. 5. **COSTS ALLOWABLE.** In all civil actions ~~within the concurrent jurisdiction of the district court and the county court,~~ costs and disbursements allowed in county court shall be the same

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

as is provided for costs and disbursements in like actions in the district court. ~~In all civil actions within the exclusive jurisdiction of the county court, costs and disbursements shall be allowed as follows:~~

~~(a) To the plaintiff upon a judgment in his favor when an issue of fact or law has been joined:~~

~~(1) \$10 when the amount of the judgment or the value of the property recovered in a replevin action, exclusive of costs and disbursements, exceeds \$150;~~

~~(2) \$5 in all other cases.~~

~~(b) \$5 to the plaintiff upon a judgment in his favor when no issue of fact or law has been joined and the amount of the judgment or the value of the property recovered, exclusive of costs and disbursements, exceeds \$150.~~

~~(c) to the defendant upon a judgment in his favor on the merits:~~

~~(1) \$10 when the amount claimed in the complaint or the alleged value of the property involved in a replevin complaint exceeds \$150;~~

~~(2) \$5 in all other cases.~~

~~(d) \$5 to the defendant upon a dismissal or discontinuance other than on the merits, regardless of the amount claimed or the value of the property involved.~~

Sec. 19. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7a. LIEN OF JUDGMENT. Every judgment of the county court requiring the payment of money shall be docketed by the clerk of county court upon the entry thereof. From the time of such docketing the judgment shall be a lien, to the amount unpaid thereon, upon all real property in the county then or thereafter owned by the judgment debtor. Such judgment shall survive, and the lien thereof continue, for the period of ten years next after its entry, and no longer. No judgment, except for taxes, shall be docketed until the judgment creditor, or his agent or attorney, shall have filed with the clerk an affidavit, stating the full name, occupation, place of residence, and post office address of the judgment debtor, to the best of affiant's information and belief; and, if such residence be within an incorporated place having more than 5,000 inhabitants, the street number of both his place of residence and place of business, if he have one, shall be stated. If the clerk shall violate this provision, neither the judg-

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

ment nor the docketing thereof shall be invalid, but he shall be liable to any person damaged thereby in the sum of \$5.

Sec. 20. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7b. Any person who holds a judgment for an amount exceeding \$10, exclusive of interest and costs, may obtain from the clerk a certified transcript of the judgment and may file the transcript in the office of the clerk of the district court. If a transcript is given, the clerk of the county court shall note that part on the record of the judgment and shall not thereafter issue a writ of execution of the same judgment.

Sec. 21. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7c. Upon the filing and docketing of the certified transcript the judgment thereafter is exclusively under the control of the district court and may be enforced by its process as though originally rendered by the district court.

Sec. 22. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7d. The clerk of court shall not issue a certified transcript while a writ of execution is outstanding on the judgment.

Sec. 23. Minnesota Statutes 1971, Section 487.24, Subdivision 3, is amended to read:

Subd. 3. **DEFAULT JUDGMENTS.** Whenever a duly verified complaint in an action of forcible entry or unlawful detainer shows one of the causes of action set forth in section 566.03, and on the return day of the summons the defendant does not appear, the judge of the county court, upon proof of the due service of the summons, ~~the court~~ may find the defendant in default and file ~~its~~ an order for judgment accordingly.

Sec. 24. Minnesota Statutes 1971, Section 487.25, Subdivision 3, is amended to read:

Subd. 3. **COMPLAINTS.** Complaints charging violations of a criminal law of this state or a municipal ordinance, charter provision, rule or regulation may be sworn to before any judge of the county court or judicial officer and shall be filed with the clerk or deputy clerk; provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

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

Sec. 25. Minnesota Statutes 1971, Section 487.25, Subdivision 4, is amended to read:

Subd. 4. **TAB CHARGES.** When a person charged with violating a petty misdemeanor law, or a criminal law, the violation of which is punishable as a misdemeanor, or a municipal ordinance, charter provision, rule or regulation is brought or voluntarily appears before the court without process, the clerk shall enter upon the records a brief statement of the offense charged. This brief statement stands in place of a complaint, but if the judge orders, or if requested by the person charged, a formal complaint shall be made and filed.

