

Subd. 10. CHEWING MATERIALS. A rodent must be provided with materials that allow necessary chewing to prevent detrimental overgrowth of the animal's teeth.

Sec. 8. [346.42] OTHER ANIMALS.

Animals not covered in detail in sections 4 to 7 must be maintained in accordance with a general standard of care necessary for the species as determined by an expert opinion.

Sec. 9. [346.43] FARM ANIMALS EXCLUDED.

Sections 1 to 10 do not apply to the care or treatment of an agricultural or farm animal which is used for food or other products or any other agricultural use.

Sec. 10. [346.44] PENALTIES.

Except where otherwise indicated, a person found guilty of failure to comply with a provision of sections 2 to 8 is guilty of a misdemeanor.

Approved June 14, 1983

CHAPTER 359 — S.F.No. 708

An act relating to the court system; removing obsolete references to justice of the peace and magistrate; establishing a court study commission; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05; 345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 347.05; 347.06; 357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45;

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

629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

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

Section 1. Minnesota Statutes 1982, section 72A.12, subdivision 5, is amended to read:

Subd. 5. **POLITICAL CONTRIBUTIONS PROHIBITED.** No insurance company or association, including fraternal beneficiary associations, doing business in this state, shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint stock or other association organized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for ~~such~~ the office, or for any other political purpose ~~whatsoever~~, or for reimbursement or indemnification of any person for money or property ~~so~~ used for political purposes. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this section, who participates in, aids, abets, or advises or consents to any ~~such~~ violation, and any person who solicits or knowingly receives any money or property in violation of this section, ~~shall be is~~ guilty of a gross misdemeanor, ~~and~~. Any officer aiding or abetting in any contribution made in violation of this section ~~shall be is~~ liable to the company or association for the amount ~~so~~ contributed. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court ~~or magistrate~~, upon any investigation, proceeding or trial, for a violation of any of the provisions of this section, upon the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; ~~but~~. No person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may ~~so~~ testify or produce evidence, documentary or otherwise, and no testimony ~~so~~ given or produced shall be used against him upon any criminal investigation or proceeding.

Sec. 2. Minnesota Statutes 1982, section 72A.30, is amended to read:

72A.30 EVIDENTIAL PRIVILEGE DENIED; IMMUNITY; WAIVER.

If any A person shall ask who asks to be excused from attending and testifying or from producing any books, papers, records, correspondence, or other documents at any hearing on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, ~~and shall notwithstanding be who is nevertheless~~ directed to give ~~such~~ the testimony or produce ~~such~~ the evidence, he ~~must nonetheless shall~~ comply with ~~such~~ the

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

direction, ~~but~~. However, he shall not thereafter subsequently be prosecuted or subjected to any penalty or forfeiture ~~for or on account because~~ of any transaction, matter, or thing concerning about which he may testify or produce testified or produced evidence pursuant thereto, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation, or proceeding; ~~provided, however, that~~. No such individual ~~so~~ person testifying shall be is exempt from prosecution or punishment for any perjury committed by him while ~~so~~ testifying, and the testimony or evidence ~~so~~ given or produced shall be admissible against him upon any criminal action, investigation, or proceeding concerning such the perjury, ~~nor shall he be~~. The person is not exempt from the refusal, revocation, or suspension of any license, permission, or authority conferred, or to be conferred, pursuant to the insurance law of this state. ~~Any such~~

An individual may execute, acknowledge, and file in the office of the commissioner a statement expressly waiving ~~such~~ immunity or privilege in respect to any transaction, matter, or thing specified in the statement, and ~~thereupon~~ the testimony of that person or any evidence in relation to that transaction, matter, or thing it may be received or produced before any judge ~~or justice~~, court, tribunal, grand jury, or otherwise, ~~and, if so~~. When it is received or produced, that individual ~~shall is~~ not be entitled to any immunity or privilege on account of any testimony ~~he may so give given~~ or evidence ~~so~~ produced by that individual.

Sec. 3. Minnesota Statutes 1982, section 88.645, is amended to read:

88.645 ENFORCEMENT.

Subdivision 1. **SEARCH WARRANTS.** Any court ~~or magistrate~~ having authority to issue warrants in criminal cases may issue a search warrant, in the manner provided by law for issuing search warrants for stolen property, to search for and seize any trees alleged upon sufficient grounds to have been affected by or involved in any offense under sections 88.641 to 88.647. The warrant may be directed to and executed by any officer authorized to make arrests and seizures by sections 88.641 to 88.647.

Subd. 2. **COMPLAINT.** Any officer having knowledge of any offense under sections 88.641 to 88.647 shall forthwith make complaint against the offender before a court ~~or magistrate~~ having jurisdiction of the offense and request the court ~~or magistrate~~ to issue a warrant of arrest in such the case.

Sec. 4. Minnesota Statutes 1982, section 97.50, subdivision 1, is amended to read:

Subdivision 1. **POWERS.** The commissioner, director, game refuge patrolmen, and conservation officers are ~~hereby~~ authorized and ~~empowered~~ to:

(1) ~~to~~ execute and serve all warrants and processes issued by any justice of the peace or magistrate or by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of

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

public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as ~~any a~~ constable or sheriff may do so, ~~and to~~;

(2) arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, 97 to 102, 105 and 106, and section 609.68, ~~and acts amendatory thereof~~; and to

(3) take ~~such the~~ person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of the ~~above named chapters law listed in clause (2), which is~~ punishable as a misdemeanor, ~~and is not taken into custody and immediately taken before a court or magistrate, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court or magistrate. This notice has the effect of, and serves as, a summons and complaint. The notice shall be in the form and has the effect of a summons and complaint and. It shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court or magistrate. This place must be before a court or magistrate who which has jurisdiction within the county in which the offense charged is alleged to have been committed.~~

In order to secure release, without being taken into custody and immediately taken before the court ~~or magistrate~~, the arrested person must give his written promise ~~so~~ to appear before the court ~~or magistrate~~ by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy ~~thereof~~ marked "SUMMONS" to the person arrested. ~~Thereupon~~ The officer shall then release the person from custody.

On or before the return day, the officer shall ~~make a return thereof the notice or summons~~ to the court ~~or magistrate~~ before whom ~~the notice or summons it~~ is returnable. If the person ~~so~~ summoned fails to appear on the return day, the court ~~or magistrate~~ shall issue a warrant for his arrest, ~~and~~. Upon his or her arrest, proceedings shall be had as in other cases.

Sec. 5. Minnesota Statutes 1982, section 97.50, subdivision 7, is amended to read:

Subd. 7. **SEARCH WARRANT.** Upon complaint made to any ~~magistrate judge~~ judge, who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal taken, bought, sold, transported or possessed contrary to the provisions of chapters 97 to 102, or any article declared contraband therein, is concealed or illegally kept in any ~~home, building or other receptacle place~~, not otherwise authorized herein to be entered, inspected and searched, ~~such magistrate the judge~~ shall issue a search warrant and cause a search to be made of ~~such the place, and may cause any such home, building or other receptacle to.~~ He may direct that the place be entered,

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

broken open, and examined. Property seized under ~~such~~ the warrant shall be safely kept under the direction of the court ~~or magistrate~~ so long as necessary for the purpose of being used as evidence on any trial, and ~~thereafter~~ subsequently disposed of as otherwise provided.

Sec. 6. Minnesota Statutes 1982, section 115.32, subdivision 3, is amended to read:

Subd. 3. **ARREST; PROSECUTION.** Violations of district ordinances may be prosecuted before any court ~~or magistrate of any related governmental subdivision~~ having jurisdiction of misdemeanors, ~~and every such court or magistrate shall have jurisdiction of such violations.~~ Any constable or other peace officer ~~of any such governmental subdivision~~ may make arrests for such violations committed anywhere within the district in like the same manner ~~and with like effect~~ as for violations of statutory city ordinances or for statutory misdemeanors.

All fines collected ~~in such cases~~ shall be deposited in the treasury of the district.

Sec. 7. Minnesota Statutes 1982, section 127.09, is amended to read:

127.09 REFUSING TO SERVE ON SCHOOL BOARD.

Any person ~~accepting an~~ who accepts election or appointment ~~upon~~ to any school board and ~~refusing who refuses or neglecting neglects~~ to qualify or to serve or to perform any of the duties of the office, shall ~~forfeit be fined \$10~~ for each offense ~~the sum of \$10 to.~~ The fine shall be collected in an action before a justice of the peace, to county or municipal court. It may be prosecuted in the name of the district by any school board member ~~of the district or by any eligible voter,~~ as defined in section 123.32, subdivision 1a, of the district.

Sec. 8. Minnesota Statutes 1982, section 127.17, subdivision 4, is amended to read:

Subd. 4. **"RUSHING" OR SOLICITING FORBIDDEN.** It is hereby ~~made~~ a misdemeanor for any person, not a pupil of ~~such~~ the schools, to be upon the school grounds, or to enter any school building, for the purpose of "rushing" or soliciting, ~~while there,~~ any pupil of ~~such~~ the schools to join any fraternity, society, or association organized outside of the schools. ~~All Municipal and county courts and justice courts in this state shall have jurisdiction of all offenses committed under this subdivision and.~~ All persons found guilty of ~~such~~ offenses shall be fined not less than \$2, nor more than \$10, to be paid to the ~~city treasurer,~~ when ~~such~~ schools are situated inside of the corporate limits of any city, and to the county treasurer, when situated outside of the corporate limits of any city, or, upon failure to pay ~~such~~ the fine, to be imprisoned for not more than ten days.

Sec. 9. Minnesota Statutes 1982, section 144.12, subdivision 1, is amended to read:

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

Subdivision 1. **RULES.** The commissioner may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, rules pursuant to chapter 14 for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except insofar as they may ~~The rules shall not conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject.~~ The commissioner may control, by adoption of regulations rule, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

(1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;

(2) The business of scavenging and the disposal of sewage;

(3) The location of mortuaries and cemeteries and the removal and burial of the dead;

(4) The management of lying-in houses and boarding places for infants and the treatment of infants therein in them;

(5) The pollution of streams and other waters and the distribution of water by persons for drinking or domestic use;

(6) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;

(7) The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease those diseases, and the reporting of sicknesses and deaths therefrom from them;

~~Provided, that~~ Neither the commissioner nor any local board of health nor director of public health ~~shall have authority to make or may~~ adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any ~~such~~ communicable disease or venereal disease or infection, which ~~rule or regulation~~ requires the involuntary detention ~~therein~~ of any person after the expiration of his period of sentence to ~~such the~~ penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or ~~magistrate, or of any parole board~~ the department of corrections;

(8) The prevention of infant blindness and infection of the eyes of the newly born by the designation, from time to time, of one or more prophylactics to be used in ~~such those~~ cases and in ~~such the~~ manner as that the commissioner ~~may direct~~ directs, unless specifically objected to by ~~the parents or a parent of such the~~ infant;

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

(9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that ~~such~~ the child has not been vaccinated; any person ~~thus~~ required to be vaccinated may select for that purpose any licensed physician and no rule shall require the vaccination of any child whose physician ~~shall certify~~ certifies that by reason of his physical condition vaccination would be dangerous;

(10) The accumulation of filthy and unwholesome matter to the injury of the public health and ~~the its~~ removal ~~thereof~~;

(11) The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to ~~such officers~~ them by physicians, undertakers, and others of births, deaths, causes of death, and other pertinent facts;

(12) The construction, equipment, and maintenance, in respect to sanitary conditions, of lumber camps, migratory or migrant labor camps, and other industrial camps;

(13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the commissioner may require or give and, under the supervision of the commissioner, enforce ~~such~~ the regulations;

(14) Atmospheric pollution which may be injurious or detrimental to public health;

(15) Sources of radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials; and

(16) The establishment, operation and maintenance of all clinical laboratories not owned, or functioning as a component of a licensed hospital. These laboratories shall not include laboratories owned or operated by five or less licensed practitioners of the healing arts, unless otherwise provided by federal law or regulation, and in which these practitioners perform tests or procedures solely in connection with the treatment of their patients. Rules promulgated under the authority of this clause, which shall not take effect until federal legislation relating to the regulation and improvement of clinical laboratories has been enacted, may relate at least to minimum requirements for external and internal quality control, equipment, facility environment, personnel, administration and records. These rules may include the establishment of a fee schedule for clinical laboratory inspections. The provisions of this clause shall expire 30 days after

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

the conclusion of any fiscal year in which the federal government pays for less than 45 percent of the cost of regulating clinical laboratories.

Sec. 10. Minnesota Statutes 1982, section 168.46, is amended to read:

168.46 ARREST; BOND TO APPEAR.

~~In case~~ Any person shall be taken into custody because of any violation of any of the provisions of this chapter, ~~he shall forthwith~~ be taken before any ~~magistrate or justice of the peace~~ judge in any city or county, and ~~be is~~ entitled to an immediate hearing; ~~and, If such the hearing cannot be had, the person shall~~ be released on giving his personal undertaking to appear and answer for ~~such the~~ violation at ~~such a~~ time or place as shall then be indicated designated, secured (1) by a deposit of a sum of money not exceeding \$25, or ~~in lieu thereof, in case~~ (2)(a) if the person taken into custody is the owner, by leaving the motor vehicle, ~~and in case or (b) if~~ the person taken into custody is not the owner, by leaving the motor vehicle, with a written consent given at the time by the owner, who must be present, ~~with such judicial officer~~ the judge.

Sec. 11. Minnesota Statutes 1982, section 169.42, subdivision 5, is amended to read:

Subd. 5. **PENALTY.** Any person violating the provisions of this section ~~shall be is~~ guilty of a misdemeanor. The record of any conviction of or plea of guilty under this section of a person operating a motor vehicle shall be immediately forwarded to the department of public safety for inclusion upon that offender's driving record. Any ~~second or subsequent offense or offense thereafter~~ under this section shall require a minimum fine in the amount of \$100. Any ~~judge or magistrate~~ may, for any violation of this section, order the offender to pick up litter along any public highway or road for four to eight hours under the direction of the department of transportation, with the option of a jail sentence being imposed.

