

NESOTA:

**Section 1. DAKOTA COUNTY; ROAD AND BRIDGE BONDS.** The board of county commissioners of Dakota county may by resolution authorize the issuance of general obligation bonds of the county in an amount not exceeding \$10,000,000 to provide funds for the acquisition, betterment, establishment, location, vacation, construction, reconstruction and improvement of county state-aid highways and county highways and bridges. The bonds shall not be issued until the county board has established a plan based upon the needs of each area of the county for the development of county state-aid highways and county highways and bridges. The bonds shall not be issued before January 1, 1975.

**Sec. 2.** Such bonds shall be issued and sold in accordance with Minnesota Statutes, Chapter 475, without first obtaining the approval of the majority of the electors, and the terms of each series of such bonds shall be established so that the principal of and interest on all such bonds due in any year shall not exceed an amount equal to one-third mill times the assessed value of taxable property in the county, as most recently determined before the issuance of that series, and shall be deducted from the amount which may be levied for other road and bridge purposes within the limitation provided in Minnesota Statutes, Sections 398.32 to 398.36.

**Sec. 3.** No road or portion of a road that runs through a city within the county shall be constructed or improved unless the city contributes to the construction or improvement in an amount that the county board and the city by agreement determine to be fair and equitable and in no case to be more than 45 percent of the cost of the construction or improvement.

**Sec. 4.** This act shall become effective only after its approval by four fifths of the entire governing body of the county of Dakota and upon compliance with the provisions of Minnesota Statutes, Section 645.021, Subdivision 1, except that the last sentence thereof is not applicable to this act.

Approved April 5, 1974.

---

**CHAPTER 397—S.F.No.3088**  
**[Coded in Part]**

*An act relating to courts, Ramsey and Chisago counties; amending Minnesota Statutes, 1973 Supplement, Sections 488A.18, Subdivisions 10 and 13; 488A.20, Subdivisions 1, 2, 4, and 6; 488A.22, Subdivision 3; 488A.281; 488A.283; 488A.285, Subdivisions 1 and 2; 488A.286; 488A.30, Subdivisions 1, 2, and 4; Minnesota Statutes 1971, Sections 484.18, Subdivision 3; 488A.18, Subdivision 11; 488A.19, Subdi-*

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

visions 6, 8, and 10; 488A.20, Subdivisions 3 and 7; 488A.21, Subdivision 1; 488A.23, Subdivision 1; 488A.26, Subdivisions 1, 3, 4, and 7; 488A.27, Subdivisions 3 and 7; 488A.30, Subdivision 3; 488A.31, Subdivisions 1 and 5; 488A.34, Subdivisions 2, 3, 4, 6, 9, and 12; repealing Minnesota Statutes 1971, Section 488A.23, Subdivisions 3 and 4.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Minnesota Statutes, 1973 Supplement, Section 488A.18, Subdivision 10, is amended to read:

**Subd. 10. RAMSEY AND CHISAGO COUNTIES; MUNICIPAL COURT; PLACE OF HOLDING COURT.** The county of Ramsey shall provide suitable quarters for the holding of regular terms of court at all places where court sessions are conducted. Regular court sessions shall be conducted in the villages cities of New Brighton, Roseville, Maplewood ~~and~~, North Saint Paul, ~~and in the cities of~~ White Bear Lake, and Saint Paul, upon filing with the clerk of the court a copy of a resolution of the governing body of the city ~~or village~~ requesting that court be held therein on or before July 1, 1974. ~~At the places of holding regular terms of court established pursuant to this subdivision, all functions of the court shall be discharged. Provided, however, that civil jury trials shall be tried at the place of holding court within the city of Saint Paul; unless the judges of the court shall decide by court rule that civil jury trials may be held elsewhere in the county.~~ At the places of holding regular terms of court established pursuant to this subdivision the court shall conduct the trials required by Minnesota Statutes, 1973 Supplement, Section 488A.18, Subdivision 13 and, in addition, shall discharge such additional functions as the court may determine. No function which was performed at any such regular place of holding court by a municipal court in existence prior to January 1, 1975, shall be discontinued at such place except by consent of the governing body of the city in which the court is conducted and upon the affirmative vote of eight judges of the court.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 488A.18, Subdivision 13, is amended to read:

**Subd. 13. TRIAL OF CRIMINAL ACTIONS.** All charges of misdemeanors, petty misdemeanors and ordinance violations shall be ~~arraigned and~~ tried in the municipality where the alleged violation occurred; however, if there is no court located in such municipality, then the ~~arraignment and~~ trial of such charges shall take place at the nearest place of holding court. ~~Arraignments in criminal actions.~~ In addition to such daytime arraignments as the court may establish, traffic and criminal arraignments shall be held at least once each week in the evening after 7:00 p.m. if so requested by the governing body of a city or village in which a court is situated as provided by Laws 1973, Chapter 708 by a resolution filed with the clerk of court.