Sec. 26. Minnesota Statutes 1971, Section 487.26, Subdivision 2, is amended to read:

Subd. 2. **SELECTION; LIST.** ~~Before the first day of September in each year, the court shall select from the qualified electors of each county within the county court district a list of persons qualified to serve as petit jurors and certify the list to the clerk of the court. If there is a deficiency of persons on the list, the court may select from the qualified electors of each county additional persons to cover the deficiency and certify and deliver to the clerk a supplementary list which shall thereafter stand as part of the original list. The validity of the selection is not affected by the fact that any person selected is disqualified from serving as a juror. All petit jurors to serve in the county court in the county shall be selected from the petit jurors listed for jury service by the district court. Petit jurors listed for service in both courts shall have the same qualifications and shall be selected by the district court under the same procedure as is now provided by law for selecting jurors for service in the district court. Jurors summoned for service in the county court shall report to and be excused, governed, instructed and controlled by the chief judge of the county court or his designee.~~

Sec. 27. Minnesota Statutes 1971, Section 487.27, Subdivision 3, is amended to read:

Subd. 3. The probate division shall include all cases and proceedings relating to the administration of estates of deceased persons and, of persons under guardianship, and proceedings for the administration of trust estates or actions relating thereto.

Sec. 28. Minnesota Statutes 1971, Section 487.29, is amended to read:

**487.29 TRAFFIC OFFENSES.** Subdivision 1. **TRAFFIC TAG DEFINED.** The term "traffic tag" means ~~a written or printed notice~~ the uniform traffic ticket specified in section 169.99 served

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

upon a person charged with the violation of a traffic law or municipal ordinance, charter provision, rule or regulation or affixed conspicuously to a motor vehicle operated, parked or standing in violation thereof, which requires appearance before a court at a specified time or before a traffic violations bureau thereof without a specified time.

**Subd. 2. PROCEDURE BY PERSON RECEIVING TRAFFIC TAG.** A person who receives a traffic tag shall proceed as follows:

(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified. The payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and the plea of guilty and waiver on the reverse side of the traffic tag shall be signed by the person charged.

(b) When a fine is not so paid, the person charged must appear before the court ~~or at a bureau, as the traffic tag may designate, at the time specified in the traffic tag.~~ If appearance before a traffic violation bureau is designated in the tag, the person charged must appear within the time specified in the tag, state whether he desires to enter a plea of guilty or not guilty and arrange a date for arraignment in the county court.

Sec. 29. Minnesota Statutes 1971, Section 487.30, is amended to read:

**487.30 CONCILIATION COURT.** The conciliation court, if established, shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed ~~\$300~~ \$500 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits.

Sec. 30. Minnesota Statutes 1971, Section 487.31, Subdivision 1, is amended to read:

**487.31 FEES PAYABLE TO CLERK.** Subdivision 1. The fees payable to the clerk for the following services in civil actions are:

In all civil actions within the ~~concurrent~~ jurisdiction of the ~~district court and~~ the county court, the fees payable to the clerk in county court shall be the same as in district court. The county court shall determine by rule the fees payable in cases heard in the conciliation division of the county court, ~~provided that such fees shall be less than the fees payable in civil actions within the exclusive jurisdiction of the county court as hereinafter provided.~~

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

~~The fees payable to the clerk for the following services in civil action within the exclusive jurisdiction of the county court are:~~

~~(a) The fee payable by the plaintiff, in addition to any other fee required by law, when the action is entered in court or when the first paper on the plaintiff's part is filed shall be a fee which is \$2 less than the fee payable to the clerk of district court for like services.~~

~~(b) The fee 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 shall be a fee which is \$2 less than the fee payable to the clerk of district court for like services.~~

~~(c) No trial fee is payable by any party when trial is by a judge without a jury.~~

~~(d) The trial fee for trial by a jury of six persons and for a trial by a jury of twelve persons shall be the same as the fee payable to the clerk of district court for like services. The fee shall be paid by the party demanding a jury trial.~~

The fees payable to the clerk for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

~~(e) 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, borough or town within the county court district; 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; and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:~~

(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 a trial . . . . \$5

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

(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

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

Sec. 31. Minnesota Statutes 1971, Section 487.31, Subdivision 2, is amended to read:

Subd. 2. ~~Except as provided in subdivision 1, the fees payable to the clerk for his services in civil actions are the same in amount as the fees then payable for like services in the district court for the county in which the county court is located. The~~ Fees payable to the clerk for all other services shall be fixed by court rule.

Sec. 32. Minnesota Statutes 1971, Section 487.31, Subdivision 3, is amended to read:

Subd. 3. Except as provided in subdivision 1 of this section, fees are payable to the clerk in advance.