Sec. 12. Minnesota Statutes 1982, section 169.91, is amended to read:

169.91 ARRESTS.

Subdivision 1. **PROCEDURE.** When any person is arrested for any violation of ~~this chapter or any other law or ordinance~~ relating to the operation or registration of vehicles punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a magistrate judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction of ~~such over the~~ offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate judge;

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

(2) When a person is arrested and charged with an offense under this chapter causing or contributing to an accident resulting in injury or death to any person;

(3) When the person is arrested upon a charge of negligent homicide;

(4) When the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;

(5) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(6) When there is reasonable cause for believing that the person arrested may leave the state, except as provided in subdivision 4;

(7) In any other event when the person arrested refused to give his written promise to appear in court, as ~~hereinafter~~ provided in subdivision 3.

Subd. 3. **NOTICE TO APPEAR.** When a person is arrested for any violation of ~~this chapter or any other law or ordinance~~ relating to motor vehicles, their registration or ~~the their~~ operation thereof, or the use of the highways, the arresting officer shall prepare a written notice to appear in court. This place must be before a ~~magistrate~~ judge within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest.

In order to secure release, if the arrested person is eligible for release, without being taken into custody and immediately taken before a ~~magistrate judge~~, as provided in this section, and ~~acts amendatory thereof~~, the arrested person must give his written promise to appear in court by signing the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy ~~thereof~~ marked "SUMMONS" to the person arrested. ~~Thereupon,~~ The officer shall then release the person arrested from custody.

Subd. 4. **RECIPROCAL AGREEMENTS.** The commissioner of public safety is ~~hereby~~ empowered to enter into and carry out reciprocal agreements with duly authorized representatives of other states, districts, territories and possessions of the United States and provinces of foreign countries having laws or compacts authorizing the release of residents of party jurisdictions upon personal recognizance following arrest for violation of a law or ordinance relating to the operation of a motor vehicle.

(a) When a reciprocal agreement is in effect, a law enforcement officer observing a violation of ~~this chapter or any other~~ traffic regulation by a resident of a party jurisdiction shall issue an appropriate citation and shall not, subject to the provisions of clause (b), require the nonresident to post bond or collateral to secure appearance for trial but shall accept the nonresident's personal recogni-

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

zance, except the nonresident has the right upon request to post bond or collateral in a manner provided by law and in that case the provisions of this subdivision do not apply.

(b) A nonresident shall not be entitled to be released on his personal recognizance if immediate appearance before a magistrate judge is required by subdivision 1 or the offense is:

(1) One which, upon conviction, would result in the revocation of a person's drivers license under the laws of this state; or

(2) A violation of a highway weight limitation; or

(3) A violation of a law governing transportation of hazardous materials;
or

(4) Driving a motor vehicle without a valid driver's license.

Sec. 13. Minnesota Statutes 1982, section 169.95, is amended to read:

169.95 COURTS TO KEEP SEPARATE RECORDS OF VIOLATIONS.

Every ~~magistrate or judge of a court not of record, and every clerk of a court of record,~~ shall keep a full record of every case in which a person is charged with any a violation of this chapter or of any other law, or city ordinance, regulating the operation of vehicles on highways.

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other any law, or city ordinance, regulating the operation of vehicles on highways, every ~~magistrate of the court, or clerk of the court of record in which such~~ the conviction was had or bail was forfeited, shall prepare and immediately forward to the department of public safety an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, ~~which.~~ The abstract must be certified by the person so required to prepare ~~the same~~ it to be true and correct.

The abstract must be made upon a form furnished by the department of public safety, and shall include the name and address of the party charged, the driver's license number of the person involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture, as the case may be.

Every court of ~~record~~ shall also forward a like report to the department of public safety ~~upon~~ reporting the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in the office and shall be ground grounds for removal ~~therefrom~~.

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

Sec. 14. Minnesota Statutes 1982, section 169.965, subdivision 3, is amended to read:

Subd. 3. **PROSECUTION.** The prosecution may be before any county or municipal court or justice of the peace having jurisdiction over the place where the violation occurs.

Sec. 15. Minnesota Statutes 1982, section 169.966, subdivision 3, is amended to read:

Subd. 3. **PROSECUTION.** The prosecution may be before any county or municipal court or justice of the peace having jurisdiction over the place where the violation occurs.

Sec. 16. Minnesota Statutes 1982, section 169.971, subdivision 4, is amended to read:

Subd. 4. **COURT.** "Court" means a municipal court, ~~however organized, and any district court, or~~ county court or justice court.

Sec. 17. Minnesota Statutes 1982, section 171.08, is amended to read:

171.08 LICENSEE TO HAVE LICENSE IN POSSESSION.

Every licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display ~~the same, it~~ upon demand of a ~~justice of the peace,~~ a peace officer, an authorized representative of the department, or ~~by an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways; however,~~ No person charged with violating the possession requirement shall be convicted if he produces in court or the office of the arresting officer a driver's license ~~theretofore~~ previously issued to him for the class of vehicle which he was driving and which was valid at the time of his arrest or satisfactory proof that at the time of the arrest he was validly licensed for the class of vehicle which he was driving. The licensee shall also, upon request of any ~~such~~ officer, write his name in the presence of such the officer ~~in order that to determine~~ the identity of the licensee ~~may be determined.~~

Sec. 18. Minnesota Statutes 1982, section 171.16, subdivision 1, is amended to read:

Subdivision 1. **COURTS TO REPORT TO COMMISSIONER.** Every court, ~~including district, municipal, and justice of the peace courts,~~ having jurisdiction over offenses committed under any law of this state or ordinance of a political subdivision regulating the operation of motor vehicles, shall forward to the department, within ten days, a record of the conviction of any person in the court for a violation of any ~~such~~ laws or ordinances, except parking violations and ~~except~~ defective vehicle equipment or vehicle size or weight violations,

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

committed by a licensed chauffeur while driving a vehicle for which a chauffeur's license is required.

Sec. 19. Minnesota Statutes 1982, section 181.09, is amended to read:

181.09 RECOVERY OF WAGES, COSTS.

When any public service corporation neglects or refuses to pay its employees, as prescribed by section 181.08, the wages may be recovered by action without further demand. There Costs of \$10 shall be allowed to the plaintiff and included in his judgment, in addition to his disbursements allowed by law, \$5 costs if the judgment be recovered in a justice court or in a municipal court where no statutory costs are now allowed in such an action, and \$10 in any other court or on appeal.

Sec. 20. Minnesota Statutes 1982, section 181.17, is amended to read:

181.17 COSTS, PAID BY DEFENDANT.

In any action by such an employee as is described in pursuant to sections 181.13 to 181.17 for the recovery of unpaid wages after the time when such the wages shall have become due, as provided therein, there shall be allowed to the plaintiff, and included in any judgment rendered in his favor, in addition to his disbursements allowed by law, if the judgment be recovered in a justice court, \$5 costs, and a like sum if the judgment be recovered in municipal court, and such the plaintiff shall be allowed double statutory costs in any such action in any court in which statutory costs are now allowed by law in ordinary actions addition to disbursements allowed by law.

Sec. 21. Minnesota Statutes 1982, section 219.32, is amended to read:

219.32 FAILURE TO FENCE; LIABILITY.

Any railroad company failing to comply with the requirements of section 219.31 shall be liable for all resulting damages resulting therefrom, and for all including domestic animals killed or injured by its negligence; and, If it fail fails to pay the actual damages occasioned caused by such the killing or injury within 30 days after such the damage occurs, then, in case of recovery therefor by action brought after such 30 days, if in district court, the plaintiff shall recover double costs, and if in justice court, \$10 costs. Such The company, before the commencement of an action, may make tender for such the injury, and. If the amount recovered, exclusive of interest, shall does not exceed the tender, the plaintiff shall not recover no costs nor or disbursements.

Sec. 22. Minnesota Statutes 1982, section 219.97, subdivision 13, is amended to read:

Subd. 13. **CIVIL PENALTY.** Upon the complaint of any person, any company operating a railroad violating any of the provisions of section 219.93 shall forfeit not less than \$20 nor more than \$100 to be recovered in a civil action

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

before any justice of the peace county or municipal judge of the county in which such the violation occurs upon the complaint of any person; One-half of such the forfeiture ~~to~~ shall go to the complainant and one-half to the school fund of the county district where the violation occurs.

Sec. 23. Minnesota Statutes 1982, section 290.58, is amended to read:
290.58 **EXAMINERS, POWERS OF.**

Such The income tax examiners, whether appointed by the commissioner or by the legislative auditor, shall have all the rights and powers with reference to the examining of books, records, papers, or memoranda, ~~and with reference to the~~ subpoenaing of witnesses, administering of oaths and affirmations, and taking of testimony conferred upon the commissioner by this chapter. The clerk of any court of record, ~~or any justice of the peace~~, upon demand of any such examiner, shall issue a subpoena for the attendance of any witness or the production of any books, papers, records, or memoranda before such the examiner. The commissioner may also issue subpoenas for the appearance of witnesses before him or before such the examiners. The commissioner may appoint such referees as he deems necessary to review, singly or as a board of review, the reports of the income tax examiners and petitions or complaints of taxpayers, and report thereon on them to the commissioner. Disobedience of subpoenas issued under this chapter shall be punished by the district court of the district in which the subpoena is issued in the same manner as ~~for~~ a contempt of the district court.

Sec. 24. Minnesota Statutes 1982, section 297A.42, subdivision 2, is amended to read:

Subd. 2. **POWERS.** Such The examiners shall have all the rights and powers conferred upon the commissioner by section 297A.41. The clerk of any court of record, ~~or any justice of the peace~~, upon demand of the commissioner or any such examiner, shall issue a subpoena for the attendance of any witness or the production of any books, papers, records or memoranda ~~before such person~~. The commissioner may also issue such subpoenas. Disobedience of subpoenas issued under this chapter shall be punished by the district court of the district in which the subpoena is issued in the same manner as ~~for~~ a contempt of the district court.

Sec. 25. Minnesota Statutes 1982, section 299F.40, subdivision 5, is amended to read:

Subd. 5. **VIOLATIONS, SEARCH WARRANTS.** Whenever any person, ~~or the president, secretary, treasurer, or other officer of any corporation mentioned in this section, or his duly authorized agent who has personal knowledge of the facts, shall make~~ makes an oath in writing before any justice of the peace or police judge, or other magistrate, that the party making affidavit has reason to believe and does believe that any of his, her, its the person's or their the corporation's liquefied petroleum or industrial gas containers marked with the

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

name, initials, mark or other device of the owner, are in the possession of or being used by ~~or being~~, filled ~~or~~, refilled, or transferred by any person whose name, initials, mark or other device does not appear on the containers, and who is in the possession of, filling or refilling, or using ~~any such~~ the containers without the written consent of the owner of the name, initials or trade mark, the magistrate judge may, when satisfied that there is reasonable cause, issue a search warrant and cause the premises designated to be searched for the purpose of discovering and obtaining ~~the same, and the containers.~~ The judge may also ~~cause to be brought before him~~ order the person in whose possession the containers ~~may be~~ are found to appear, and ~~shall then~~ inquire into the circumstances of the possession; ~~and.~~ If the magistrate judge finds that the person has been guilty of a violation of this section, he shall impose the punishment herein prescribed, and ~~he shall also~~ award the possession of property taken upon the search warrant to ~~the~~ its owner thereof.

Sec. 26. Minnesota Statutes 1982, section 340.85, subdivision 2, is amended to read:

Subd. 2. **NOTIFICATION.** When any municipal liquor store or licensed dealer in intoxicating liquor or nonintoxicating fermented malt beverages, his agent or employee is convicted of (1) a violation of any provision of ~~this chapter~~ any law or ordinance regulating the sale of alcoholic beverages or (2) any violation of law or ordinance in the operation of the licensed premises, the clerk of the court ~~or the justice of the peace~~ shall, within ten days after the conviction, mail a written notice of conviction to the clerk of the municipality or the county auditor of the county having jurisdiction to issue alcoholic beverage licenses for the premises. A copy of the notice shall also be mailed to the office of the commissioner of public safety.

Sec. 27. Minnesota Statutes 1982, section 340.91, is amended to read:

340.91 CONDUCTORS TO ARREST.

The conductor of any railway train or street car shall summarily arrest, with or without a warrant, any person violating any of the provisions of sections 340.88 to 340.93; ~~and.~~ For ~~such~~ this purpose, the conductor has the same power and authority as any peace officer, including the power to summon assistance, and ~~such conductor has power to deliver any such~~ the person arrested to any policeman, constable ~~or other~~ public officer of the county in which ~~such~~ the offense was committed, ~~and.~~ It shall be the duty of ~~such~~ the officer to bring the person charged with such the offense before the nearest justice of the peace county or municipal court of the county where the offense was committed and to make a complaint against ~~such~~ the person, and ~~such.~~ A complaint made upon information and belief of the officer, ~~is~~ sufficient.

Sec. 28. Minnesota Statutes 1982, section 345.02, is amended to read:

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

345.02 UNCLAIMED PROPERTY MAY BE SOLD UPON NOTICE; SUMMARY SALE.

If any ~~such~~ property ~~be~~ is not claimed or taken away within one year after its reception, it may be sold upon 60 days' notice; ~~and,~~ and, If it is perishable or subject to decay by keeping, it may be sold, if not taken away within 30 days, upon ten days' notice; ~~and,~~ and, If it be is in a state of decay, or manifestly liable to decay, it may be summarily sold by order of a ~~justice of the peace or~~ justice of the peace or any judge of the county or municipal court, after inspection, ~~and~~ and without notice. When not sold summarily, notice shall be given to the owner personally or by mail; ~~but,~~ but, If the name of the owner ~~be~~ is not known, and cannot be ascertained with reasonable diligence ~~be~~ ascertained, published notice for the prescribed periods aforesaid shall be given.