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

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 488A.20, Subdivision 1, is amended to read:

**488A.20 ADMINISTRATOR; OTHER EMPLOYEES.** Subdivision 1. **APPOINTMENT, TERM, REMOVAL, SUSPENSION.** (a) A majority of the judges shall appoint ~~a clerk~~ an administrator of the court.

(b) The court shall have employees, consisting of ~~deputy clerks, assistant clerks and other necessary employees as are presently employed~~ those persons employed in the municipal courts of the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul, as of December 31, 1974.

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

(d) The ~~clerk and deputy clerks~~ administrator and other employees of the court, exclusive of court reporters, 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~~ administrator and all other employees of the court shall be in the unclassified service of the county of Ramsey.

Sec. 4. Minnesota Statutes, 1973 Supplement, Section 488A.20, Subdivision 2, is amended to read:

**Subd. 2. OATH, BOND.** (a) The ~~clerk and deputy clerks~~ administrator and other employees of the court shall each take and subscribe an oath to support the Constitutions of the United States and the state of Minnesota and to perform faithfully the duties of his office.

(b) The ~~clerk and deputy clerks~~ administrator and other employees of the court exclusive of court reporters shall each give bond to the county of Ramsey in such sum and with such surety as the county board directs, conditioned upon the faithful discharge of his official duties and for payment as required by law or order of the court of all moneys coming into his hands.

(c) Neither the ~~clerk~~ administrator nor ~~deputy clerks~~ other employees of the court shall enter upon their official duties until their respective appointment, oath, and bond are filed with the county auditor.

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

Sec. 5. Minnesota Statutes, 1973 Supplement, Section 488A.20, Subdivision 6, is amended to read:

Subd. 6. **SALARIES.** ~~(a)~~ The administrator and other employees of the court shall be paid annual salaries pursuant to a schedule adopted by a majority of judges of the court and approved by the Ramsey county board of commissioners.

~~The present salary of any employee of this court shall not be reduced by virtue of this act.~~

~~(b) All salaries under this act shall be payable out of the county treasury in biweekly installments.~~

~~(c) The salary of the clerk and other employees shall be set by the county board upon the recommendation of the civil service commission.~~

Sec. 6. Minnesota Statutes, 1973 Supplement, Section 488A.22, Subdivision 3, is amended to read:

Subd. 3. **SALARIES.** ~~The county board 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.~~ Court reporters of Ramsey county municipal court shall be paid a salary equal to that paid to court reporters in the district court of the second judicial district .

Sec. 7. Minnesota Statutes, 1973 Supplement, Section 488A.281, is amended to read:

488A.281 **PAYMENT OF COURT EXPENSES.** All salaries of the judges of the municipal court of the county of Ramsey, court reporters, the ~~clerk~~, court administrator, ~~deputy clerks~~ and all other employees of said court, and all expenses of said court shall be paid from the treasury of Ramsey county in biweekly installments . The board of county commissioners of Ramsey county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court. Such tax is not subject to any limitation on taxing power contained in any other law or charter provision and is in addition to any other tax levied by such body.

Sec. 8. Minnesota Statutes, 1973 Supplement, Section 488A.283, is amended to read:

488A.283 **EXTENSION OF TERMS.** Notwithstanding any provision of law to the contrary, the term of office of any ~~judge, or~~ special judge, or justice of the peace of any court to be abolished hereunder, which would otherwise expire between the passage of Laws 1973, Chapter 708 and the effective date of Laws 1973, Chapter 708 shall be

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

extended through and include the day before the first Monday of January, 1975.

Sec. 9. Minnesota Statutes, 1973 Supplement, Section 488A.285, Subdivision 1, is amended to read:

**488A.285 TRANSFER OF EMPLOYEES; RETIREMENT FUND.** Subdivision 1. Notwithstanding any other provision of law to the contrary, and except as may otherwise be provided in Laws 1973, Chapter 708, all employees of the municipal courts in the ~~villages-cities~~ of New Brighton, Roseville, Maplewood ~~and~~, North Saint Paul ~~and in the cities of~~, White Bear Lake and Saint Paul on the effective date of Laws 1973, Chapter 708 shall become the employees of the municipal court of Ramsey county, and the salary of any such employees shall not be reduced by virtue of this act.