Sec. 33. Minnesota Statutes 1971, Section 487.33, Subdivision 5, is amended to read:

Subd. 5. The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed for each fine or penalty and the total amount of fines or penalties collected for each such municipality or other subdivision of government. On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county ~~all fines or penalties for parking violations and one half of all other~~ fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city, village or borough except as provided in section 299D.03, Subdivision 5, or as otherwise provided by law. All other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer of the county in which the funds were collected who shall dispense the same as provided by law.

Sec. 34. Minnesota Statutes 1971, Section 487.36, is amended to read:

**487.36 TRANSFER OF RECORDS; TRANSFER OF FUNDS.** All judges and justices of the peace and all court clerks of courts abolished by ~~Laws 1971, Chapter 951 shall continue in office 60~~

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

~~days after the effective date of Laws 1971, Chapter 951 for the purpose of transmitting this act shall, by January 1, 1974, or within 60 days after the establishment of a county court, whichever is later, transmit to the clerk of the county court all pleadings, dockets and other records in pending cases in the abolished courts and for the purpose of paying shall pay over to the clerk of court all moneys in the possession of the judges, justices of the peace and clerks payable to the state or any subdivision with proper detail to enable the clerk of the county court to account to the proper officials for the moneys.~~

Sec. 35. Minnesota Statutes 1971, Section 487.37, is amended to read:

**487.37 TRANSFER OF ACTIONS.** (a) All proceedings within the jurisdiction of a county court which are pending in the district court on July 1, 1972 the date of the establishment of a county court may be transferred to the county court in the manner provided by this section.

(b) A case within the jurisdiction of the county court commenced in the district court may be transferred to the county court for trial or other proceedings upon the motion of any party or upon the motion of the district court.

(c) A mandate of an appellate court issued on or after July 1, 1972 the date of the establishment of a county court in respect of a case within the jurisdiction of the county court determined by the district court within the county shall be issued to that district court. Thereafter, the case may be transferred to the county court of the county in which the action arose, and all files, records and funds relating thereto shall be transferred to the clerk of court.

(d) A mandate of an appellate court issued on or after July 1, 1972 the date of the establishment of a county court in respect of a case determined by a municipal court abolished after July 1, 1972 shall be issued to the county court of the county within which the action arose and all files, records and funds relating thereto shall be transferred to the clerk of court.

Sec. 36. Minnesota Statutes 1971, Section 487.39, Subdivision 1, is amended to read:

**487.39 APPEALS.** Subdivision 1. An aggrieved party may appeal to a district court judge from a determination of a county court. The provisions of this section govern all appeals from the county court; appeal provisions of all other statutes are inapplicable except as stated in subdivision 3.

(a) Except as provided in clause (b), the appeal in a civil case shall be taken by filing written notice thereof with the clerk of

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

court of the county in which the action was heard not more than ~~ten~~ 30 days after written notice of the court's determination has been served upon the aggrieved party or his attorney, or in any event within three months after the determination in a civil case.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing thereon, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days after filing a written notice of appeal and proof of such service shall be filed with the clerk of county court in the county in which the action was heard not more than three days after the service of such notice on the opposite party or his attorney. The appeal shall be heard and determined by a district court judge.

Sec. 37. Minnesota Statutes 1971, Section 487.40, is amended by adding a subdivision to read:

Subd. 1a. The provisions of sections 542.01 to 542.12 and 542.17 shall apply to actions in the county court.

Sec. 38. Minnesota Statutes 1971, Sections 487.10, Subdivision 3; 487.23, Subdivision 7; 487.26, Subdivisions 3, 5 and 7; and 488.04, Subdivisions 6 and 7; 488A.35; 488A.36; 488A.37; 488A.38; 488A.39; 488A.40; 488A.41; 488A.42; 488A.43; 488A.44; 488A.45; 488A.46; 488A.47; 488A.48; 488A.49; 488A.50; 488A.51; 488A.52; 488A.53; 488A.54; 488A.55; 488A.56; 488A.57; 488A.58; 488A.59; 488A.60; 488A.61; 488A.62; 488A.63; 488A.64; 488A.65; 488A.66; 488A.67; 488A.68; 488A.69; 488A.70; 488A.71; 488A.72; 488A.73; 488A.74; 488A.75; 488A.76; 488A.77; 488A.78; 488A.79; 488A.80; and 488A.81, are repealed.

Sec. 39. Section 7 is effective January 1, 1974.

Approved May 24, 1973.

---

## CHAPTER 680—S.F.No.1480

[Coded in Part]

*An act relating to meetings of state agencies and of governing bodies open to public; providing a penalty; amending Minnesota*

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