Sec. 29. Minnesota Statutes 1982, section 345.03, is amended to read:

345.03 PROCEEDINGS IF PROPERTY NOT CLAIMED.

If the owner or person entitled to ~~such~~ the property ~~shall~~ does not take the ~~same~~ it away and pay the charges ~~thereon, on it~~ thereon, on it after notice as aforesaid ~~shall have~~ has been given, the person having possession ~~thereof, of it or~~ thereof, of it or his agent or attorney, shall make and deliver to a ~~justice of the peace of the same or an adjoining town,~~ justice of the peace of the same or an adjoining town, or to the judge of any county or municipal court, an affidavit setting forth a description of the property, the date of its reception, the giving of the notice, and whether the owner is known or unknown.

Sec. 30. Minnesota Statutes 1982, section 345.04, is amended to read:

345.04 INVENTORY; ORDER OF SALE.

Upon the delivery to ~~him~~ him of ~~such~~ the affidavit, the ~~justice or~~ justice or judge shall cause the property to be opened and examined in his presence and a true inventory ~~thereof made, and~~ thereof made, and of it. He shall annex to ~~such~~ the inventory an order, ~~under his hand,~~ under his hand, that the property ~~therein~~ therein described be sold, at public auction, by any constable or ~~police~~ peace officer of the municipality or town where ~~the same shall be~~ it is located.

Sec. 31. Minnesota Statutes 1982, section 345.05, is amended to read:

345.05 NOTICE AND RETURN OF SALE.

The constable or police officer receiving ~~such~~ the inventory and order shall sell the property, at public auction, to the highest bidder, in the manner provided by law for constables' sales under execution, upon ten days' posted notice. When the sale is completed, he shall endorse upon the order aforesaid a return of his proceedings ~~thereon on it,~~ thereon on it, and return ~~the same~~ the same it to the ~~justice or~~ justice or clerk of the ~~municipal~~ municipal court, together with the inventory and the proceeds of the sale, less his fees.

Sec. 32. Minnesota Statutes 1982, section 345.06, is amended to read:

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

345.06 DISPOSITION OF PROCEEDS.

From the proceeds of ~~such the~~ sale the ~~justice or~~ clerk of the ~~municipal~~ court shall pay all legal charges incurred in relation to the property; or, if the proceeds are not sufficient to pay all the charges, a ratable proportion of each, ~~and~~. The balance, if any, he shall ~~immediately pay be paid~~ to the treasurer of the county where ~~such the~~ sale took place ~~and deliver~~. The clerk shall provide the treasurer with a statement therewith, containing a description of the property sold, the gross amount of the sale, and the amount of costs, charges, and expenses paid to each person. The treasurer shall file such the statement in his office, and make an entry of the amount received by him and the time when received.

Sec. 33. Minnesota Statutes 1982, section 345.14, is amended to read:

345.14 FEES OF JUSTICES CLERKS AND CONSTABLES.

For services performed under the provisions of this chapter, ~~justices of the peace or~~ clerks of county or municipal courts shall be allowed \$1 for each day, and constables the same fees as are allowed by law for sales upon execution, and ten cents per folio for making an inventory of the property.

Sec. 34. Minnesota Statutes 1982, section 346.03, is amended to read:

346.03 APPRAISEMENT.

Every finder of an estray of the value of \$10 or more at the time of taking up shall also, within one month ~~thereafter, cause the same to be~~ have it appraised by a justice of the peace of such town, and county or municipal judge. The certificate of such appraisal shall be filed with the town clerk. The finder shall pay the justice 50 cents for such the certificate, and six cents per mile for each mile necessarily traveled to make the same appraisal.

Sec. 35. Minnesota Statutes 1982, section 346.04, is amended to read:

346.04 CHARGES FOR KEEPING.

The person entitled to the possession of any such estray, at any time within one year after such notice is filed with the town clerk, may have ~~the same~~ it restored to him upon proving his right ~~thereto to it~~ and paying all lawful charges that occur in relation to ~~the same it~~. If such the person and the finder cannot agree as to the amount of such the charges, or upon what should be allowed for the use of such the estray, either party, on notice to the other, may apply to a justice of the peace of such town county or municipal court judge to settle the ~~same, who for that purpose disagreement~~. The judge may examine witnesses on oath. If any amount shall be found due is owed to the finder, over the value of the use of such the estray, the same money, with costs, shall be a lien upon such the estray, and. The costs of such the adjudication shall abide the decision of the justice be allocated by the judge.

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

Sec. 36. Minnesota Statutes 1982, section 346.09, subdivision 1, is amended to read:

Subdivision 1. **NOTICE; APPRAISERS.** The person distraining shall give notice to the owner of ~~such the~~ the beast, if known to him, within 24 hours if he resides in the same town, and within 48 hours if he resides in another town in the same county, Sundays excepted; ~~specifying in.~~ The notice shall specify the time when and the place where distrained, the number of beasts, and the place of their detention, and that at a time and place stated therein, which shall not be less than 12 hours after the service of the notice, nor more than three days after ~~such the~~ the distress, he will apply to a designated ~~justice of the peace county or municipal~~ judge of the county for the appointment of appraisers to appraise the damages. If the owner ~~be is~~ is unknown, or does not reside in the county, the distraining person shall apply for the appointment of ~~such~~ appraisers within 24 hours after ~~such the~~ the distress without notice. ~~Upon such~~ After the application, the ~~justice~~ judge shall appoint ~~in writing~~ three disinterested ~~freeholders residents~~ residents of ~~such the~~ the town to appraise the damages, ~~for which the justice shall receive a fee of 50 cents.~~

Sec. 37. Minnesota Statutes 1982, section 347.04, is amended to read:

347.04 PUBLIC NUISANCE.

Any dog that habitually worries, chases, or molests teams or persons traveling peaceably on the public road, is a public nuisance. Upon complaint, in writing, ~~made to a justice of the peace, to a county or municipal judge~~ containing a description of ~~such the~~ the dog, and ~~giving his including the name and that of his of the dog and its owner, if or stating that the name or names are not known, and, if not, so stating, and alleging that such the~~ including the name and that of his of the dog and its owner, if or stating that the name or names are not known, and, if not, so stating, and alleging that such the dog is a public nuisance, the ~~justice~~ judge shall issue a summons, if ~~such the~~ the owner is known, commanding him to appear before the ~~justice at his office judge~~ judge at a ~~specified time therein stated,~~ specified time ~~therein stated,~~ not less than six, nor more than ten, days from the date ~~thereof of the summons,~~ thereof of the ~~summons,~~ summons, to answer ~~such the~~ the complaint. The summons shall be served not less than six days before the day of ~~the hearing thereon,~~ the hearing in the same manner as other ~~justice county or municipal court summonses.~~ justice county or municipal court summonses.

Sec. 38. Minnesota Statutes 1982, section 347.05, is amended to read:

347.05 OWNER NOT KNOWN.

If it appears from the complaint that the owner is not known, ten days' posted notice, containing a description of the dog as given in the complaint, and stating that ~~such a~~ a complaint has been made, and the time and place of hearing ~~thereon on it,~~ on it, shall be given in the town where ~~such justice resides the judge~~ such justice resides the judge ~~presides.~~ presides.

Sec. 39. Minnesota Statutes 1982, section 347.06, is amended to read:

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

347.06 HEARING; JUDGMENT; EXECUTION.

On the day of hearing The justice judge shall hear the evidence in the case, and, If he shall find therefrom ~~finds~~ that such ~~the~~ dog is a public nuisance, he shall enter judgment accordingly, and ~~thereupon~~ shall order the constable to kill and ~~bury~~ dispose of the dog, ~~which order the constable shall forthwith execute.~~

Sec. 40. Minnesota Statutes 1982, section 357.12, is amended to read:
357.12 CONSTABLES.

The fees to be charged and collected by a constable shall be as follows, and no other or greater fees shall be charged:

(1) for serving a warrant or other writ, not herein otherwise provided for, 25 cents for each person named ~~therein~~ in it and served;

(2) for a copy of each summons delivered on request or left at the residence of defendant, 25 cents;

(3) serving a subpoena or summons, 50 cents for each person named ~~therein~~ in it and served; provided, that any such summons or subpoena may be served by any person not a party to the action, but if served by any person other than an officer, no fees or mileage shall be allowed ~~therefor~~, and service shall be proved by affidavit;

(4) serving an attachment, 50 cents;

(5) each copy of an attachment, 15 cents;

(6) each copy of an inventory of property seized on attachment, 15 cents;

(7) serving summons on garnishee, 50 cents;

(8) copy of any affidavit or other paper not herein otherwise provided for, ten cents per folio;

(9) posting each notice, 15 cents;

(10) ~~Attending on justice court, when required by the justice, \$1 per day;~~

(11) (10) for travel to and from the place of service, when necessary in serving any process or paper authorized to be served by them, ten cents per mile;

(12) (11) committing to prison, 50 cents;

(13) (12) summoning a jury, \$1;

(14) (13) writing a list of jurors, 15 cents;

(15) (14) attending on a jury, 50 cents;

(16) (15) on all sums collected on execution and paid over, charged upon the judgment debtor, five percent;

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

(17) (16) serving a writ of replevin, 50 cents;

(48) (17) summoning and swearing appraisers and taking appraisal, 50 cents;

(49) (18) taking and approving security in any case, 25 cents.

A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by him for any prisoner, ~~at~~ not to exceed \$1 per day while having ~~such~~ the prisoner in custody pending trial and while conducting ~~such~~ the prisoner to jail, together with the transportation charges for the prisoner paid to a common carrier. ~~Where~~ If adjournment is for longer than three days, the prisoner shall be committed to the county jail.

Sec. 41. Minnesota Statutes 1982, section 357.16, is amended to read:

357.16 COMMISSIONERS TO TAKE TESTIMONY.

A person commissioned to take testimony shall receive the ~~same~~ fees as ~~are allowed to justices of the peace for like services~~ prescribed by the court.

Sec. 42. Minnesota Statutes 1982, section 357.22, is amended to read:

357.22 WITNESSES.

The fees to be paid to witnesses shall be as follows:

(1) For attending in any action or proceeding in any court of ~~record, in any justice court,~~ or before any officer, person, or board authorized to take the examination of witnesses, \$10 for each day;

(2) For travel ~~in going to and returning~~ from the place of attendance, to be estimated from his residence, if within the state, or from the boundary line of the state where he crossed ~~the same~~ it, if without the state, 12 cents per mile.

No person is obliged to attend as a witness in any civil case unless one day's attendance and travel fees are paid or tendered him in advance.

Sec. 43. Minnesota Statutes 1982, section 357.27, is amended to read:

357.27 CORONER AND JUSTICE JURORS.

Each juror sworn before a coroner at an inquest ~~taken by him~~ shall receive \$3 for each day's attendance and ten cents for each mile traveled in going to and returning from the ~~place~~ site of ~~holding the same, inquest.~~ The distance ~~to~~ shall be computed by the usually traveled route and paid out of the county treasury. The coroner shall deliver to each juror a certificate for the number of days' attendance and miles traveled for which he is entitled to compensation. Each juror sworn in any action pending ~~in a justice court, or~~ before any sheriff on a writ of inquiry, shall receive \$3, to be paid, in the first instance in all civil actions, by the party calling for ~~such~~ the jurors. The certificate of the coroner for

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

services rendered as a juror before him shall be filed with the county auditor, who shall draw his warrant upon the county treasurer for the amount, ~~and such~~. The certificate shall be sufficient voucher for the issuance of such the warrant.

Sec. 44. Minnesota Statutes 1982, section 357.29, is amended to read:

357.29 SERVICES NOT RENDERED; ILLEGAL FEES.

No judge, ~~justice~~, sheriff, or other officer, or any other person to whom any fee or compensation is allowed by law for any service, shall take or receive any other or greater fee or reward for ~~such the~~ service than ~~he is~~ allowed by law, ~~and~~. No fee or compensation shall be demanded or received by any officer or person for any service unless the ~~same~~ it was actually rendered, except in the case of prospective costs, as ~~hereinafter~~ specified. Any person violating either of the ~~foregoing these~~ provisions shall be is liable to the party aggrieved for treble the damages sustained by him.

Sec. 45. Minnesota Statutes 1982, section 358.15, is amended to read:

358.15 BY WHOM TAKEN IN THIS STATE.

The following named officers shall have power to take and certify acknowledgments within the state:

(1) every member of the legislature, ~~so long as he shall remain such and continue to reside while still a resident~~ in the district from which he was elected; but he shall receive no fee or compensation for so doing. The form of his official signature in such cases shall be: "A.B., Representative (or Senator),
..... District, Minnesota. My term expires January 1, 19.....;"

(2) the judges and clerks and deputy clerks of all courts ~~of record~~, residing within the state, including those of the circuit and district courts of the United States, and resident United States commissioners;

(3) notaries public, ~~justices of the peace~~, and the clerks or recorders of towns, and cities; and

(4) court commissioners, county recorders, and county auditors, and their several deputies, and county commissioners, all within their respective counties.

Sec. 46. Minnesota Statutes 1982, section 359.061, is amended to read:

359.061 RECORD OF COMMISSION; CERTIFICATE.

The commission of every notary shall be recorded in the office of the clerk of the district court of the county for which he is appointed, in a ~~book~~ record kept for that purpose; ~~and thereafter~~. The clerk, when requested, shall certify to his official acts in the ~~same~~ manner and for the ~~same~~ fees allowed by law for

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

similar certificates to authenticate acts of justices of the peace prescribed by statute or court rule.

Sec. 47. Minnesota Statutes 1982, section 359.11, is amended to read:

359.11 TAKING DEPOSITIONS.

In taking depositions, the notary shall have the ~~same~~ power to compel the attendance of and to punish witnesses for refusing to testify as ~~may be vested by law in justices of the peace, and provided by statute or court rule.~~ All sheriffs and constables shall serve and return all process issued by any notary in taking depositions.