Sec. 10. Minnesota Statutes, 1973 Supplement, Section 488A.285, Subdivision 2, is amended to read:

Subd. 2. Any person employed by the municipal courts in the ~~villages-cities~~ of New Brighton, Roseville, Maplewood ~~and~~, North Saint Paul ~~and in the cities of~~, White Bear Lake and Saint Paul on the effective date of Laws 1973, Chapter 708 shall be entitled to and be given credit for all benefits heretofore accrued to him as an employee of such municipal court and shall continue membership in the public employees retirement association without losing any rights or benefits as a member of such retirement association.

Sec. 11. Minnesota Statutes, 1973 Supplement, Section 488A.286, is amended to read:

**488A.286 INITIAL JUDGES OF THE COURT.** The judges of the municipal courts in the ~~villages-cities~~ of New Brighton, Roseville, Maplewood ~~and~~, North Saint Paul ~~and in the cities of~~, White Bear Lake and Saint Paul as of January 1, 1975, shall continue as judges of the municipal court of the county of Ramsey. In the event a vacancy exists in the office of judge in any such municipalities or that any such judges are unable or unwilling on said date to serve as a judge of the municipal court of Ramsey county, the governor shall appoint, in the manner provided by law, a qualified person to fill such vacancy or replace such judges. The original term of office of each of such judges as a judge of the municipal court of the county of Ramsey shall expire on the day before the first Monday in January of the odd numbered years in or year following the year in which the term of each of such judges of municipal courts of the aforementioned municipalities would otherwise have expired.

Sec. 12. Minnesota Statutes, 1973 Supplement, Section 488A.30, Subdivision 1, is amended to read:

**488A.30 JUDGES; CLERK; SALARIES; QUARTERS.** Subdivision

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

1. **JUDGES.** (a) The judges of the municipal court shall serve as judges of the conciliation court for such 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-attorneys~~ to act as ~~referee-referees~~ 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-referees~~, and fix the compensation not to exceed \$50 per day or any part thereof. This compensation is payable out of the county treasury at the same time and in the same manner as salaries of the judges of conciliation court.

Sec. 13. Minnesota Statutes, 1973 Supplement, Section 488A.30, Subdivision 2, is amended to read:

Subd. 2. **CLERKS, DUTIES.** The clerk of the municipal court shall serve as the clerk of the conciliation court. He shall delegate ~~deputy clerks, assistant clerks and 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 county of Ramsey all fees received by him in the same fashion as required in his capacity as clerk of municipal court.

Sec. 14. Minnesota Statutes, 1973 Supplement, Section 488A.30, Subdivision 4, is amended to read:

Subd. 4. **QUARTERS FOR COURT, SUPPLIES.** The county of Ramsey shall provide suitable quarters for the court ~~within the city of Saint Paul, at such other places as are designated in section 488A.18, subdivision 10~~ and at such ~~other~~ places within the county as may be designated by a majority of the judges, and court shall be held at such places. The clerk shall procure and furnish all necessary blanks, stationery, books, furniture, furnishings and other supplies for the use of the court and the officers thereof at the expense of the county, ~~with the consent of the county board~~ and under the supervision and approval of a majority of the judges, with the consent of the county board.

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

Sec. 15. Minnesota Statutes 1971, Section 484.18, Subdivision 3, is amended to read:

Subd. 3. In Chisago county: On the first Tuesday in ~~May~~ April and the first Tuesday in ~~December~~ November .

Sec. 16. Minnesota Statutes 1971, Section 488A.18, Subdivision 11, is amended to read:

Subd. 11. **TERMS.** The court shall be open every day, except Sundays and legal holidays. The court shall hold a general term for the trial of civil actions ~~commencing on the first Monday following Labor Day of each year and continuing until the next general term,~~ with such adjournments as the judges may determine to be necessary and proper.

Sec. 17. Minnesota Statutes 1971, Section 488A.19, Subdivision 6, is amended to read:

Subd. 6. **CONTEMPT OF COURT.** Any judge has the power to punish for contempt of court by a fine not exceeding ~~\$100~~ \$300 or by imprisonment in the county jail or city workhouse not exceeding 90 days , or both .

