

Minnesota Statutes 1986, section 148.101, is repealed.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 12 and 14 are effective the day following final enactment.

Approved June 1, 1987

CHAPTER 346—S.F.No. 1323

An act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; amending Minnesota Statutes 1986, sections 169.123, subdivision 7; 325B.15; 466.07, subdivision 1; 487.01, subdivisions 2, 3, and 4; 487.21, subdivision 4; 487.23, subdivisions 1, 2, and 3; 487.25, subdivisions 1 and 2; 487.33, subdivision 1; 488A.01, subdivision 14; 488A.18, subdivision 14; 501.35; and 525.712; repealing Minnesota Statutes 1986, sections 466.03, subdivision 2; 487.39; and 595.04.

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

Section 1. Minnesota Statutes 1986, section 169.123, subdivision 7, is amended to read:

Subd. 7. **APPEAL.** Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in ~~section 487.39~~ the rules of appellate procedure.

Sec. 2. Minnesota Statutes 1986, section 325B.15, is amended to read:

325B.15 COVERAGE.

The provisions of sections 325B.01 to 325B.17 ~~shall~~ cover agreements ~~in existence on May 28, 1977, as well as agreements entered into after May 28, 1977.~~

Sec. 3. Minnesota Statutes 1986, section 466.07, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO INDEMNIFY.** The governing body of any municipality may defend, save harmless, and indemnify any of its officers and employees, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty. Any independent board or commission of the municipality having authority to disburse funds for a particular function without approval of the governing body may similarly defend, save harmless, and indemnify its officers and employees against such tort claims or demands.

Notwithstanding any provisions to the contrary in section 127.03, subdivision 2 or 466.12, this section applies to all school districts, however organized.

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

Sec. 4. Minnesota Statutes 1986, section 487.01, subdivision 2, is amended to read:

Subd. 2. The county board of a county to which sections 487.01 to ~~487.39~~ 487.38 apply shall provide and furnish to the county court the courtrooms, quarters, supplies, equipment and personnel the court finds necessary for its purposes.

Sec. 5. Minnesota Statutes 1986, section 487.01, subdivision 3, is amended to read:

Subd. 3. The following combined probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; Big Stone and Traverse; Grant and Douglas; Lincoln and Lyon; Rock and Nobles; Dodge and Olmsted; Lake and Cook; Pine, Isanti and Chisago; Sherburne, Benton and Stearns. Notwithstanding the provisions of this paragraph the separation of combined county court districts by concurrent action of county boards before April 23, 1977, shall continue to be in effect unless the districts are combined pursuant to subdivision 6.

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

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

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to ~~487.39~~ 487.38.

Sec. 6. Minnesota Statutes 1986, section 487.01, subdivision 4, is amended to read:

Subd. 4. The provisions of sections 487.01 to ~~487.39~~ 487.38 do not apply to the counties of Hennepin and Ramsey.

Sec. 7. Minnesota Statutes 1986, section 487.21, subdivision 4, is amended to read:

Subd. 4. If a municipality is located in more than one county court district,

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or in more than one county within a county court district, the county in which the city hall of the municipality is located determines the county or county court district in which the municipality shall be deemed located for the purposes of sections 487.01 to ~~487.39~~ 487.38 provided, however, that the municipality by ordinance enacted may designate, for those purposes, some other county or district in which a part of the municipality is located.

Sec. 8. Minnesota Statutes 1986, section 487.23, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Pleading, practice, procedure and forms in civil actions shall be governed by rules of civil procedure for county courts which shall be adopted by the supreme court. Until the rules become effective, such matters are governed by the rules for municipal courts and rules promulgated from time to time by the supreme court or by the statutes governing the district court insofar as the rules promulgated by the supreme court do not contain any applicable provision. The provisions of sections 487.01 to ~~487.39~~ 487.38 relating to pleading, practice and procedure in civil actions shall be effective as rules of court until modified or superseded by the rules hereafter adopted by the supreme court. Rules or statutory provisions modified or superseded by the rules of civil procedure for county courts adopted by the supreme court shall be of no effect in any county court from and after the effective date of said adopted rules.

Sec. 9. Minnesota Statutes 1986, section 487.23, subdivision 2, is amended to read:

Subd. 2. **COURT RULES.** The court may adopt rules governing pleading, practice, procedure and forms for civil actions which are not inconsistent with the provisions of sections 487.01 to ~~487.39~~ 487.38, the rules for county courts promulgated by the supreme court, or governing statutes.