Sec. 48. Minnesota Statutes 1982, section 361.27, subdivision 2, is amended to read:

Subd. 2. **DISPOSITION.** All fines, installment payments, and forfeited bail money, ~~from violations under sections 361.01 to 361.28 collected from persons apprehended or arrested convicted of violations of sections 361.01 to 361.28 shall be paid to the county treasurer of the county where the violation occurred by the justice of the peace, municipal clerk of court, or other person or officer collecting such fines, forfeited bail money or installments thereof, the moneys within 15 days after the last day of the month in which such moneys they were collected, to the county treasurer of the county where the violation occurred.~~ One-half of such the receipts shall be credited to the general revenue fund of the county. The other one-half of such the receipts shall be transmitted by the county treasurer to state treasurer to be deposited ~~to the credit of in~~ the general fund in the state treasury for the purpose of boat and water safety.

Sec. 49. Minnesota Statutes 1982, section 365.52, is amended to read:

365.52 SPECIAL TOWN MEETINGS; PRECINCT; POLLING PLACES.

A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors, town clerk, ~~and justices of the peace,~~ or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for such the meeting and the particular business to be transacted ~~thereat at it~~ and that the interests of the town require that such the meeting be held. A town meeting may also be called upon a petition of 20 percent of the eligible voters of the town, based upon the number of voters at the last general election. The town board may, with respect to an election by ballot at a special town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. The precincts and polling places shall

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

be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

Sec. 50. Minnesota Statutes 1982, section 366.20, is amended to read:

366.20 MEETINGS.

The town board shall constitute a board of audit, and shall meet each year, on the Tuesday ~~next~~ preceding the annual town meeting, for the purpose of auditing and settling all charges against the town, ~~and~~. All unpaid accounts of town officers for services rendered since the last annual meeting of the board shall be presented at ~~such the~~ meeting. It may also meet at ~~such any~~ other times as it ~~deems necessary~~ for the purpose of auditing and settling charges against the town; ~~but~~. No allowance of any account shall be made which does not specifically state each item of itemize the same account. If any supervisor fails to attend, a justice of the peace shall be called in to fill the vacancy. If there is no justice of the peace, the remaining supervisors shall fill the vacancy by appointment ~~or~~. If they are unable to agree, the senior county or municipal court judge having jurisdiction over the town shall fill the vacancy by appointment; ~~however,~~ in either event. The person appointed must be a resident of the town.

Sec. 51. Minnesota Statutes 1982, section 367.11, is amended to read:

367.11 DUTIES.

It shall be the duty of the town clerk:

(1) to act as clerk of the town board, and to keep in his office a true record of all of its proceedings;

(2) unless otherwise provided by law, to have the custody of the records, books, and papers of the town, ~~when no other provision is made by law~~, and to file and safely keep all papers required by law to be filed in his office;

(3) to record minutes of the proceedings of every town meeting in the book of town records ~~minutes of the proceedings of every town meeting~~, and to enter therein in them at length every order or direction and all rules and regulations made by the town meeting;

(4) to file and preserve all accounts audited by the town board or allowed at a town meeting, and to enter a statement ~~thereof~~ of them in the book of records;

(5) to transmit to the clerk of the district court, immediately after the election of any justice of the peace of his town constable, a written notice stating ~~therein~~ the name of the person elected, ~~and~~; the term for which he was elected ~~and~~; if elected to fill a vacancy, the name of the last incumbent of the office; ~~and the name of every constable~~, after he shall have a constable is qualified, and, upon the resignation of a justice ~~or~~ constable, to immediately ~~transmit to such~~ notify the clerk notice thereof;

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

(6) to record every request for any special vote or special town meeting, and properly post the requisite notices ~~thereof of them~~;

(7) to post, as required by law, fair copies of all bylaws made by the town, and enter, over his signature, in the town records, ~~in connection with such bylaws~~, the time when and the places where ~~the same~~ they were posted;

(8) to furnish to the annual meeting of the town board of audit, at its ~~annual meeting~~, every statement from the county treasurer of money paid to the town treasurer, and all other information ~~respecting about~~ fiscal affairs of the town in his possession, and all accounts, claims, and demands against the town filed with him; and

(9) to perform ~~such~~ any other duties ~~as are required of him~~ by law.

Sec. 52. Minnesota Statutes 1982, section 367.25, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT, FEE.** Every person elected or appointed to a town office, within ten days after receiving a certificate or notice of his election or appointment, shall take and subscribe the oath required by law. If taken before the town clerk ~~or a justice of the peace, such,~~ the oath shall be administered and certified without fee.

Sec. 53. Minnesota Statutes 1982, section 368.01, subdivision 20, is amended to read:

Subd. 20. **DEPARTMENTS; BOARDS.** The town board of supervisors may create ~~such~~ departments and advisory boards and appoint ~~such~~ officers, employees, and agents for the town as ~~may be deemed necessary~~ for the proper management and operation of town affairs. The town board may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The town board may require any officer or employee to furnish a bond conditioned for the faithful exercise of his duties and the proper application of, and payment upon demand of, all moneys ~~by him~~ officially received ~~by him~~. Unless otherwise prescribed by law, the amount of ~~such~~ the bonds shall be fixed by the town board. The bonds furnished by the clerk, and treasurer, ~~and justices of the peace~~ shall be corporate surety bonds. The town board may provide for the payment from town funds of the premium on the official bond of ~~the justices of the peace and any officer or employee of the town.~~ The town board may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal; ~~but.~~ This provision does not modify the laws relating to veterans preference or to members of a town police or fire civil service commission or public utilities commission.

Sec. 54. Minnesota Statutes 1982, section 373.09, is amended to read:

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

373.09 CLAIMS AGAINST COUNTY; APPEAL.

When any claim against a county is disallowed in whole or part by the county board, ~~in whole or in part~~, a claimant may appeal from its decisions to the district court by causing (1) filing a written notice of such appeal to be filed in the office of the auditor within 15 days after written notice mailed to the claimant by the county auditor showing the disallowance of the claim and (2) giving security for costs, to be approved by the auditor, who. The auditor shall forthwith notify the county attorney thereof of the appeal.

When any claim against a county ~~shall be~~ is allowed, in whole or in part, by ~~such the~~ board, no order shall be issued ~~in payment of the same to pay it or any part thereof of it~~, until after three days ~~from after~~ after the date of the decision; and. The county attorney may, on behalf and in the name of ~~such the~~ the county, appeal from ~~such the~~ the decision to the district court, by causing filing a written notice of such appeal to be filed in the office of the auditor within three days ~~after the date of the decision appealed from; or~~. Any seven taxpayers of the county may, ~~in their own names~~, appeal in their own names from ~~such the~~ the decision to the district court by causing (1) filing a written notice of appeal, stating the grounds thereof, to be filed for it in the office of the auditor within three days after the date of the decision appealed from, and (2) giving to the claimant security to the claimant for his costs and disbursements, to. The security shall be approved by a judge of the district court; and. Thereafter no order shall be issued in payment of any such the claim until a certified copy of the judgment of the court ~~shall be~~ is filed in the office of the auditor. Upon filing of such a notice of appeal, the court ~~shall acquire~~ has jurisdiction of the parties and of the subject matter, and may compel a return to be made as ~~in the case of an appeal from a judgment of a justice of the peace~~. In any county subject to the provisions of Laws 1941, Chapter 118, in which a claim has been audited and certified by the county auditor as required by Laws 1941, Chapter 118, Section 5, or whose population now or hereafter exceeds 250,000 but is less than 450,000 and in Hennepin county such claim may be paid not earlier than the third day after allowance by the county board.

Sec. 55. Minnesota Statutes 1982, section 375.24, is amended to read:

375.24 APPOINTMENT OF JUSTICES OF THE PEACE AND CONSTABLES IN CERTAIN UNORGANIZED TERRITORY.

In any county of ~~this state~~ having no organized townships or in which the ~~distance from any a~~ full and fractional unorganized township is more than 20 miles from the nearest town or municipality or ~~county seat~~, county seat and ~~which full and fractional unorganized township~~ is entirely separated from the town or municipality or ~~county seat~~ county seat by water, the county board of such the county may appoint ~~one or more~~ one or more justices of the peace and one or more constables for ~~such the~~ the unorganized township, who. The constables shall have the same powers and duties as ~~like officers~~ constables in towns in the county.

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

Before entering upon their duties ~~such officers,~~ the constables shall give bond to the county in ~~such a~~ a penal sum as the county board ~~shall determine,~~ which determines. The bonds shall be otherwise conditioned as bonds for such officers in towns in the county. ~~Such~~ The bonds shall be approved by the county board and filed with the clerk of ~~the~~ district court.

Sec. 56. Minnesota Statutes 1982, section 390.15, is amended to read:

390.15 WITNESSES; FEES.

The coroner may issue subpoenas for witnesses, returnable ~~forthwith~~ immediately or at ~~such a~~ a specified time and place as ~~he shall direct.~~ he shall direct. The persons served with ~~such the~~ the subpoenas shall be allowed the ~~same~~ same fees, their attendance shall be enforced in the same manner by the coroner, and they shall be subject to the same penalties as if they ~~has been served with a subpoena in behalf of the state in a criminal case before a justice of the peace provided by statute or the rules of criminal procedure.~~ has been served with a subpoena in behalf of the state in a criminal case before a justice of the peace provided by statute or the rules of criminal procedure.

Sec. 57. Minnesota Statutes 1982, section 390.20, is amended to read:

390.20 PERSON CHARGED ARRESTED.

If any person charged by the inquest with having committed ~~such the~~ the offense is not in custody, the coroner shall have the same power as a justice of the peace county or municipal judge to issue process for his apprehension; ~~and such.~~ and such. The warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, ~~who and the court~~ who and the court shall proceed ~~therein~~ in the same manner as in ~~other like~~ similar cases.

Sec. 58. Minnesota Statutes 1982, section 390.31, subdivision 2, is amended to read:

Subd. 2. **JURY FEES.** Each juror sworn in any action pending ~~in a~~ in a ~~justice court,~~ justice court, or before any sheriff on a writ of inquiry, shall receive \$3, to be paid, in the first instance in all civil actions, by the party calling for ~~such the~~ the jurors.

Sec. 59. Minnesota Statutes 1982, section 390.33, subdivision 2, is amended to read:

Subd. 2. **SUBPOENA POWER.** The probate judge may issue subpoenas for witnesses, returnable forthwith or at ~~such a~~ a time and place as ~~he shall direct the judge directs.~~ he shall direct the judge directs. The persons served with ~~such~~ the subpoenas shall be allowed the same fees, their attendance shall be enforced in the same manner by the sheriff, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a justice of the peace county or municipal judge.

Sec. 60. Minnesota Statutes 1982, section 390.33, subdivision 6, is amended to read:

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

Subd. 6. **WARRANTS.** If any person charged by the inquest with having committed ~~such~~ the offense is not in custody, the ~~probate judge shall have~~ has the same power as a justice of the peace to issue process for his apprehension; ~~and such.~~ The warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, ~~who.~~ The court shall proceed ~~therein~~ in the same manner as in other like similar cases.

Sec. 61. Minnesota Statutes 1982, section 395.23, is amended to read:

395.23 DUTIES OF POLICE OFFICERS.

It shall be the duty of the constable and town clerk of ~~such~~ a town and the members of the county board, sheriff, and county attorneys of any county furnishing seed or feed, having any knowledge of the violation of the provisions of sections 395.14 to 395.24, to ~~make file~~ file a complaint thereof to ~~with~~ a justice of the peace, ~~and such justice~~ county or municipal court. The court shall ~~thereupon~~ issue a warrant for the arrest of the offender, and proceed to hear and determine the matter or to bind the offender over to appear before the grand jury, as the case may be.

Sec. 62. Minnesota Statutes 1982, section 412.02, subdivision 1, is amended to read:

Subdivision 1. **OFFICERS ELECTED.** The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk- Treasurer	Four	Every four years in year in which one councilman is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3

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

Three Councilmen	Four	Two every four years and one in alternative election	Every statutory standard plan city
Four Councilmen	Four	Two each election	Every statutory optional plan city
One Justice of the Peace	Two	At each election	Every statutory city in which the office is permitted by law and has not been abolished pursuant to subdivision 5

Sec. 63. Minnesota Statutes 1982, section 412.021, subdivision 2, is amended to read:

Subd. 2. **OFFICERS TO BE ELECTED.** There shall be elected at such the election a mayor and, where otherwise permitted by law, a justice of the peace, each for a term expiring the first business day of January of the next odd-numbered year; and four councilmen, for terms so arranged that two expire the first business day of January of the next odd-numbered year and two the first business day of January of the second odd-numbered year.' No candidate for councilman shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for office, the longest terms going to the two candidates receiving the highest number of votes. If the election occurs in the last four months of the even-numbered year, no election shall be held in the city on the annual city election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.

Sec. 64. Minnesota Statutes 1982, section 412.023, subdivision 5, is amended to read:

Subd. 5. **OTHER OFFICERS.** Any statutory city previously operating as a city or borough under a general or special law ~~which did not require the election of a justice of the peace or in which such office did not exist, is not required by Laws 1973, Chapter 123 to elect such officer.~~ Any such city which has established the office of city administrator by ordinance may continue such the office in existence notwithstanding the provisions of Laws 1973, chapter 123.

Sec. 65. Minnesota Statutes 1982, section 412.111, is amended to read:

412.111 DEPARTMENTS, BOARDS.

The council may create such departments and advisory boards and appoint such officers, employees, and agents for the city as ~~may be deemed~~

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

necessary for the proper management and operation of city affairs. The council may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The council may require any officer or employee to furnish a bond conditioned for the faithful exercise of his duties and the proper application of, and payment upon demand of, all moneys ~~by him~~ officially received by him. Unless otherwise prescribed by law, the amount of ~~such~~ the bonds shall be fixed by the council. The bonds furnished by the clerk, and treasurer, and justices of the peace shall be corporate surety bonds. The council may provide for the payment from city funds of the premium on the official bond of the justices of the peace and any officer or employee of the city. The council may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal; ~~but~~. This provision does not modify the laws relating to veterans preference or to members of a city police or fire civil service commission or public utilities commission.