Sec. 18. Minnesota Statutes 1971, Section 488A.19, Subdivision 8, is amended to read:

Subd. 8. **DISTRICT COURT AND COUNTY COURT JUDGES.** Upon a request of a majority of the judges of this court, any one or more district court judges of this state, active or retired, or any one or more county court judges of this state, active or retired, may, while serving pursuant to such request, perform all the duties and exercise all the powers and functions of a judge of this court. Each ~~district court~~ judge so acting shall be additional to the number of municipal judges provided for elsewhere in this act ; but shall receive no additional salary or compensation for so acting and shall receive compensation in an amount fixed by the court but not to exceed \$50 per day, plus expenses incurred .

Sec. 19. Minnesota Statutes 1971, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. **SALARIES.** Each judge shall be paid an annual salary of ~~\$26,000~~ \$29,000 in biweekly installments out of the treasury of the ~~city of Saint Paul~~ county of Ramsey . 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. 20. Minnesota Statutes 1971, Section 488A.20, Subdivision 3, is amended to read:

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

Subd. 3. **POWERS AND DUTIES.** (a) ~~The clerk, deputy clerks, and assistant clerks—~~administrator and other employees of the court 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 other necessary employees—~~other employees of the court. 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.

(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. 21. Minnesota Statutes 1971, Section 488A.20, Subdivision 7, is amended to read:

Subd. 7. **DESTRUCTION OF RECORDS.** ~~(a) Upon order of all the judges, the clerk may destroy or dispose of all of the following files and records of the court which have been on file for more than ten years:~~

- (1) Garnishment files;
- (2) Special and general term calendars;
- (3) Court reporters' notebooks or machine tapes;
- (4) Traffic tags; calendars; complaints and warrants;
- (5) Bail receipts;
- (6) Criminal and ordinance violation files;
- (7) Cash books;
- (8) Depositions;
- (9) Conciliation court files and records;

(b) ~~Upon order of all the judges, and with consent of the president of the Ramsey County Historical Society, the clerk may destroy or dispose of any and all civil, garnishment or unlawful detainer files which have been on file for more than 20 years and in which no proceedings have occurred within ten years prior to said order and consent~~ Files and records of the court may be destroyed in accordance with law.

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

Sec. 22. Minnesota Statutes 1971, Section 488A.21, Subdivision 1, is amended to read:

**488A.21 PROBATION AND REGULATED SERVICES.** Subdivision 1. **DEPARTMENT OF COURT SERVICES.** The Ramsey county ~~probation office~~ department of court services shall supply all probation services for this court.

Sec. 23. Minnesota Statutes 1971, Section 488A.23, Subdivision 1, is amended to read:

**488A.23 FEES PAYABLE TO THE CLERK.** Subdivision 1. **FEES IN CIVIL ACTIONS.** The fees payable to the clerk for the following services in civil actions shall be:

(a) \$6 payable by the plaintiff, in addition to any library fee otherwise required; when the action is entered in court or when the first paper on the plaintiff's part is entered;

(b) \$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 ~~Except as otherwise provided herein, the fees payable to the administrator for his services in civil actions shall be the same as those payable to the clerk of the district court, second judicial district, for like services, exclusive of library fees. The fees payable to the administrator for all other services of himself or the court shall be fixed by rules promulgated by a majority of the judges.~~

Sec. 24. Minnesota Statutes 1971, Section 488A.26, Subdivision 1, is amended to read:

**488A.26 PLEADING, PRACTICE, PROCEDURE AND FORMS IN CIVIL ACTIONS.** Subdivision 1. **GENERAL.** Pleading, practice, procedure and forms in civil actions shall be governed by Municipal Court Rules of Civil Procedure promulgated from time to time by the supreme court of this state or by statutes applicable to the district court in situations where said rules are inapplicable. All process issued by the court shall be tested in the name of the ~~senior~~ chief judge.

Sec. 25. Minnesota Statutes 1971, Section 488A.26, Subdivision 3, is amended to read:

Subd. 3. **COSTS ALLOWABLE.** Costs shall be allowed in civil actions 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

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

property recovered in a replevin action, exclusive of costs and disbursements, exceeds ~~\$250~~ \$500 ;

(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 ~~\$250~~ \$500 .

(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 \$250~~ on the merits .

(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. 26. Minnesota Statutes 1971, Section 488A.26, Subdivision 4, is amended to read:

Subd. 4. **LIEN OF JUDGMENT; FILING OF TRANSCRIPT.** (a) No judgment of this court shall attach as a lien upon real estate unless and until a transcript thereof is filed and docketed in district court.