Sec. 10. Minnesota Statutes 1986, section 487.23, subdivision 3, is amended to read:

Subd. 3. **NOTES OF ISSUE; DEMAND FOR JURY TRIAL; WAIVER OF JURY TRIAL.** (a) A party desiring to place a civil cause upon the calendar for trial after issue is joined shall serve a note of issue on all other parties and file it with the court administrator, with proof of service within ten days after service. The note of issue shall state whether the issues are of law or fact, whether trial by jury is demanded or waived, and the name and address of the respective counsel.

(b) If any other party to the action desires a trial by jury when none is demanded in the note of issue served upon the party, the party shall serve a demand for trial by a jury on all other parties to the action and file it with the court administrator, with proof of service, within ten days after the note of issue was served upon the party.

(c) If a jury is not demanded at the time and in the manner provided in

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sections 487.01 to ~~487.39~~ 487.38, all parties waive trial by jury. Jury trial may be waived also in the manner provided by rule 38.02 of the rules for municipal courts promulgated by the supreme court and rules promulgated by the supreme court from time to time for county courts.

Sec. 11. Minnesota Statutes 1986, section 487.25, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Except as otherwise provided in sections 487.01 to ~~487.39~~ 487.38 but subject to the provisions of section 480.059, pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision or rule are governed by the rules of criminal procedure.

Sec. 12. Minnesota Statutes 1986, section 487.25, subdivision 2, is amended to read:

Subd. 2. **COURT RULES.** The court may adopt rules governing pleading, practice, procedure and forms in actions or proceedings charging a violation of a criminal law or a municipal ordinance, charter provision or rule. The rules shall be consistent with the rules of criminal procedure, the provisions of sections 487.01 to ~~487.39~~ 487.38 and any other statute of this state.

Sec. 13. Minnesota Statutes 1986, section 487.33, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITION.** Except as otherwise provided by sections 487.01 to ~~487.39~~ 487.38 or 574.34, the court administrator shall pay to the county treasurer all fines, penalties and fees collected by the court administrator, all sums forfeited to the court and all other money received by the court administrator no later than the tenth day of the month following the month of collection.

Sec. 14. Minnesota Statutes 1986, section 488A.01, subdivision 14, is amended to read:

Subd. 14. **APPEALS.** Appeals from the county municipal court to the court of appeals shall be subject to ~~the provisions of section 487.39~~ and the rules of appellate procedure.

Sec. 15. Minnesota Statutes 1986, section 488A.18, subdivision 14, is amended to read:

Subd. 14. **APPEALS.** Appeals from the county municipal court to the court of appeals shall be subject to ~~the provisions of section 487.39~~ and the rules of appellate procedure.

Sec. 16. Minnesota Statutes 1986, section 501.35, is amended to read:

501.35 MAY APPLY TO COURT FOR INSTRUCTIONS.

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Any trustee of an express trust by will or other written instrument whose appointment has been confirmed, or any beneficiary of that trust, may petition the court then having jurisdiction of the trust as a proceeding in rem, and any trustee of an express trust by will or other written instrument whose appointment has not been confirmed, or any beneficiary of that trust, may petition the district or county court of the county in which the unconfirmed trustee resides or has a place of business, for instructions in the administration of the trust, for the confirmation of any action taken by the trustee, for a construction of the trust instrument, or upon or after the filing of any account, for the settlement and allowance thereof. Upon the filing of the petition, the court shall make an order fixing a time and place for hearing it, unless hearing has been waived in writing by the beneficiaries of the trust then in being. Notice of hearing shall be given by publishing a copy of the order one time in a legal newspaper of the county at least 20 days before the date of the hearing, and by mailing a copy of it to each beneficiary of the trust then in being, at each beneficiary's last known address, at least ten days before the date of the hearing or in any other manner as the court orders. If the court deems further notice necessary, it shall be given in the manner specified in the order. At the hearing the court shall make such order as it deems appropriate. The order shall be final and conclusive as to all matters determined by it and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, even though unascertained or not in being, except that appeal may be taken in the manner provided in ~~section 487.39~~ the rules of appellate procedure.

Sec. 17. Minnesota Statutes 1986, section 525.712, is amended to read:

525.712 REQUISITES.

The appeal may be taken by any person aggrieved within 30 days after service of notice of the filing of the order, judgment, or decree appealed from, or if no notice be served, within six months after the filing of the order, judgment, or decree. Except as provided in this section, the appeal shall be perfected and determined upon the record as provided in sections 484.63 and ~~487.39~~ the rules of appellate procedure.

Sec. 18. REPEALER.

Minnesota Statutes 1986, sections 466.03, subdivision 2; 487.39; and 595.04, are repealed.

Approved June 1, 1987