Sec. 66. Minnesota Statutes 1982, section 412.861, subdivision 3, is amended to read:

Subd. 3. **APPEAL TO DISTRICT COURT.** Appeals may be taken to the district court in the ~~same~~ manner as ~~from judgments of justices of the peace in civil actions;~~ but, prescribed by court rule. If taken by the defendant appeals, he shall give bond to the city, to be approved by the court, conditioned that, if the judgment be affirmed in whole or in part, he will pay the judgment, and all costs and damages awarded against him on the appeal. In case of affirmance, execution may issue against both defendant and his sureties. Upon perfection of the appeal, defendant shall be discharged from custody.

Sec. 67. Minnesota Statutes 1982, section 473.608, subdivision 17, is amended to read:

Subd. 17. **ORDINANCES.** (1) It may ~~from time to time make,~~ adopt and enforce rules, regulations, and ordinances as it ~~may find expedient or deems necessary for carrying into effect~~ the purposes of sections 473.601 to 473.679, including those relating to the internal operation of the corporation and to the management and operation of airports owned or operated by it, subject to ~~the conditions and limitations set forth in~~ sections 473.601 to 473.679. Any person violating any ~~such~~ rule, regulation or ordinance ~~shall be~~ is guilty of a misdemeanor.

(2) The prosecution may be in any municipal court sitting within either the city of Minneapolis or St. Paul, or before a county or municipal court or justice of the peace having jurisdiction over the place where the violation occurs. Every sheriff, constable, policeman, and other peace officer shall ~~see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders.~~ The fines collected shall be paid into the treasury of the corporation. The corporation ~~shall pay and there shall be first deducted and paid over to the office~~

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

of the clerk of any municipal court processing and prosecuting violations a portion of the fines necessary to cover all costs and disbursements incurred in the matter of the processing and prosecuting of the violations in the court shall be transferred to the clerk of court. All persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of the rules, regulations, and ordinances without pleading or proof.

(3) A public hearing need not be held on rules, regulations and ordinances relating to the internal operation of the commission or to the management or operation of airports owned or operated by it unless the rule, regulation or ordinance affects substantial rights.

(4) When necessary, the corporation may adopt and put into effect enforce without a public hearing all other rules, regulations or ordinances where deemed immediately necessary by the corporation, but it shall hold a public hearing within 30 days thereafter hold a public hearing thereon, after giving their adoption. Prior to the hearing, the corporation shall give at least 15 days notice by publication in appropriate legal newspapers of general circulation in the metropolitan area and by mailing mail a copy thereof of them to all interested parties who have registered their names with the corporation for that purpose. If the rules, regulations, or ordinances are not deemed immediately necessary, the corporation shall hold a public hearing thereon, on them after giving the required notice as aforesaid, and. The rules, regulations, or ordinances shall not be adopted and put into effect enforced until after the hearing.

(5) Notice of the adoption of rules, regulations and ordinances shall, as soon as possible after adoption, be published in appropriate legal newspapers of general circulation in the metropolitan area. Proof of publication and a copy of the rule, regulation, or ordinance shall be filed with the secretary of state, together with a copy of the rule, regulation, or ordinance, which. They shall thenceforth then be in full force and effect.

(6) Any person substantially interested or affected in his rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for reconsideration, amendment, modification, or waiver of the rule, regulation or ordinance it. The petition shall set forth a clear statement of the facts and grounds upon which reconsideration, amendment, modification or waiver is sought it is based. The corporation shall grant the petitioner a public hearing within 30 days after the filing of the petition.

Sec. 68. Minnesota Statutes 1982, section 485.07, is amended to read:
485.07 **RECORDS TO BE KEPT.**

Every clerk shall procure, at the expense of his county, and keep, the following records at the expense of his county:

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

(1) a register of actions, in which he shall enter the title of each action, whether originally commenced in the clerk's court, or brought there by appeal or transcript of judgment from ~~justice court or from any another court of record~~ of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein in them;

(2) a judgment roll, ~~in which every for each~~ judgment shall be entered rendered;

(3) a docket, in which he ~~shall enter~~ enters alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry;

(4) indexes, as described in section 485.08, and any other records as the court, ~~in its discretion,~~ may direct.

Sec. 69. Minnesota Statutes 1982, section 488A.021, subdivision 4, is amended to read:

Subd. 4. **POWERS.** The judges have the general powers of judges of courts of record and all powers necessary to effectuate the purposes of sections 488A.01 to 488A.17. Each judge may administer oaths and take and certify acknowledgments. Each judge is a conservator of the peace and has all powers and authority vested in ~~justices of the peace or magistrates~~ it by statute or court rule.

Sec. 70. Minnesota Statutes 1982, section 488A.09, subdivision 7, is amended to read:

Subd. 7. **LIEN OF JUDGMENT; FILING OF TRANSCRIPT.** (a) No judgment of the municipal court shall attach as a lien upon real estate ~~unless and until a transcript thereof of it~~ 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 the~~ judgment and may file the transcript in the office of the clerk of the district court of Hennepin county, who shall file and docket it as ~~in case of transcripts of judgments from the courts of justices of the peace~~ prescribed by law or court rules;

(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 municipal 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 the~~ judgment the fact that ~~such the~~ transcript has been given and shall not thereafter issue any writ of execution on the same judgment.

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

Sec. 71. Minnesota Statutes 1982, section 488A.19, subdivision 5, is amended to read:

Subd. 5. **POWERS.** The judges have the general powers of judges of courts of record and all powers necessary to effectuate the purposes of ~~this act~~ sections 488A.18 to 488A.34. Each judge may administer oaths and take and certify acknowledgments. Each judge is a conservator of the peace and has all powers and authority vested in ~~justices of the peace or magistrates~~ it by statute or court rule.

Sec. 72. Minnesota Statutes 1982, section 490.18, is amended to read:

490.18 PERSONS AFFECTED.

The provisions of sections 490.15 and 490.16 apply to all judges, judicial officers, and referees ~~and~~ justices of the peace.

Sec. 73. Minnesota Statutes 1982, section 509.04, is amended to read:

509.04 RECOVERY OF RECEPTACLES; SEARCH WARRANT.

When any person who has filed for record any ~~such~~ name, mark, or device or who has acquired from ~~such person~~ the owner in writing the ownership of ~~such the~~ name, mark, or device or the right to the exclusive use ~~thereof~~ of it, or anyone representing ~~such the~~ person, shall make oath swears before any ~~magistrate~~ judge that he has reason to believe and does believe that any receptacle bearing ~~such the~~ name, mark, or device is being unlawfully used or filled or ~~had in possession~~ possessed by any person ~~such magistrate,~~ the judge shall ~~thereupon~~ issue a search warrant to discover and obtain ~~such the~~ receptacle; ~~and.~~ The judge may also cause the person in ~~whose possession~~ such possessing the receptacle ~~shall be found~~ to be brought before him ~~and;~~ he shall then inquire into the circumstances of ~~such possession,~~ and. If it ~~shall be found~~ that ~~such the~~ person is ~~found~~ guilty of ~~violation of~~ violating any provisions of sections 509.01 to 509.06, he shall be punished as ~~herein~~ prescribed and the possession of the property taken upon ~~such the~~ warrant shall be awarded to ~~the~~ its owner ~~thereof;~~ but. The remedy ~~given~~ provided by this section ~~shall~~ is not be held to be exclusive, and ~~offenders against violators~~ of any provision of those sections may also be prosecuted as in case of other misdemeanors.

Sec. 74. Minnesota Statutes 1982, section 514.29, is amended to read:

514.29 ACTION TO ENFORCE; NOTICE.

Within six months after the date of filing the lien statement, the person having ~~such a~~ lien shall, ~~within six months from and after the date of filing such lien statement,~~ commence suit for the recovery of ~~such the~~ charges by summons, in the usual form, before any justice of the peace of the town in which he resides, ~~or in any the appropriate court,~~ as the case may require, against the person liable for the payment thereof. Before any ~~such~~ lien claimant shall commence com-

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

~~mences~~ any action to foreclose ~~such lien it~~, he shall give the person against whom he proposes to bring ~~such the~~ action at least 20 days' notice in writing of his intention to foreclose ~~such lien it~~.

Sec. 75. Minnesota Statutes 1982, section 514.34, is amended to read:

514.34 FINDINGS; JUDGMENT.

In all suits or attachments prosecuted under the provisions of sections 514.23 to 514.34, the court, or jury, ~~or justice of the peace who shall try the same, which tries it or make makes~~ an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is also determine whether or not the amount due for the cost of shoeing the horse, mule, ~~ox,~~ ~~or other animal described in plaintiff's declaration, and is a lien upon the same; provided, that animal.~~ If the court, or jury, ~~or justice of the peace shall find finds~~ that the amount due the plaintiff is not a lien upon the property described in the plaintiff's declaration, the plaintiff shall be nonsuited ~~thereby~~, but shall be entitled to judgment, as in other civil actions, but in such case the plaintiff and shall not recover or tax any only those costs ~~other than those~~ allowed and taxable in ~~such the other~~ case; and in those cases where the amount due is found to be a lien upon the property mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (The court, jurors, or justice, as the case may be) say that there is due the sum of ~~....~~ dollars from the defendant, and that the same is due for plaintiff's reasonable charges for shoeing the animal mentioned in plaintiff's declaration (giving a description sufficient for identification of the animal), and that the plaintiff has a lien upon the animal for the amount.

Sec. 76. Minnesota Statutes 1982, section 542.05, is amended to read:

542.05 COST BOND; RECOGNIZANCES; NONRESIDENTS.

Actions upon bonds for costs given in any civil action or proceeding by a nonresident plaintiff, as provided by law, and upon any recognizance by a party or witness in any criminal prosecution, ~~or on any security for costs given in justice court~~, shall be tried in the county where ~~such the~~ bond or security is filed, unless the court, for cause other than the residence of the defendant, shall ~~change changes~~ the venue. An action against a nonresident defendant proceeded against by attachment may be brought in any county ~~wherein~~ such in which the defendant has property liable to attachment.

Sec. 77. Minnesota Statutes 1982, section 549.03, is amended to read:

549.03 ACTIONS FOR SERVICES; DOUBLE COSTS.

When any person having who employed another to perform any labor or service, ~~shall neglect neglects or refuse refuses to pay the agreed price, or the reasonable value if there is no agreement,~~ for 30 days after ~~the same it is due and payment is demanded to pay the agreed price, or the reasonable value if there be~~

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

no agreement, and the same shall be the payment is recovered by action, there shall be allowed to the plaintiff, and included in his judgment, ~~in addition to all~~ of his disbursements allowed by law, \$5 costs if ~~the judgment be recovered in a~~ justice court and a like sum if the judgment be recovered in a municipal court where no statutory costs are now allowed in such municipal court in such action, and double his costs in all other actions wherein costs are recoverable or on appeal.

Sec. 78. Minnesota Statutes 1982, section 550.17, is amended to read:

550.17 LEVY ON GROWING CROPS.

A levy may be made upon ~~growing grain or grass, and upon any other unharvested crops;~~ but no sale shall be made ~~thereunder until the same is they~~ are ripe or fit to be harvested; ~~and.~~ Any levy thereon under an execution issued by a ~~justice of the peace or any court of record shall be continued beyond the its~~ justice of the peace or any court of record shall be continued beyond the its return day ~~thereof, if necessary, and its execution may be completed at any time within 30 days after the same is~~ the crops are ripe or fit to be harvested.

Sec. 79. Minnesota Statutes 1982, section 571.50, is amended to read:

571.50 EFFECT OF DISCLOSURE.

Subject to the provisions of sections 571.51 and 571.52, the disclosure shall be conclusive against the judgment creditor as to all property of the judgment debtor. If the garnishee denies that he is indebted to the judgment debtor or has any property of the judgment debtor in his possession, the filing in court of a copy thereof of the denial shall operate as a full discharge of the garnishee at the end of 20 days from the date of service of ~~such~~ the disclosure, in the absence of further proceedings as provided for in sections 571.51 and 571.52. The filing of objections to the disclosure or the filing of any motion or other proceedings shall operate as a stay of ~~such~~ the discharge. The court may, upon proper showing, relieve the judgment creditor from the operation of ~~such~~ the discharge after the expiration of 20 days. ~~The garnishee may be discharged where the value of the property of judgment debtor held or indebtedness owing to judgment debtor does not exceed \$25, if the action is in district court, or where the value of the property of judgment debtor held or indebtedness owing to judgment debtor does not exceed \$10, if the action is in justice court, and~~ The garnishee may apply to the court to be discharged as to any property or indebtedness in excess of the amount which may be required to satisfy judgment creditor's judgment.

Sec. 80. Minnesota Statutes 1982, section 571.58, is amended to read:

571.58 MINIMUM JUDGMENT.

No judgment shall be rendered against a garnishee in a justice county or municipal court where the judgment against the judgment debtor is less than \$10, exclusive of costs, or in the district court where the judgment against the

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

judgment debtor is less than \$25, exclusive of costs, and, in all such cases, the garnishee shall be discharged.

Sec. 81. Minnesota Statutes 1982, section 571.65, is amended to read:

571.65 IMPLIED REPEALS.

The purpose of this chapter is to provide a uniform system of garnishment disclosure in all ~~districts~~ district, municipal and ~~justice~~ county courts, and all ~~statutes or parts thereof~~ laws inconsistent ~~herewith~~ with this chapter are hereby amended to conform to this chapter superseded.

Sec. 82. Minnesota Statutes 1982, section 574.20, is amended to read:

574.20 BONDS, BY WHOM APPROVED.

Except as otherwise provided by law in particular cases, bonds shall be approved as follows:

(1) The official bonds of all state officers, including those of the treasurers, superintendents, and other officials, and employees of the several public educational, charitable, penal, and reformatory institutions belonging to the state, shall be approved, as to form, by the attorney general, and in all other respects by the governor and the legislative auditor, or one of them;

(2) The official bonds of county, town, city, and school district officers and employees by the governing body of the ~~municipality~~ political subdivision for whose security they are, respectively, given; and

(3) Those required or permitted by law to be given in any court, by the judge or justice of the court in which the proceeding is begun or pending.