(b) 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 such judgment and may file the transcript in the office of the clerk of the district court of Ramsey county, who shall file and docket it ~~as in the case of transcripts of judgments from the courts of justices of the peace~~ .

(c) Upon the filing and docketing of the certified transcript, the judgment becomes a lien upon the real estate of the debtor to the same extent as a judgment of the district court and 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.

(d) The clerk of this court shall not issue such a certified transcript while a writ of execution is outstanding on the judgment. He shall note on the record of such judgment the fact that such transcript has been given and shall not thereafter issue any writ of execution on the same judgment.

Sec. 27. Minnesota Statutes 1971, Section 488A.26, Subdivision 7, is amended to read:

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

Subd. 7. **GARNISHMENT.** Proceedings against garnishees may be instituted in the same manner as in the district court. ~~The garnishment summons may be served either by an officer or any person not a party to the action; at any place within the state of Minnesota; and the service shall in all cases be personal. The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in the district court; but the summons shall require disclosure within ten days after service, and service upon the judgment debtor shall be made not later than ten days after the service on the garnishee.~~

Sec. 28. Minnesota Statutes 1971, 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 any judge of the court and such complaints and warrants relating to such complaints shall be filed with the clerk. Provided, however, ~~the clerk and deputy clerks of court~~ administrator or other employees of the 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.

Sec. 29. Minnesota Statutes 1971, Section 488A.27, Subdivision 7, is amended to read:

Subd. 7. **PROCESS.** All warrants and other criminal process may be issued by any judge of the court. Provided, however, ~~the clerk and deputy clerks of administrator or other employees of the 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.

Sec. 30. Minnesota Statutes 1971, Section 488A.30, Subdivision 3, is amended to read:

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

Sec. 31. Minnesota Statutes 1971, Section 488A.31, Subdivision 1, is amended to read:

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

**488A.31 COMMENCEMENT OF ACTION.** Subdivision 1. **FILING FEE.** An action is commenced against each defendant when the complaint is filed with the clerk of conciliation court and a filing fee of ~~\$2-~~**\$3** is paid to the clerk or the prescribed affidavit in lieu of filing fee is filed.

Sec. 32. Minnesota Statutes 1971, 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-~~**\$3** 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 determined, 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 or-

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

der at a hearing upon motion of the defendant.

Sec. 33. Minnesota Statutes 1971, 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 accordance 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. 34. Minnesota Statutes 1971, Section 488A.34, Subdivision 3, is amended to read:

Subd. 3. **DEMAND FOR TRIAL BY JURY.** If the opposing party desires trial by jury when trial by court has been demanded in the removal, ~~or trial by jury of twelve when trial by jury of six has been demanded in the removal,~~ he shall: (a) serve a demand for trial by jury of ~~six or twelve~~ on the aggrieved party, (b) file the demand with proof of service with the clerk of ~~conciliation-municipal~~ court within ten days

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

after the demand for removal was served upon him, and (c) pay to the clerk of ~~conciliation~~ municipal court at the time of such filing a fee of \$6 if he demands a jury of six; \$12 if he demands a jury of twelve or \$6 if he demands a jury of twelve instead of six previously demanded by the aggrieved party .

Sec. 35. Minnesota Statutes 1971, Section 488A.34, Subdivision 4, is amended to read:

Subd. 4. **WAIVER OF TRIAL BY JURY.** If a jury of six or twelve is not demanded within the time limits and in the manner provided in this act, all parties waive trial by jury.

Sec. 36. Minnesota Statutes 1971, Section 488A.34, Subdivision 6, is amended to read:

Subd. 6. **CLERK'S DUTIES UPON REMOVAL.** After the judge's order has been filed, the clerk of conciliation court shall pay over to the municipal court the removal ~~and jury~~ fees paid to him hereunder and shall file in municipal court all claims, orders and other papers filed in conciliation court in connection with the cause and its removal to municipal court.

Sec. 37. Minnesota Statutes 1971, Section 488A.34, Subdivision 9, is amended to read:

Subd. 9. **COSTS AND DISBURSEMENTS FOR PREVAILING PARTY.** (a) The prevailing party in a removed cause may tax and recover from the other party ~~\$5 as costs together with his disbursements incurred in conciliation and municipal court~~ costs and disbursements as though the action was originally commenced in the municipal court

(b) For the purpose of this subdivision, an "aggrieved party" means the party who demands removal to municipal court and means the first party who serves, or files in lieu of serving, a demand for removal if another party also demands removal and an "opposing party" means any party as to whom the aggrieved party seeks a reversal in whole or in part by removal of the cause to municipal court.

