

respective counties according to the last federal or state census preceding admission.

Subd. 2. **WITHDRAWAL.** A county board may withdraw its interest from cooperation in a regional jail system if the county boards of each all of the other cooperating counties decide, by majority vote, to allow the withdrawal. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum, if any, to be paid to the county withdrawing, which sum to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making the payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund; provided that:

(a) Payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

(b) The withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

Sec. 12. Minnesota Statutes 1978, Section 642.04, is amended to read:

642.04 **CITIES MAY SEND PRISONERS TO JAILS OUTSIDE.** When, in any statutory or home rule charter city of the fourth class, no jail exists, which in the judgment of the city council, or other governing body, is sufficient or suitable for the detention of persons lawfully under arrest in the city, the council, or other governing body, may cause persons lawfully arrested to be detained in any city or county or county regional jail or lockup in the same or in an adjoining county; provided, that such that detention shall be with the consent of the city or county or regional jail board operating the jail where such the persons are detained, and that there shall be paid to such the city or county or regional jail board the necessary cost and expense which may be incident to taking care of such persons while they are lawfully detained or imprisoned.

Approved April 23, 1980

CHAPTER 598—H.F.No. 1095

An act relating to courts; providing for venue for child custody proceedings; authorizing the appointment of a law clerk for each district court judge in the tenth judicial district; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; providing

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penalties; amending Minnesota Statutes 1978, Sections 484.545, Subdivision 1; 542.03; and 542.18; and Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1.

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

Section 1. Minnesota Statutes 1978, Section 484.545, Subdivision 1, is amended to read:

484.545 **LAW CLERKS.** Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second ~~and~~ fourth, ~~and~~ tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every two district court judges of the judicial district. The district judges regularly assigned to hold court in the tenth judicial district may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for each district court judge of the district. In addition, the Dakota county board of commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county.

Sec. 2. Minnesota Statutes 1978, Section 542.03, is amended to read:

542.03 **OFFICIAL MISCONDUCT, WHERE CAUSE AROSE.** Subdivision 1. Except as provided in subdivision 2, actions against a public officer, or person specially appointed to execute his duties, for acts done by virtue of ~~such~~ his office, and against any person for like cause who has acted in place or in aid of ~~such~~ the officer, and actions to recover penalties or forfeitures imposed by statute, shall be tried in the county in which the cause of action arose. If the act for which the penalty or forfeiture is imposed ~~be~~ is committed upon a lake or stream extending into, or bordering upon, more than one county, ~~such~~ the action may be tried in any of these counties.

Subd. 2. The trial of any action against a state official for acts affecting the use of land or waters of the state may, in the discretion of the court, be tried in the county where the land or water is located, whether or not the state official resides in that county, on motion made to the court in that county by any party to the action if the court finds (1) that trial of the action in that county is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.

Sec. 3. Minnesota Statutes 1978, Section 542.18, is amended to read:

542.18 **STATE AS PARTY TO CIVIL ACTION; REMOVAL FROM RAMSEY COUNTY.** Notwithstanding any provision of law to the contrary, the trial of any civil action in the county of Ramsey to which the state or any officer, department or agency thereof is a party may, in the discretion of the court, be removed to any other county in which one of the parties resides on motion made to the court as in civil actions by any of the parties to the action, if the court finds ~~that such removal is~~ (1) that removal is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action

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will be expedited thereby. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1, is amended to read:

518.156 COMMENCEMENT OF CUSTODY PROCEEDING: Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) By a parent

(1) By filing a petition for dissolution or legal separation; or

(2) Where a decree of dissolution or legal separation has been entered or where none is sought, by filing a petition or motion seeking custody of the child in the county where the child is permanently resident or where he is found or where an earlier order for custody of the child has been entered; or

(b) By a person other than a parent, by filing a petition or motion seeking custody of the child in the county where the child is permanently resident or where he is found or where an earlier order for custody of the child has been entered.

Sec. 5. **EFFECTIVE DATE.** Sections 1 to 4 are effective the day after final enactment.

Approved April 23, 1980

CHAPTER 599—H.F.No. 1302

An act relating to commerce; permitting banks, trust companies and mutual savings banks to take junior liens under certain circumstances; requiring availability of bank ownership information; requiring the commissioner of banks to report on federal usury preemption; providing a federal preemption override; establishing certain time price differentials on retail installment sales of mobile homes; exempting certain insurance contracts, employee benefits and rights of action from garnishment or attachment; amending Minnesota Statutes 1978, Sections 48.19, Subdivision 1; 50.14, Subdivision 5; and 168.72; 550.37, by adding subdivisions; and Chapter 47, by adding sections; repealing Minnesota Statutes, 1979 Supplement, Section 48.185, Subdivision 2.

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

Section 1. Minnesota Statutes 1978, Section 48.19, Subdivision 1, is amended to read:

48.19 LOANS ON REAL ESTATE RESTRICTED. Subdivision 1. **RESTRICTIONS; EXCEPTION.** No bank or trust company shall make any loan upon the security of real estate unless it is a first lien thereon, except that a bank

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