

(c) Nothing authorized in this subdivision negates or reduces the investment authority granted in subdivisions 1 to 25.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Approved May 20, 1987

CHAPTER 190—H.F.No. 1314

An act relating to courts; conforming fees for the filing of an unlawful detainer action in Hennepin county with other civil fees and unlawful detainer fees collected throughout the state; changing Hennepin county conciliation court filing and counterclaim fees; amending Minnesota Statutes 1986, sections 488A.03, subdivision 11; and 488A.14, subdivisions 1 and 5.

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

Section 1. Minnesota Statutes 1986, section 488A.03, subdivision 11, is amended to read:

Subd. 11. **FEES PAYABLE TO ADMINISTRATOR.** (a) The civil fees payable to the administrator for services are the same in amount as the fees then payable to the district court of Hennepin county for like services ~~except that upon the filing of an unlawful detainer action a fee of \$10 is payable by the plaintiff; in addition to any library fee otherwise required, when the action is entered in court or when the first paper on the plaintiff's part is filed.~~ Library and filing fees are not required of the defendant in an unlawful detainer action. The fees payable to the administrator for all other services of the administrator or the court shall be fixed by rules promulgated by a majority of the judges.

(b) Fees are payable to the administrator in advance.

(c) Judgments will be entered only upon written application.

(d) The following fees shall be taxed in all cases where applicable: (a) The state of Minnesota and any governmental subdivision within the jurisdictional area of any municipal court herein established may present cases for hearing before said municipal court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Hennepin county, all fines, penalties, and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution under ordinance violation and to the county treasurer in all other cases except where a different disposition is provided by law, in which case, payment shall be made to the public official entitled thereto. The following fees shall be taxed to the

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county or to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be paid to the court administrator for disposing of the matter:

(1) In all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without trial \$5.

(2) In arraignments where the defendant waives a preliminary examination \$10.

(3) In all other cases where the defendant stands trial or has a preliminary examination by the court \$15.

(4) In all cases where a defendant was issued a statute, traffic or ordinance violation tag and a fine is paid or the case is otherwise disposed of in a violations bureau \$1.

(5) Upon the effective date of a \$2 increase in the expired meter fine schedule that is enacted on or after August 1, 1987, the amount payable to the court administrator must be increased by \$1 for each expired meter violation disposed of in a violations bureau.

Sec. 2. Minnesota Statutes 1986, section 488A.14, subdivision 1, is amended to read:

Subdivision 1. **COMMENCEMENT OF ACTION.** An action is commenced against each defendant when the complaint is filed with the court administrator of conciliation court and a filing fee of \$2 \$9 is paid to the court administrator or the prescribed affidavit in lieu of filing fee is filed.

Sec. 3. Minnesota Statutes 1986, section 488A.14, subdivision 5, is amended to read:

Subd. 5. **COUNTERCLAIM.** (a) The defendant may interpose as counterclaim any claim within the jurisdiction of the court which the defendant has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the court administrator a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant or the defendant's attorney, and paying a filing fee of \$2 \$9 to the court administrator. If the defendant is not represented by an attorney the court administrator shall draw up the counterclaim on request.

(c) The court administrator shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff or the plaintiff's attorney by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five days before the date set

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for court hearing. The judge may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge may require the payment of absolute or conditional costs up to \$25 by the defendant as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim arising out of the same transaction or occurrence which exceeds the jurisdiction of the court and the defendant files an affidavit, personally or through an attorney, with the court administrator not less than five days before the date set for court hearing showing that the defendant has filed with the court administrator of a specified other court of competent jurisdiction a summons and complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the court administrator shall strike the action from the calendar and so advise the plaintiff or the plaintiff's attorney by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that the plaintiff has not been served with a summons in the other action or that the other action has been finally determined, the court administrator shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter affidavit is filed by plaintiff within three years, the plaintiff's original claim is dismissed without prejudice without any further action by the court administrator or any judge. Prior to the expiration of this three-year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Approved May 20, 1987

CHAPTER 191—H.F.No. 1420

An act relating to public safety; allowing bureau of criminal apprehension to permit amateur radio operators to use radio equipment capable of receiving police emergency radio frequency; amending Minnesota Statutes 1986, section 299C.37, subdivision 1.

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

Section 1. Minnesota Statutes 1986, section 299C.37, subdivision 1, is amended to read:

Subdivision 1. (a) No person other than peace officers within the state ~~and~~, the members of the state patrol, and persons who hold an amateur radio license issued by the Federal Communications Commission, shall equip any motor vehicle with any radio equipment or combination of equipment, capable of receiving any radio signal, message, or information from any police emergency frequency, or install, use or possess the ~~same equipment~~ in such a motor vehicle

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