(4) ~~In the case of justices of the peace in cities and incorporated statutory cities all bonds shall be surety bonds of a surety company duly authorized to transact business within this state. The premium for such bond may be paid by the municipality or other political subdivision out of its general revenue fund.~~

No officer, official, or employee required to give bond shall enter upon his duties until his bond is duly approved and filed.

Sec. 83. Minnesota Statutes 1982, section 574.35, is amended to read:

574.35 PROSECUTION FOR FINES; COURT; COMMITMENT.

All fines and forfeitures imposed as a punishment for any offense or for the violation of any duty imposed by statute may be prosecuted for and recovered by indictment in the district court, or, when the amount or value ~~thereof~~ does not exceed \$100, before a ~~justice of the peace~~ judge of county or municipal court, who shall have jurisdiction ~~therefor~~ concurrently with the district court; and. In all cases of the imposition of a fine pursuant to statute, as punishment for any

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

offense, the offender may be committed until ~~the same~~ it is paid or he is otherwise discharged according to law.

Sec. 84. Minnesota Statutes 1982, section 588.01, subdivision 3, is amended to read:

Subd. 3. **CONSTRUCTIVE.** Constructive contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

(1) misbehavior in office, or other ~~willful~~ willful neglect or violation of duty, by an attorney, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(2) deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(3) disobedience of any lawful judgment, order, or process of the court;

(4) assuming to be an attorney or other officer of the court, and acting as such without authority;

(5) rescuing any person or property in the custody of an officer by virtue of an order or process of ~~such~~ the court;

(6) unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) any other unlawful interference with the process or proceedings of a court;

(8) disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) when summoned as a juror in a court, neglecting to attend or serve as ~~such~~, improperly conversing with a party to an action to be tried at ~~such~~ the court or with any person relative to the merits of ~~such~~ the action, or receiving a communication from a party or other person in reference ~~thereto~~ to it, and failing to immediately disclose the same to the court;

(10) disobedience, by an inferior tribunal, ~~magistrate~~, or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after ~~the same~~ it has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) failure or refusal to pay a penalty assessment levied pursuant to section 626.861.

Sec. 85. Minnesota Statutes 1982, section 588.02, is amended to read:

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

588.02 POWER TO PUNISH; LIMITATION.

Every court of justice and every judicial officer may punish a contempt by fine or imprisonment, or both; ~~and~~. In addition ~~thereto~~, when the contempt involves the ~~wilful~~ willful disobedience of an order of the court requiring the payment of money for the support or maintenance of a minor child, the court may require the payment of the costs and a reasonable attorney's fee, incurred in the prosecution of ~~such~~ the contempt, to be paid by the guilty party; ~~but~~. When it is a constructive contempt, it must appear that the right, or remedy of a party to an action or special proceeding was defeated or prejudiced ~~thereby~~, by it before the contempt can be punished by imprisonment or by a fine exceeding \$50.

Sec. 86. Minnesota Statutes 1982, section 593.21, is amended to read:

593.21 MISCONDUCT OF OFFICER IN CHARGE OF JURY.

Every officer to whose charge a jury ~~shall be~~ is committed by a court ~~or~~ magistrate, who negligently or ~~wilfully~~ willfully, and without leave of ~~such~~ the court ~~or~~ magistrate, permits them, or any one of them, to receive any communication from any person, to make any communication to any person, to obtain or receive any book, paper, or refreshment, or to leave the jury room, ~~shall be~~ is guilty of a misdemeanor.

Sec. 87. Minnesota Statutes 1982, section 609.27, subdivision 1, is amended to read:

Subdivision 1. **ACTS CONSTITUTING.** Whoever orally or in writing makes any of the following threats and thereby causes another against his will to do any act or forebear doing a lawful act is guilty of coercion and may be sentenced as provided in subdivision 2:

(1) A threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another, when robbery or attempt to rob is not committed thereby; or

(2) A threat to unlawfully inflict damage to the property of the person threatened or another; or

(3) A threat to unlawfully injure a trade, business, profession, or calling; or

(4) A threat to expose a secret or deformity, publish a defamatory statement, or otherwise to expose any person to disgrace or ridicule; or

(5) A threat to make or cause to be made a criminal charge, whether true or false; provided, that a warning of the consequences of a future violation of law given in good faith by a magistrate, peace officer, or prosecuting attorney to any person shall not be deemed a threat for the purposes of this section.

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

Sec. 88. Minnesota Statutes 1982, section 609.415, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in sections 609.415 to 609.465, and 609.515,

(1) "Public officer" means:

(a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state;

(b) a member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state;

(c) a judicial officer;

(d) a hearing officer;

(e) a law enforcement officer; or

(f) any other person exercising the functions of a public officer.

(2) A "Public employee" is means a person employed by or acting for the state or ~~by or for~~ a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

(3) A "Judicial officer" ~~includes~~ means a judge, justice of the peace or ~~other magistrate, juror,~~ court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.

(4) A "Hearing officer" ~~includes~~ means any person authorized by law or private agreement to hear or determine a cause or controversy ~~and~~ who is not a judicial officer.

Sec. 89. Minnesota Statutes 1982, section 609.66, subdivision 1, is amended to read:

Subdivision 1. **ACTS PROHIBITED.** Whoever does any of the following is guilty of a misdemeanor:

(1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or

(2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or

(3) manufactures or sells for any unlawful purpose any weapon known as a slung-shot or sand club; or

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

(4) manufactures, transfers, or possesses metal knuckles or a switch blade knife opening automatically; or

(5) possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or

(6) sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits ~~such~~ the child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or

(8) in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department ~~or~~ magistrate of ~~such~~ the municipality.

Sec. 90. Minnesota Statutes 1982, section 611.07, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT.** When a defendant ~~shall be~~ is charged upon indictment or information or complaint for any felony or gross misdemeanor and ~~shall request the magistrate~~ asks to have counsel appointed to assist in his defense, and ~~satisfied such magistrate by his own oath or other required proof that he is unable, by reason of poverty, to procure counsel,~~ the county attorney shall immediately certify to the judge of the district court of the county wherein the preliminary examination is had that the defendant is without counsel and that he has sworn, under oath, that he is financially unable to procure counsel. The district court shall then appoint counsel, not exceeding two, for such defendant, prior to his preliminary examination by a magistrate, to be paid, upon his order, by the county in which the indictment was found, or complaint issued or information filed. If no counsel is appointed prior to the preliminary hearing the court shall appoint such counsel, not exceeding two, at any time thereafter when the defendant is without counsel and has sworn under oath that by reason of poverty he is unable to afford counsel. Compensation for counsel for preparation and appearing in court, together with all necessary and reasonable costs and expenses incurred or paid in said defense, shall be fixed by the court in each case appointed and compensated as provided for by law and court rule.

Sec. 91. Minnesota Statutes 1982, section 611.17, is amended to read:

611.17 FINANCIAL INQUIRY; STATEMENTS.

Upon a request for the appointment of counsel, the court ~~or~~ magistrate shall ~~proceed to~~ make appropriate inquiry into the financial circumstances of the applicant, who shall submit, unless waived in whole or in part by the court, a financial statement under oath or affirmation setting forth his assets and liabili-

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

ties, source or sources of income, and ~~such~~ any other information as ~~may~~ be required by the court ~~or~~ magistrate. The state public defender shall furnish appropriate forms for ~~such~~ the financial statements. The information contained in ~~such a~~ the statement shall be confidential and for the exclusive use of the court ~~or~~ magistrate, except for any prosecution under section 609.48. A refusal to execute a the financial statement as provided herein shall constitute constitutes a waiver of the right to the appointment of a public defender.

Sec. 92. Minnesota Statutes 1982, section 617.27, is amended to read:

617.27 SEARCH WARRANT; DESTRUCTION OF PROPERTY.

Every A county or municipal court and justice of the peace, upon complaint under oath that any person has in his possession or under his control any of the obscene books, papers, or other matter specified in sections 617.241 to 617.26, shall issue a warrant directed to the sheriff or any constable of the county, ~~therein~~ directing him to search for, seize, and take possession of ~~such~~ the obscene matter; ~~and,~~ Upon conviction of the person in whose possession the ~~same shall be obscene matter was found,~~ the judge shall cause ~~such matter~~ it to be destroyed, and the fact to be entered upon the records of the court.

Sec. 93. Minnesota Statutes 1982, section 624.62, is amended to read:

624.62 BOARDING MOVING ENGINES OR CARS.

It shall be unlawful for any person, other than a passenger or employee, to get on or off, or attempt to get on or off, or to swing on, or hang on from the outside of, any engine or car or any electric motor or street car upon any railway or track, while ~~such~~ the engine, car, motor, or street car is in motion, or switching or being switched. Every person who ~~shall violate any of the foregoing provisions violates this section~~ shall be punished by a fine of not more than \$10, and any sheriff, constable, or police officer finding any person in the act of violating ~~any such provision this section~~ shall arrest, take before a proper court ~~or~~ magistrate, and make a verified complaint against him for ~~such~~ the violation.

Sec. 94. Minnesota Statutes 1982, section 625.01, is amended to read:

625.01 CONSERVATORS OF THE PEACE.

The judges of the ~~several~~ district, county, and municipal courts of record, in vacation, within their respective districts, as well as in open court, ~~and all justices of the peace, within their respective counties,~~ shall have power to cause all enforce laws made for the preservation of the public peace ~~to be kept and,~~ In the execution of that power, they may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

Sec. 95. Minnesota Statutes 1982, section 625.02, is amended to read:

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

625.02 COMPLAINT TO MAGISTRATE JUDGE.

When complaint ~~shall be~~ is made to any ~~such magistrate judge~~ that any person has threatened to commit an offense against the person or property of another, the magistrate judge shall (1) examine the complainant, and any witness who may be produced, on oath, and (2) reduce ~~such the~~ complaint to writing, and (3) cause ~~the same~~ it to be subscribed by the complainant.

Sec. 96. Minnesota Statutes 1982, section 625.03, is amended to read:

625.03 WARRANT SHALL ISSUE, WHEN.

If, upon examination, it ~~shall appear~~ appears that there is just cause to fear that ~~any such the~~ offense may be committed, the magistrate judge shall issue a warrant under his hand, reciting the substance of the complaint, and requiring the officer to whom it is directed ~~forthwith~~ to apprehend the person complained of and bring him before ~~such magistrate the~~ judge, or ~~some other magistrate or~~ court having jurisdiction of the cause.

Sec. 97. Minnesota Statutes 1982, section 625.04, is amended to read:

625.04 EXAMINATION.

The magistrate judge before whom any person ~~shall be~~ is brought upon charge of having made threats, as aforesaid, shall, as soon as may be, immediately examine the complainant and witnesses in support of the prosecution, on oath, in the presence of the party charged, in relation to any matters ~~connected with such pertinent to the charge which are deemed pertinent, after which.~~ Witnesses for the prisoner, if he has any, shall be subsequently sworn and examined, and he. The prisoner may be assisted by counsel in such examination, and also in the proceeding cross examination of the witnesses in support of the prosecution.

Sec. 98. Minnesota Statutes 1982, section 625.05, is amended to read:

625.05 RECOGNIZANCE TO KEEP THE PEACE.

If, upon examination, it ~~shall appear~~ appears that there is just cause to fear that ~~any such the~~ offense ~~shall will~~ be committed by the party complained of, he shall be required to enter into a recognizance, with sufficient sureties, in such sum as the magistrate judge directs, to keep the peace toward all the people of this state, and especially toward the persons requiring ~~such the~~ security, for such term as the magistrate judge orders, not exceeding six months. He shall not be ordered to recognize for his appearance at the district court, unless he is charged with some offense for which he ought to be held to answer to the court. Upon complying with the order of the magistrate judge, the party complained of shall be discharged.

Sec. 99. Minnesota Statutes 1982, section 625.06, is amended to read:

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

625.06 PARTY COMMITTED, WHEN.

If the person so ordered to recognize refuses or neglects to comply with ~~such the~~ order, the magistrate judge shall commit him to the county jail during the period for which he was required to give security, or until he so recognizes, stating in the warrant the cause of commitment, with the sum and time for which security was required.

Sec. 100. Minnesota Statutes 1982, section 625.07, is amended to read:

625.07 DISCHARGE; COMPLAINANT LIABLE FOR COSTS, WHEN.

If, upon examination, it ~~shall~~ does not appear that there is just cause to fear that ~~any such the~~ offense will be committed by the party complained of, he shall be ~~forthwith~~ immediately discharged. If the magistrate judge deems the complaint malicious, or without probable cause, he shall order the complainant to pay the costs of prosecution, ~~who~~. The complainant shall ~~thereupon~~ then be answerable to the magistrate judge and the officer for their fees as ~~for his own~~ debt.

Sec. 101. Minnesota Statutes 1982, section 625.08, is amended to read:

625.08 COSTS.

When no order respecting the costs is made by the magistrate judge, they shall be allowed and paid in the same manner as costs ~~before justices~~ in criminal prosecutions. In all cases where a person ~~shall be is~~ required to give security to keep the peace, or for his good behavior, the magistrate judge may further order the costs of prosecution, or any part ~~thereof of them~~, to be paid by ~~such the~~ person, who shall stand committed until ~~such the~~ costs are paid or he is otherwise legally discharged.

Sec. 102. Minnesota Statutes 1982, section 625.09, is amended to read:

625.09 APPEAL.

Any person aggrieved by the order of any ~~justice of the peace county or municipal judge~~ requiring him to recognize as aforesaid may, on giving the security required, appeal to the district court ~~next to beholden~~ in the same county, or ~~that in another county to which such county is attached for in the same~~ judicial purposes district.

Sec. 103. Minnesota Statutes 1982, section 625.10, is amended to read:

625.10 WITNESSES TO RECOGNIZE.

The magistrate judge from whose order an appeal is so taken shall require ~~such any~~ witnesses as he may ~~think~~ deems necessary to support the complaint to recognize for their appearance at the court to which appeal is made.

