

MINNESOTA STATUTES 1977 SUPPLEMENT

482.18 REVISOR OF STATUTES

482.18 Collectively bargained contract; revisor's duties.

In respect to a collectively bargained contract with the state covering a period beginning on and after July 1, 1979, the revisor of statutes shall provide the chairpersons of the main policy committee in each body of the legislature charged with the responsibility of legislative oversight of state employee contract provisions and the legislative reference library with a copy of the contract showing additions and deletions from contract language in effect for the immediately preceding contract period. Where appropriate, the revisor shall consolidate provisions which are identical from contracts of two or more bargaining units.

[1977 c 452 s 35]

CHAPTER 484. DISTRICT COURTS

Sec.		Sec.	
484.05	Repealed.	484.29	Repealed.
484.08	District courts to be open at all times; terms.	484.34	Repealed.
484.09	Repealed.	484.47	Repealed.
484.10	Repealed.	484.54	Expenses of judges.
484.11	Repealed.	484.62	Compensation and reporter.
484.12	Repealed.	484.63	Appeal.
484.13	Repealed.	484.65	Family court division; fourth judicial district.
484.14	Repealed.	484.66	District administrator; fourth judicial district.
484.15	Repealed.	484.67	Domestic relations referee; sixth judicial district. [New]
484.16	Repealed.	484.68	District administrator. [New]
484.17	Repealed.	484.69	Chief judge. [New]
484.18	Repealed.	484.70	Referee positions abolished. [New]
484.28	Repealed.		

484.05 [Repealed, 1977 c 432 s 49]

484.08 District courts to be open at all times; terms.

The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays. The terms of the district courts shall be continuous.

[1977 c 432 s 10]

484.09 [Repealed, 1977 c 432 s 49]

484.10 [Repealed, 1977 c 432 s 49]

484.11 [Repealed, 1977 c 432 s 49]

484.12 [Repealed, 1977 c 432 s 49]

484.13 MS 1976 [Repealed, 1977 c 432 s 49]

484.14 MS 1976 [Repealed, 1977 c 432 s 49]

484.15 [Repealed, 1977 c 432 s 49]

484.16 MS 1976 [Repealed, 1977 c 432 s 49]

484.17 MS 1976 [Repealed, 1977 c 432 s 49]

484.18 MS 1976 [Repealed, 1977 c 432 s 49]

484.28 [Repealed, 1977 c 432 s 49]

484.29 [Repealed, 1977 c 432 s 49]

484.34 [Repealed, 1977 c 432 s 49]

484.47 [Repealed, 1977 c 432 s 49]

484.54 Expenses of judges.

Subdivision 1. Except as provided in subdivision 2, judges shall be compensated for travel and subsistence expenses in the same manner and amount as state employees. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; membership dues in the state bar association and affiliated local district associations, and state and local district judges association; and registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the supreme court.

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Subd. 2. A judge shall be paid travel expenses for travel from his place of residence to and from his permanent chambers only for a period of two years after July 1, 1977 or the date he initially assumes office, whichever is later.

Subd. 3. Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose.

[1977 c 432 s 11]

484.62 Compensation and reporter.

When a retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing 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 be paid in addition to his retirement compensation and not affecting the amount thereof, the sum of \$50 per diem for such additional service, together with travel pay in the same amount and manner as other state employees and his actual expenses incurred in the service, 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 clerk may act as bailiff when called to do so for the purposes of this section.

[1977 c 432 s 12]

484.63 Appeal.

Subdivision 1. An aggrieved party may appeal to the district court from a determination of a county court or a county municipal court as provided in section 487.39. The appeal shall be heard by a panel of three judges in the district in which the action was first adjudicated. The judges shall be assigned by the chief judge of the judicial district. Upon request by the chief judge of the judicial district the supreme court may temporarily assign a judge from another district to serve on an appellate panel pursuant to section 2.724, subdivision 1.

Subd. 2. The chief judge of the judicial district may schedule appellate terms for the hearing of appeals from lower courts. He shall give three weeks' written notice of every appellate term to the clerks of the district court in the counties in which the appeals arose.

Subd. 3. Pleading, practice, procedure and forms in appellate actions shall be governed by rules of procedure adopted by the supreme court for appeal from county to district court. On appeal to the district court briefs shall be acceptable if reproduced from a typewritten page by any means which produces a clear black on white copy.

[1977 c 432 s 13]

484.65 Family court division; fourth judicial district.

Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge appointed by the chief judge of the judicial district to serve for a term not exceeding two years. The judge appointed to this office shall be designated as the district court judge, family court division. No judge may be appointed to serve consecutive terms as the district court judge, family court division.

[For text of subds 2 to 5, see M.S.1976]

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the of-

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fice of other judges of the district court. A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred, but may not be appointed to serve as district court judge, family division during the next consecutive term.

[For text of subds 7 to 10, see M.S.1976]

[1977 c 432 s 14,15]

NOTE: Laws 1977, Chapter 432, Section 50, Subdivision 4, reads as follows:

"Subd. 4. On July 1, 1977, a person elected to the office of district court judge, family court division, pursuant to Minnesota Statutes 1976, Section 484.65, Subdivision 1, shall no longer be designated as the district court judge, family court division, but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court."

484.66 District administrator; fourth judicial district.

Subdivision 1. In the county of Hennepin, the district administrator shall assume the statutory duties of the clerk of district court.

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the district administrator, who shall be appointed pursuant to section 484.68.