(c) The aggrieved party is the prevailing party in municipal court:

(1) If the aggrieved party recovers any amount or any property in municipal court when the aggrieved party had been denied recovery of any amount or any property by the conciliation judge;

(2) If the opposing party does not recover any amount or any property from the aggrieved party in municipal court when the opposing party had recovered some amount or some property by the order of the conciliation judge;

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

(3) If the aggrieved party recovers an amount or value of property in municipal court which is at least \$25 in excess of the amount or value of property which the aggrieved party recovered by the order of the conciliation judge or

(4) If the opposing party recovers from the aggrieved party an amount or value of property in municipal court which is at least \$25 less than the amount or value of property which the opposing party recovered by the order of the conciliation judge:

(d) In all other situations the opposing party shall be deemed to be the prevailing party in municipal court.

(e) Costs or disbursements in the conciliation or municipal court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 38. Minnesota Statutes 1971, Section 488A.34, Subdivision 12, is amended 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, subdivisions 5 or 8, 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~~\$3 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~~\$3 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

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

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.

**Sec. 39. [488A.287] POWERS TO EFFECTUATE.** The judges of the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake, and Saint Paul shall be empowered to do all things necessary to effectuate the provisions of Laws 1973, Chapter 708.

**Sec. 40. Minnesota Statutes, 1973 Supplement, Section 488A.20, Subdivision 4, is amended to read:**

**Subd. 4. DISPOSITION OF FINES, FEES AND OTHER MONEYS; ACCOUNTS.** (a) Except as otherwise provided herein and except as otherwise provided by law, the clerk shall pay to the Ramsey county treasurer all fines and penalties collected by him, all fees collected by him for services of himself, all sums forfeited to the court as herein-after provided, and all other moneys received by the clerk.

(b) The clerk of court shall for each fine or penalty, provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed and the total amount of the fines or penalties collected for each such municipality or other subdivision of government.

(c) The state of Minnesota and any governmental subdivision within the jurisdictional area of the municipal court herein established may present cases for hearing before said municipal court. In the event that the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by a governmental subdivision other than a city or ~~village-town~~ in Ramsey county, all fines, penalties and forfeitures collected shall be paid over to the county treasurer except where a different disposition is provided by law.

(d) At the beginning of the first day of any month, the amount in the hands of the clerk which is owing to any municipality or county shall not exceed \$5,000.

(e) 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 in Ramsey county one half of all fines or penalties collected during the previous month from those imposed for offenses committed within such municipality or subdivision of government in violation of a statute, an ordinance, charter provision, rule or regula-

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

tion of a city or village. All other fines and forfeitures and all fees and costs collected by the county municipal court shall be paid to the treasurer of Ramsey county who shall dispense the same as provided by law.

(f) Amounts represented by checks issued by the clerk or received by the clerk which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(g) 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. 41. **REPEALER.** Minnesota Statutes 1971, Section 488A.23, Subdivisions 3 and 4, are repealed.

Sec. 42. **EFFECTIVE DATE.** Except for section 39 of this act which shall take effect upon the day following final enactment, and section 15, which is effective August 1, 1974, and except as otherwise provided in this act, this act takes effect January 1, 1975.

Approved April 9, 1974.

---

**CHAPTER 398—S.F.No.3163**  
[Not Coded]

*An act relating to the city of St. Paul; authorizing the issuance of licenses for the sale of intoxicating liquor at the old federal courts building.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. ST. PAUL, CITY OF; OLD FEDERAL COURTS BUILDING; LIQUOR LICENSES.** In addition to the licenses now authorized by law, and notwithstanding any provision of law to the contrary contained in the charter or ordinances of the city of St. Paul or statutes applicable to such city, the city of St. Paul is authorized to issue "on sale" liquor licenses to the St. Paul council of arts and sciences for the premises known as the old federal courts building and the premises at the arts and science center, 30 east Tenth Street. The two licenses so authorized may, with the prior approval of the St. Paul council of arts and sciences, be used any place on the premises of the old federal courts building and the arts and science center, respectively, and by any person, firm or corporation who has contracted for the use of the premises for an event or a caterer of such person, firm or corporation approved by the St. Paul council of arts and sciences. The licenses may

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