

(k) The amount that may be obligated during a fiscal year is limited as required by United States Code, title 42, section 1103(c)(2)(D).

Sec. 2. CONTINGENCY.

If the full \$2,000,000 appropriated in section 1 is not available out of federal money, the appropriations are proportionately reduced as necessary to remain within the amount of available federal money. In the event that funds for the upgrade of the facilities in section 1, paragraph (j), become available through passage of other legislation, \$731,000 is available for a job search and self-assessment unemployment insurance eligibility system.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved June 2, 1987

CHAPTER 377—H.F.No. 1622

An act relating to courts; providing court of appeals and crime victim representation on the sentencing guidelines commission; providing that terms of commission members appointed by the governor are coterminous with the governor; changing the date on which the commission's report to the legislature is due; clarifying the membership on judicial appeal panels; permitting retired judges to solemnize marriages; clarifying judicial representation on the judicial standards board; authorizing the supreme court to adopt court rules; restricting mileage reimbursement for law clerks; amending Minnesota Statutes 1986, sections 244.09, subdivisions 2, 3, and 11; 253B.19, subdivision 1; 480.051; 481.02, subdivision 3; 484.545, subdivision 3; 484.62; 490.15, subdivision 1; 517.04; and 525.06.

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

Section 1. Minnesota Statutes 1986, section 244.09, subdivision 2, is amended to read:

Subd. 2. The sentencing guidelines commission shall consist of the following:

- (1) The chief justice of the supreme court or a designee;
- (2) One judge of the court of appeals, appointed by the chief justice of the supreme court;
- (3) Two district court judges appointed by the chief justice of the supreme court;
- ~~(3)~~ (4) One public defender appointed by the governor upon recommendation of the state public defender;

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- (4) (5) One county attorney appointed by the governor upon recommendation of the board of governors of the county attorneys council;
- (5) (6) The commissioner of corrections or a designee;
- (6) ~~The chair of the board of supervised release or a designee;~~
- (7) One peace officer as defined in section 626.84 appointed by the governor;
- (8) One probation officer or parole officer appointed by the governor; and
- (9) Two public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

One of the members shall be designated by the governor as chair of the commission.

Sec. 2. Minnesota Statutes 1986, section 244.09, subdivision 3, is amended to read:

Subd. 3. Each appointed member shall be appointed for four years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term. The term of any member appointed or reappointed by the governor before the first Monday in January 1991 expires on that date. The term of any member appointed or reappointed by the governor after the first Monday in January 1991 is coterminous with the governor. The members of the commission shall elect any additional officers necessary for the efficient discharge of their duties.

Sec. 3. Minnesota Statutes 1986, section 244.09, subdivision 11, is amended to read:

Subd. 11. **MODIFICATION.** The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the sentencing guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 1 of any year in which the commission wishes to make the change and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. On or before ~~November~~ January 1 of each year, the commission shall submit a written report to the judiciary committees of the senate and the house of representatives that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that ~~will be~~ are being submitted to the legislature ~~on January 1~~ that year.

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Sec. 4. Minnesota Statutes 1986, section 253B.19, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The supreme court shall establish an appeal panel composed of three ~~probate~~ judges and ~~two~~ four alternate ~~probate~~ judges appointed from among the acting ~~probate~~ judges of the state. Panel members shall serve for terms of one year each. Only three judges need hear any case. One of the regular three appointed judges shall be designated as the chief judge of the appeal panel. The chief judge is vested with power to fix the time and place of all hearings before the panel, issue all notices, subpoena witnesses, appoint counsel for the patient, if necessary, and supervise and direct the operation of the appeal panel. The chief judge shall designate one of the other judges or an alternate judge to act as chief judge in any case where the chief judge is unable to act. No member of the appeal panel shall take part in the consideration of any case in which that judge committed the patient. The chief justice of the supreme court shall determine the compensation of the judges serving on the appeal panel. The compensation shall be in addition to their regular compensation as ~~probate~~ judges. All compensation and expenses of the appeal panel and all allowable fees and costs of the patient's counsel shall be paid by the department of human services.