The district administrator, subject to the approval of a majority of the judges of the district court, and a majority of the judges of the county municipal court in the fourth judicial district, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the clerk of district court.

[1977 c 432 s 16]

484.67 Domestic relations referee; sixth judicial district.

Subdivision 1. The district court judges of the sixth judicial district may appoint a person to act as domestic relations referee for St. Louis county. The referee shall be learned in the law and shall hold office at the pleasure of the judges of the district court.

The compensation of the referee shall be fixed by the board of county commissioners of St. Louis county, upon recommendation of the district court judges of the sixth judicial district. The compensation of the referee shall be subject to the limitations set forth in section 15A.083, subdivision 5, which becomes effective July 1, 1977.

Subd. 2. The duties and powers of the referee shall be as determined by the appointing judges and limited to the following:

(a) Hear and report all matters involving dissolution of marriage, annulment, or separate maintenance, including proceedings for civil contempt for violation of orders issued in the proceedings, and reciprocal enforcement of support actions; and

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

Subd. 3. Upon the conclusion of the hearing in each case, the referee shall transmit for consideration to a district court judge the court file together with his recommended findings and orders in writing. The recommended findings and orders of the referee become the findings and orders of the court when confirmed by the judge. The order of the court shall be proof of confirmation.

Subd. 4. Review of any recommended order or finding of the referee by the

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district court judge may be had by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review shall specify the grounds for review and the specific provisions of the recommended findings or order disputed. The district court judges upon receipt of the notice of review, shall set a time and place for the review hearing.

Subd. 5. The board of county commissioners of St. Louis county shall provide suitable chambers and court room space, clerks, reporters, bailiffs and other personnel to assist the referee, together with necessary library, stationery, and other expenses necessary thereto.

[1977 c 341 s 1]

484.68 District administrator.

Subdivision 1. **Appointment.** By November 1, 1977, the chief judge of the judicial district in each judicial district shall appoint a single district administrator, subject to the approval of the supreme court, with the advice of the judges of the judicial district.

The district administrator shall serve at the pleasure of a majority of the judges of the judicial district.

Subd. 2. **Staff.** The district administrator shall have such deputies, assistants and staff as the judges of the judicial district deem necessary to perform the duties of the office.

Subd. 3. **Duties.** The district administrator shall:

- (a) Assist the chief judge in the performance of his administrative duties;
- (b) Manage the administrative affairs of the courts of the judicial district;
- (c) Supervise the clerks of court and other support personnel, except court reporters, who serve in the courts of the judicial district;
- (d) Comply with the requests of the state court administrator for statistical or other information relating to the courts of the judicial district; and
- (e) Perform any additional duties that are assigned to him by law or by the rules of court.

Subd. 4. **Secretary.** The district administrator shall serve as secretary for meetings of the judges of the judicial district.

Subd. 5. **Budget for office.** The office budget of the district administrator shall be set by the chief judge of the judicial district and apportioned among the counties of the district.

Subd. 6. **Salary.** The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year.

[1977 c 432 s 17]

484.69 Chief judge.

Subdivision 1. **Election; term; removal.** By July 1, 1977, the judges of the district, county, county municipal and probate courts resident in each of the judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief judge and the assistant chief judge shall serve a term of two years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than two consecutive two year terms.

The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the election of the chief judge or the assistant chief judge.

A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, or by a majority of the judges of the judicial district.

Subd. 2. **Limitation.** Every chief judge elected prior to July 1, 1981, shall be a

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judge of the district court. A chief judge elected on or after July 1, 1981 may be a judge of the district, county, county municipal or probate court.

Subd. 3. **Administrative authority.** In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial district. The chief judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of a court is assigned to another court he is vested with the powers of a judge of the court to which he is assigned. A judge may not be assigned to hear matters outside his judicial district pursuant to this subdivision.

Subd. 4. **Semi-annual meetings; judicial conference.** The chief judges shall meet at least semi-annually to consider problems relating to judicial business and administration. After consultation with the judges of their respective districts the chief judges shall prepare in conference and submit to the chief justice of the supreme court a suggested agenda for the judicial conference held pursuant to section 480.18.

Subd. 5. **Judges' meetings.** The chief judge shall convene a conference at least semi-annually of all judges of the judicial district to consider administrative matters and rules of court and to provide advice and counsel to the chief judge.

[1977 c 432 s 45]

484.70 Referee positions abolished.

Notwithstanding any other provision of law, the position of referee in the county municipal and district courts of the state is hereby abolished.

[1977 c 432 s 48]

NOTE: This section is effective July 31, 1978.

CHAPTER 485. CLERKS OF DISTRICT COURT

Sec.		Sec.	
485.01	Appointment; bond; duties.	485.02	Repealed.
485.018	Salary, counties under 75,000 inhabitants.	485.09	Repealed.

485.01 Appointment; bond; duties.

A clerk of the district court for each county within the judicial district shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. The bond, with his oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

[1977 c 347 s 61; 1977 c 432 s 18]

485.018 Salary, counties under 75,000 inhabitants.

[For text of subds 1 and 2, see M.S.1976]

Subd. 2a. **Withholding salary.** Upon certification by the state court administrator that the clerk of district court has failed to perform any of the duties assigned to him by law or by rule of court, the county board shall withhold the salary of the clerk, and shall not pay the salary until receipt of notice from the state court administrator that the clerk has performed the duties assigned to him by law or by rule of court.