Sec. 104. Minnesota Statutes 1982, section 625.11, is amended to read:

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

625.11 PROCEEDINGS ON APPEAL.

The court before which ~~such~~ the appeal is prosecuted may affirm the order of the ~~justice~~ judge, or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum and for such time as the court ~~thinks~~ deems proper, ~~and~~. The district court may also make ~~such an order in relation~~ relating to the costs of prosecution as it deems just and reasonable.

Sec. 105. Minnesota Statutes 1982, section 625.12, is amended to read:

625.12 FAILURE TO PROSECUTE APPEAL.

If any party appealing ~~shall fail~~ fails to prosecute his appeal, his recognizance shall remain in full force and effect as to any breach of the condition, without an affirmation of the judgment or order of the ~~magistrate~~ judge, and shall also stand as a security for any costs which shall be ordered by the court appealed to, to be paid by the appellant.

Sec. 106. Minnesota Statutes 1982, section 625.13, is amended to read:

625.13 DISCHARGE ON GIVING SECURITY.

Any person committed for not finding sureties, or refusing to recognize as required by the court ~~or magistrate~~, may be discharged by any judge ~~or justice~~ of the peace, on giving ~~such~~ the required security as was required.

Sec. 107. Minnesota Statutes 1982, section 625.14, is amended to read:

625.14 RECOGNIZANCE TRANSMITTED TO DISTRICT COURT.

Every recognizance taken in pursuance of section 625.13 shall be transmitted by the ~~magistrate~~ judge to the district court for the county on or before the first day of the next term, and shall be ~~there~~ filed and recorded by the clerk.

Sec. 108. Minnesota Statutes 1982, section 625.15, is amended to read:

625.15 RECOGNIZANCE WITHOUT PROCESS, WHEN.

Every person who, in the presence of any court ~~or magistrate~~, ~~shall make~~ makes an affray, or ~~threaten~~ threatens to kill or beat another, or to commit any violence or outrage against his person or property, or who, in the presence of ~~such the court or magistrate~~, ~~shall contend~~ contends with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace, and being of good behavior for a term not exceeding six months, and, in case of a refusal, may be committed as before directed.

Sec. 109. Minnesota Statutes 1982, section 625.17, is amended to read:

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

625.17 JUDGMENT ON RECOGNIZANCE REMITTED, WHEN.

When, upon an action brought on any ~~such~~ recognizance, the penalty thereof shall be is adjudged forfeited, the court may remit ~~such a~~ a portion of the penalty, on the petition of any the defendant, as ~~the circumstances of the case rendered is~~ is just and reasonable.

Sec. 110. Minnesota Statutes 1982, section 625.18, is amended to read:

625.18 SURRENDER OF PRINCIPAL; NEW RECOGNIZANCE.

Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have authority and right to take and surrender his principal and, upon ~~such the~~ the surrender, shall be discharged and exempted from all liability for any act of the principal, subsequent to ~~such the~~ the surrender, which would be a breach of the condition of the recognizance. The person so surrendered may recognize anew, with sufficient sureties, before any justice of the peace judge, for the residue of the term, and ~~thereupon~~ shall then be discharged.

Sec. 111. Minnesota Statutes 1982, section 626.04, is amended to read:

626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL.

When any officer ~~shall seize~~ seizes, with or without warrant, any property or thing, ~~the same it~~ shall be safely kept by direction of the court ~~or magistrate,~~ as long as may be necessary for the purpose of being produced as evidence on any trial, ~~and then.~~ After the trial the property or ~~things thing~~ shall, unless otherwise subject to lawful detention, be returned to ~~the its~~ its owner thereof, or to ~~such any~~ any other person as ~~may be~~ is entitled to the possession of the same and ~~possess it.~~ The other things so Any property or thing seized may be destroyed or otherwise disposed of under the direction of the court ~~or justice of the peace.~~ Any money found in gambling devices when seized shall be paid into the county treasury, ~~or.~~ If ~~such the~~ the gambling devices are seized by a police officer of a municipality, ~~such the~~ the money shall be paid into the treasury of ~~such the~~ the municipality.

Sec. 112. Minnesota Statutes 1982, section 626.05, subdivision 1, is amended to read:

Subdivision 1. **SEARCH WARRANT.** A search warrant is an order in writing, in the name of the state, signed by a court ~~of record or by a justice of the peace in any county having no municipal court~~ other than a probate court, directed to a peace officer, commanding him to make ~~such a~~ a search as ~~may be~~ is authorized by law and ~~to~~ hold any item seized, subject to the order of a court.

Sec. 113. Minnesota Statutes 1982, section 626.06, is amended to read:

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

626.06 JURISDICTION TO ISSUE.

Search warrants may be issued by any court of record or by a justice of the peace in any county having no municipal court, other than a probate court, having jurisdiction in the area wherein where the place to be searched is located.

Sec. 114. Minnesota Statutes 1982, section 626.09, is amended to read:

626.09 EXAMINATION OF PARTIES MAKING REQUEST.

The court or justice of the peace may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses he may produce, and must. It shall take his affidavit or their the affidavits in writing, and cause same them to be subscribed to by the party or parties making same them.

Sec. 115. Minnesota Statutes 1982, section 626.11, is amended to read:

626.11 ISSUANCE OF WARRANT.

If the court or justice of the peace court is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a peace officer in his county or to an agent of the bureau of criminal apprehension, commanding him forthwith. The warrant shall direct the officer or agent to search the person or place named, for the property or things specified, and to retain such the property or things in his custody subject to order of the court or justice of the peace issuing the warrant.

Sec. 116. Minnesota Statutes 1982, section 626.14, is amended to read:

626.14 TIME OF SERVICE.

A search warrant may be served only in the daytime unless the court or justice of the peace determines on the basis of facts stated in the affidavits that a nighttime search is necessary to prevent the loss, destruction, or removal of the objects of the search. The search warrant shall state that it may be served only in the daytime unless a nighttime search is so authorized.

Sec. 117. Minnesota Statutes 1982, section 626.15, is amended to read:

626.15 EXECUTION AND RETURN OF WARRANT, TIME.

A search warrant must be executed and returned to the court or justice of the peace who which issued it within ten days after its date. After the expiration of this time, the warrant, unless executed, is void unless previously executed.

Sec. 118. Minnesota Statutes 1982, section 626.17, is amended to read:

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

626.17 RETURN AND INVENTORY.

The officer must ~~forthwith~~ immediately return the warrant to the court ~~of justice of the peace,~~ and deliver to ~~him~~ it a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory.

Sec. 119. Minnesota Statutes 1982, section 626.66, is amended to read:

626.66 ARREST; HEARING.

If an arrest is made in this state by an officer of another state in accordance with the provisions of section 626.65, he shall, without unnecessary delay, take the person arrested before a magistrate judge of the county in which the arrest was made, ~~who.~~ The judge shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate judge determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit him to bail for such purpose. If the magistrate judge determines that the arrest was unlawful, he shall discharge the person arrested.

Sec. 120. Minnesota Statutes 1982, section 629.03, is amended to read:

629.03 DEMAND IN WRITING.

No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless it alleges in writing alleging, except in cases arising under section 629.06, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that ~~thereafter~~ he subsequently fled from the state, ~~and.~~ The demand shall be accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate court there, together with a copy of any warrant which was issued ~~thereupon~~ on it; or by a copy of a judgment of conviction or of a sentence imposed in execution ~~thereof~~ of it, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation, or parole. The indictment, information, or affidavit made before the magistrate court must substantially charge the person demanded with having committed a crime under the law of that state; ~~and.~~ The copy of the indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

Sec. 121. Minnesota Statutes 1982, section 629.13, is amended to read:

629.13 WHO MAY BE APPREHENDED.

When any person within this state ~~shall be~~ is charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under section 629.06,

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

with having fled from justice, with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation, or parole, or when complaint ~~shall have~~ has been made before any judge ~~or magistrate~~ in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in ~~such~~ the other state and that the accused has been charged in ~~such~~ that state with the commission of the crime and, except in cases arising under section 629.06, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation, or parole, and is believed to be in this state, the judge ~~or magistrate~~ shall issue a warrant directed to any peace officer commanding him to apprehend the person named ~~therein~~ in it, wherever he may be found in this state, and to bring him before the same or any other judge, ~~magistrate~~, or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, ~~and~~. A certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Sec. 122. Minnesota Statutes 1982, section 629.14, is amended to read:

629.14 ARREST WITHOUT WARRANT.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, ~~but~~. When so arrested the accused must be taken before a judge ~~or magistrate~~ with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 629.13; ~~and~~. Thereafter his answer shall be heard as if he had been arrested on a warrant.

Sec. 123. Minnesota Statutes 1982, section 629.15, is amended to read:

629.15 COURT MAY COMMIT TO JAIL.

If from the examination before the judge ~~or magistrate~~ it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 629.06, that he has fled from justice, the judge ~~or magistrate~~ must, by a warrant reciting the accusation, commit him to the county jail for ~~such~~ a time, not exceeding 30 days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused ~~give~~ gives bail as provided in section 629.16, or until he ~~shall be~~ is legally discharged.

Sec. 124. Minnesota Statutes 1982, section 629.16, is amended to read:

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

629.16 ADMIT TO BAIL.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge ~~or magistrate~~ in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such the bond, and for his surrender, to be arrested upon the warrant of the governor of this state.

Sec. 125. Minnesota Statutes 1982, section 629.17, is amended to read:

629.17 DISCHARGE.

If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge ~~or magistrate~~ may discharge him or may recommit him for a further period not to exceed 60 days, ~~or~~. A judge ~~or magistrate~~ may again take bail for his appearance and surrender, as provided in section 629.16, but within a period not to exceed 60 days after the date of such the new bond.

Sec. 126. Minnesota Statutes 1982, section 629.18, is amended to read:

629.18 BOND FORFEITED.

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, ~~or magistrate~~ by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he ~~be~~ is within this state. Recovery may be had on such the bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

Sec. 127. Minnesota Statutes 1982, section 629.23, subdivision 3, is amended to read:

Subd. 3. **PROCEDURAL REQUIREMENTS.** The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge ~~or magistrate~~, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, chief executive officer, or sheriff may also attach such any further affidavits and other documents in duplicate as he ~~shall deem deemed~~ proper to be submitted with such the application. One copy of the application, with the action of the governor indicated by endorsement ~~thereon on~~ it, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the

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

office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Sec. 128. Minnesota Statutes 1982, section 629.31, is amended to read:

629.31 TIME OF ARREST.

If the offense charged ~~be~~ is a felony, arrest may be made on any day and at any time of the day or night; if it ~~be~~ is a misdemeanor, arrest shall not be made on Sunday or between the hours of 9:00 o'clock p.m. and 9:00 o'clock a.m. on any other day unless upon the direction of the magistrate judge endorsed upon the warrant.

Sec. 129. Minnesota Statutes 1982, section 629.36, is amended to read:

629.36 ARREST BY BYSTANDER.

Such A peace officer may take before a magistrate judge a person who, being engaged in a breach of the peace, ~~shall be~~ is arrested by a bystander and delivered to him; ~~and,~~ When a public offense ~~shall be~~ is committed in the presence of a magistrate judge, he may, by written or verbal order, command any person to arrest the offender, and ~~thereupon~~ then proceed as if the offender had been brought before him on a warrant of arrest.

Sec. 130. Minnesota Statutes 1982, section 629.363, is amended to read:

629.363 CONDUCTOR; AUTHORITY TO ARREST.

Every conductor of a railway train, with or without warrant, may arrest any person committing any act upon ~~such~~ the train specified in sections 609.605 and 609.72, and take him before a magistrate judge or to the next railway station, and deliver him to the proper officer, or to the station agent, who shall take ~~such~~ the person before the proper magistrate judge or deliver him to ~~such~~ the officer. Every ~~such~~ conductor and station agent shall in such case possess all the powers of a sheriff with a warrant.

Sec. 131. Minnesota Statutes 1982, section 629.364, is amended to read:

629.364 ARRESTS.

Every person may, and every conductor or other employee on any railway car or train, captain, clerk, or other employee on any boat, station agent at any depot, officer of any fair or fairground, proprietor or employee of any place of public resort, with or without warrant, shall, arrest any person found in the act of committing any of the offenses ~~mentioned~~ described in section 609.52, subdivision 2, clause (4), or any person who, he has good reason to believe, has been guilty of any ~~such~~ the offense, and take him before a magistrate or court having jurisdiction, and make written complaint under oath against him. Every person ~~so~~ making ~~such~~ an arrest shall have the same power and authority in all respects as an officer with a warrant, including the power to summon assistance, ~~and.~~ The

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

person shall also arrest the person injured by reason of ~~such~~ the offense, and take him before ~~such~~ magistrate or a court, ~~who~~ which shall require him to give security for his appearance as a witness on trial of the case; ~~and he.~~ The person shall receive for ~~such~~ his services the same compensation as is provided for sheriffs.

Sec. 132. Minnesota Statutes 1982, section 629.39, is amended to read:

629.39 PRIVATE PERSON MAKING ARREST, PROCEEDINGS.

Every private person who shall ~~have arrested~~ arrests another for the commission of a public offense shall, without unnecessary delay, take him before a ~~magistrate~~ judge or deliver him to a peace officer. If a person arrested ~~shall escape or be rescued~~ escapes, the person from whose custody he has escaped may immediately pursue and retake him, at any time and in any place in the state, ~~and.~~ For that purpose, after notice of his intention and refusal of admittance, he may break open any ~~outer or inner~~ door or window of a dwelling house.

Sec. 133. Minnesota Statutes 1982, section 629.401, is amended to read:

629.401 DELAYING TO TAKE PRISONER BEFORE MAGISTRATE JUDGE.

Every public officer or other person having arrested any person upon a criminal charge, who shall ~~wilfully~~ willfully and wrongfully delay to take him before a ~~magistrate~~ judge having jurisdiction to take his examination, ~~shall be is~~ guilty of a gross misdemeanor.