Sec. 5. Minnesota Statutes 1986, section 480.051, is amended to read:

480.051 REGULATE PLEADING, PRACTICE AND PROCEDURE.

The supreme court of this state shall have the power to regulate the pleadings, practice, procedure, and the forms thereof in civil actions in all courts of this state, ~~other than~~ including the probate courts, by rules promulgated by it from time to time. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant.

Sec. 6. Minnesota Statutes 1986, section 481.02, subdivision 3, is amended to read:

Subd. 3. **PERMITTED ACTIONS.** The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney at law;

(3) any one, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge, papers incident to the sale, trade, lease, or loan;

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(4) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(8) any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(9) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust;

(10) a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(11) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for the work;

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney at law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

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(13) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal; and

(14) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any ~~county or municipal~~ court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any ~~county or county municipal~~ court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of sections 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney at law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 7. Minnesota Statutes 1986, section 484.545, subdivision 3, is amended to read:

Subd. 3. The law clerks, in addition to their salary, shall be paid necessary mileage, traveling and hotel expenses accrued in their discharge of official duties while absent from ~~home~~ their permanent work assignment location. The county auditor of the county for which the expenses were incurred, upon presentation of a verified statement approved by one of the judges, shall issue a warrant in payment thereof.

Sec. 8. Minnesota Statutes 1986, section 484.62, is amended to read:

484.62 COMPENSATION AND REPORTER.

When a retired judge undertakes such service, the retired judge shall be provided at the expense of the county of performance of the service with a reporter, selected by the retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which the service is rendered and shall receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving, said payment to be made in the same manner as the payment of salaries for judges of the district court, on certification by the chief judge of the judicial district or by the chief justice of the supreme court of the state of Minnesota. A deputy court administrator may act as bailiff when called to do so for the purposes of this section. A retired

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judge who solemnizes a marriage while not assigned under section 484.61 is not entitled to the compensation provided by this section.

Sec. 9. Minnesota Statutes 1986, section 490.15, subdivision 1, is amended to read:

Subdivision 1. The board on judicial standards is established and consists of one judge of the court of appeals, ~~one judge of the district court, one judge of a municipal court, one judge of county court,~~ three trial court judges, two lawyers who have practiced law in the state for ten years and four citizens who are not judges, retired judges or lawyers. The executive secretary is appointed by the governor. Commencing July 1, 1980, the board shall appoint the executive secretary. All members shall be appointed by the governor with the advice and consent of the senate except that senate confirmation shall not be required for the judicial members. No member shall serve more than two full four-year terms or their equivalent. Membership terminates if a member ceases to hold the position that qualified the member for appointment.

Sec. 10. Minnesota Statutes 1986, section 517.04, is amended to read:

517.04 SOLEMNIZATION.

Marriages may be solemnized throughout the state by a judge of a court of record, a retired judge of a court of record, a court administrator, a former court commissioner so long as employed by the court system, the residential school administrators of the Minnesota school for the deaf and the Minnesota braille and sight-saving school, a licensed or ordained minister of any religious denomination, or by any mode recognized in section 517.18.

Sec. 11. Minnesota Statutes 1986, section 525.06, is amended to read:

525.06 ANNUAL ASSEMBLAGE; ~~RULES.~~

The judges of the probate courts shall assemble each year at such places and times as may be designated by the probate judges' according to rule governing their meetings, and any 30 of them shall constitute a quorum; ~~except where rules are adopted, revised, or amended, the quorum shall be 44. When so assembled such judges shall formulate and adopt rules and make such revision and amendment thereof as they may deem expedient conformably to law, and the same shall take effect from and after the publication thereof as directed by them. Such rules shall govern all the probate courts of this state, but, in furtherance of justice, the court may relax or modify them or relieve a party from the effect thereof on such terms as may be just. The reasonable expenses of the judges attending such meetings shall be paid by their respective counties.~~

Approved June 2, 1987

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