Sec. 134. Minnesota Statutes 1982, section 629.403, is amended to read:

629.403 REFUSING TO MAKE ARREST OR TO AID OFFICER.

Every person who, after having been lawfully commanded by any ~~magistrate~~ judge to arrest another person, ~~shall wilfully neglect~~ willfully neglects or ~~refuse so~~ refuses to do so, and every person who, after having been lawfully commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any legal process, ~~shall wilfully neglect~~ willfully neglects or ~~refuse~~ refuses to aid ~~such~~ the officer, ~~shall be is~~ guilty of a misdemeanor.

Sec. 135. Minnesota Statutes 1982, section 629.41, is amended to read:

629.41 PROCESS, ISSUANCE.

~~The Judges of the several courts of record, in vacation as well as in term time, court commissioners, and all justices of the peace, are authorized to issue process to carry into effect the provisions of law for the apprehension of persons charged with offenses.~~

Sec. 136. Minnesota Statutes 1982, section 629.44, is amended to read:

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

629.44 RECOGNIZANCE BY OFFENDER, DUTY OF MAGISTRATE JUDGE.

In every case where the offense charged in the warrant ~~shall is~~ not be punishable by imprisonment in the Minnesota Correctional Facility-Stillwater, upon request of the person arrested, the officer making the arrest shall take him before a magistrate judge of the county in which the arrest ~~shall be is~~ made, for the purpose of entering into a recognizance without trial or examination, ~~and such magistrate.~~ The judge may take from him a recognizance with sufficient sureties for his appearance before the court having ~~eognizance~~ jurisdiction of the offense ~~and next holden in such the~~ county, and ~~thereupon he shall then~~ be liberated. The magistrate judge taking bail shall certify that fact upon the warrant, and deliver ~~the same it,~~ with the recognizance ~~so taken,~~ to the person making the arrest, who shall ~~cause the same to be delivered~~ deliver it, without unnecessary delay, to the clerk of the court before which the accused was recognized to appear; ~~and,~~ On application of the complainant, the magistrate judge who issued the warrant, or the county attorney, shall ~~cause such~~ summon any witnesses to be summoned as he deems necessary.

Sec. 137. Minnesota Statutes 1982, section 629.45, is amended to read:

629.45 BAIL REFUSED; PROCEEDINGS.

If the magistrate judge in the county where the arrest was made ~~shall refuse~~ refuses to bail the person ~~so~~ arrested and brought before him, or if no sufficient bail ~~shall be is~~ offered, the person having him in charge shall take him before the magistrate judge who issued the warrant, or, in his absence, before some other magistrate judge of the county in which the warrant was issued, to be proceeded with as directed.

Sec. 138. Minnesota Statutes 1982, section 629.53, is amended to read:

629.53 BAIL; COMMITMENT.

When at the close of an examination it ~~shall appear~~ appears that an offense has been committed, and that there is probable cause to believe the prisoner to be guilty, if the offense be bailable by the magistrate judge, and the prisoner ~~shall offer~~ offers sufficient bail or money in lieu thereof, it shall be taken, and he shall be discharged; ~~but.~~ If no sufficient bail ~~be is~~ offered, or the offense ~~shall is~~ not be bailable by the magistrate judge, he shall be committed for trial. When cash bail ~~shall be is~~ deposited in lieu of other bail, ~~such the~~ cash shall be the property of the accused, whether deposited by him personally or by any third person in his behalf. When cash bail ~~shall be is~~ accepted by a judge of a court of record, he shall order ~~the same it~~ to be deposited with the clerk, ~~there to remain~~ who shall retain it until the final disposition of the case and the further order of the court relative ~~thereto to it.~~ Upon release, in whole or in part, the amount ~~so~~ released shall be paid to the accused personally or upon his written order. In case of conviction, the magistrate judge may order ~~such the~~ deposit to be applied

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

upon any fine imposed and, if ~~such~~ the fine ~~be~~ is less than the deposit, the balance shall be paid to the defendant. If the fine exceeds the deposit, the deposit shall be applied ~~thereon to it~~ and the defendant committed until the balance is paid, ~~but such~~. The commitment shall not exceed one day's time for each dollar of ~~such the~~ unpaid balance. Cash bail in the hands of the court or any officer ~~thereof of it~~ shall be exempt from garnishment or levy under attachment or execution.

Sec. 139. Minnesota Statutes 1982, section 629.54, is amended to read:

629.54 WITNESSES TO RECOGNIZE, ~~WHEN~~; COMMITMENT.

When a prisoner ~~shall be~~ is admitted to bail, or committed by the ~~magistrate judge~~, he shall also bind by recognizance ~~such any~~ witnesses against the prisoner as he ~~shall deem~~ deems material, to appear and testify at the court to which the prisoner is held to answer. If the ~~magistrate shall be~~ judge is satisfied that there is good reason to believe that any witness will not perform the conditions of his recognizance unless other security shall be given, he may order him to enter into a recognizance for his appearance, with ~~such~~ sureties as he ~~shall deem~~ deems necessary; ~~but~~. Except in case of murder in the first degree, arson where human life is destroyed, and cruel abuse of children, he shall not commit any witness who ~~shall offer~~ offers to recognize, without sureties, for his appearance.

Sec. 140. Minnesota Statutes 1982, section 629.55, is amended to read:

629.55 REFUSAL TO RECOGNIZE.

A witness required to recognize, with or without sureties, who refuses so to do, shall be committed by the ~~magistrate judge~~ until the witness complies with the order, or is otherwise discharged according to law. Every person held as a witness during confinement shall receive the compensation the court before whom the case is pending directs, not exceeding regular witness fees. When a minor ~~shall be~~ is a material witness, any other person may recognize for the appearance of the witness, or the ~~magistrate judge~~ may take recognizance of the witness in a sum of not more than \$50, which shall be valid and binding in law notwithstanding the disability.

Sec. 141. Minnesota Statutes 1982, section 629.60, is amended to read:

629.60 RECOGNIZANCE; WHEN ACTION NOT BARRED.

No action brought on any recognizance shall be barred or defeated, nor judgment ~~thereon on it~~ arrested, by reason of any neglect or omission to note or record the default of any principal or surety at the term when it occurs, or by reason of any defect in the form of the recognizance, if it shall sufficiently appear from the tenor thereof at what court the party or witness was bound to appear, and that the court ~~or magistrate~~ before whom it was taken was authorized by law to require and take it; ~~and~~. When upon action brought upon any recognizance

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

to prosecute an appeal the penalty thereof shall be is adjudged to be forfeited, or when by leave of court ~~such~~ the penalty has been paid to the county treasurer or clerk of court without suit or before judgment in a manner provided by law, if by law any forfeiture accrues to any person by reason of the offense of which appellant was convicted, the court may award him ~~such~~ the sum as he may be is entitled to out of ~~such~~ the forfeiture.

Sec. 142. Minnesota Statutes 1982, section 629.62, is amended to read:

629.62 APPLICATION FOR BAIL, JUSTIFICATION.

When a party in custody shall ~~desire~~ desires to give bail, the offense being bailable, and the district court shall is not be in session in the county, he may apply to a judge ~~thereof~~ of district court, or a judge of the supreme court, upon his affidavit showing the nature of the application and the names of the persons to be offered as bail, with a copy of the mittimus or papers upon which he is held in custody. ~~Such~~ The judge may ~~thereupon~~ then, by order, direct the sheriff to bring up ~~such~~ the party, at a time and place named, for the purpose of giving bail. Notice of the application shall be given to the county attorney, if within the county, and no matters shall be inquired into except ~~such~~ as those which relate to the amount of bail and the sufficiency of the sureties. Sureties shall in all cases justify by affidavit, or upon oral examination before the court, ~~judge, or magistrate,~~ as the case may be.

Sec. 143. Minnesota Statutes 1982, section 630.17, is amended to read:

630.17 FINE, HOW COLLECTED.

If the corporation shall be is found guilty and a fine imposed, it shall be entered and docketed by the clerk, ~~justice of the peace, county judge,~~ or municipal judge, as the case may be, as a judgment against the corporation, ~~and.~~ It shall be of the same force and effect, and be enforced against the corporation in the same manner, as if the judgment had been recovered against it in a civil action.

Sec. 144. Minnesota Statutes 1982, section 630.37, is amended to read:

630.37 REGISTER.

The clerk shall keep a register of all criminal actions, in which he shall enter:

(1) ~~All cases returned to the court by a magistrate, whether the defendant is discharged or held to answer;~~

(2) all indictments found in the court, or sent or removed ~~thereto~~ to it for trial, with the time of finding the indictment, or when it was sent or removed; and

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

3

(3) (2) the time of arraignment, of the demurrer or plea, and of the trial, conviction, or acquittal of the defendant, together with a brief note of all the other proceedings in the action.

Sec. 145. Minnesota Statutes 1982, section 631.04, is amended to read:

631.04 EXCLUDING MINORS; DUTY OF OFFICER; PENALTY.

No person under the age of 17 years, not a party to, witness in, or directly interested in a criminal prosecution or trial being heard before any district, county, or municipal, police, or justice court, shall attend or be present at such the trial; ~~and~~. Every police officer, constable, sheriff, or other officer in charge of any such a court and attending upon the trial of any such criminal case in any such the court, shall exclude every minor from the room in which such the trial is being had every such minor held, except when he the minor is permitted to attend by order of the court before which the trial shall be had; ~~and every is being held~~. Any police officer, constable, sheriff, or deputy sheriff who shall knowingly neglect neglects or refuse refuses to carry out the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than \$10 nor more than \$25.

Sec. 146. Minnesota Statutes 1982, section 636.08, is amended to read:

636.08 TRIAL OF MINORS.

At the hearing or trial of a minor under the age of 18, charged with any crime, the trial judge or magistrate, prior to his being brought into the courtroom, shall clear the same courtroom of all persons except officers of the court, including attorneys, witnesses, relatives, and friends.

Sec. 147. Minnesota Statutes 1982, section 641.07, is amended to read:

641.07 PRISONERS, LABOR.

Every able bodied male prisoner over 16 years of age confined in any county jail or statutory city lockup under judgment of any court of record, justice court, or other tribunal authorized to imprison for the violation of any law, ordinance, bylaw, or police regulation, may be required to labor during the whole or some part of the time of his sentence, but work for not more than ten hours per day. ~~Such~~ The court or tribunal, when passing judgment of imprisonment for nonpayment of fine or otherwise, shall determine and specify whether such or not the imprisonment shall be at hard labor or not. ~~Such~~ The labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds, or elsewhere in the county. Upon request, persons awaiting trial may be allowed, upon request, to perform such labor. Each prisoner performing labor may be paid a reasonable compensation by the county if imprisoned in violation of state law or awaiting trial upon a charge thereof, and by the city if confined for the violation of any ordinance, bylaw, or police regulation. The compensation to shall be paid to the wife, family, or dependents of such the prisoner, or such any

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

other person as the court sentencing him ~~may direct, and directs.~~ It shall be in such an amount as such that the court shall determine upon application of the person or official under whose superintendence the work shall be performed, and determines. It shall be allowed by the board of county commissioners of or the governing body of the city upon such order of the court.

Sec. 148. Minnesota Statutes 1982, section 641.25, is amended to read:

641.25 DISTRICT JAILS; HOW DESIGNATED.

The commissioner of corrections, with the consent of the county board, may designate any suitable jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of its own, ~~and, when such.~~ If the jail or its management becomes unfit for such that purpose, he may rescind its designation. Whenever there is no sufficient jail in any county, the examining ~~magistrate~~ county or municipal judge, upon his own motion, or the judge of the district court, upon application of the sheriff, may order any person charged with a criminal offense committed to a sufficient jail in some other county. If there ~~be is~~ a district jail in the judicial district, he shall be sent ~~thereto~~ to it, or to any other nearer district jail designated by the magistrate or judge, and. The sheriff ~~or~~ of the county containing ~~such~~ the district jail, on presentation of ~~such~~ the order, shall receive, keep in custody, and deliver him up upon the order of ~~such~~ the court, or a judge ~~thereof~~.

Sec. 149. Minnesota Statutes 1982, section 648.39, subdivision 3, is amended to read:

Subd. 3. **CITY AND TOWN OFFICERS.** Each city and town shall purchase from the revisor of statutes, for the use of each justice of the peace, judge of the municipal court, clerk of the municipal court, and clerk of the city or town, as the case may be, the number of copies the city or town determines is needed.

Sec. 150. COURT STUDY COMMISSION.

Subdivision 1. CREATION. There is created a court study commission whose purpose shall be to study the structure of the state court system to determine the desirability of unifying the current county, municipal, and district courts into a single trial court.

Subd. 2. MEMBERSHIP; CHAIRMAN. The commission shall consist of 16 members as follows: four members of the senate appointed by the subcommittee on committees of the committee on rules and administration; four members of the house of representatives appointed by the speaker of the house; two district court judges and two county or municipal court judges appointed by the chief justice; the chief justice of the supreme court or his designee; and three members appointed by the governor. The commission shall elect a chairman from its membership.

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

Subd. 3. REPORT TO THE LEGISLATURE. On or before January 1, 1984, the commission shall submit to the chairmen of the judiciary committees in the house of representatives and the senate its recommendations whether to unify the current county, municipal, and district courts into a single trial court.

Subd. 4. STAFF. The judicial planning committee shall provide staff for the commission. Members shall receive travel and other expenses in the same manner as state employees.

Sec. 151. REPEALER.

Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71; are repealed.

Sec. 152. EFFECTIVE DATE.

Section 150 is effective the day following final enactment.

Approved June 14, 1983

CHAPTER 360 — S.F.No. 767

An act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of the legislature or joint legislative agencies or commissions; proposing new law coded in Minnesota Statutes, chapter 352D.

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

Section 1. [352D.11] PURCHASE OF PRIOR SERVICE CREDIT.

Subdivision 1. ELIGIBILITY. A qualified legislative employee may purchase prior service credit from the Minnesota state retirement system for service for which the employee did not receive service credit from the state retirement system. An employee is qualified to purchase prior service credit only if:

(1) the employee is a permanent employee of the senate, the house of representatives, or of a joint legislative agency or legislative commission, or a former permanent employee of the senate, the house of representatives, or of a joint legislative agency or legislative commission who has not withdrawn the value of shares in the unclassified program; and

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