

MINNESOTA STATUTES 1979 SUPPLEMENT

487.40 COUNTY COURTS

487.40 Notice to remove.

Subdivision 1. **Interest or bias of judge.** No judge shall sit in any cause if he be interested in its determination, or if he might be excluded for bias from acting therein.

[For text of subd 1a, see M.S.1978]

Subd. 2. **Initial and subsequent disqualification.** (a) Any party or his attorney, to a cause pending in a court, within one day after it is ascertained which judge is to preside at the trial or hearing thereof, or at the hearing of any motion or order to show cause, may make and file with the clerk of the court in which the action is pending and serve on the opposite party a notice to remove. Thereupon, without any further act or proof, the chief judge of the judicial district shall assign any other judge of any court within the district to preside at the trial of the cause or the hearing of the motion or order to show cause, and the cause shall be continued on the calendar, until the assigned judge can be present. In criminal actions the notice to remove shall be made and filed with the clerk by the defendant, or his attorney, not less than two days before the expiration of the time allowed him by law to prepare for trial and in any of the cases the presiding judge shall be incapacitated to try the cause. In criminal cases, the chief judge for the purpose of securing a speedy trial, may in his discretion change the place of trial to another county.

(b) After a litigant has once disqualified a presiding judge as a matter of right under this subdivision, he may disqualify the substitute judge, but only by making an affirmative showing of prejudice. A showing that the judge might be excluded for bias from acting as a juror in the matter constitutes an affirmative showing of prejudice. If a litigant makes an affirmative showing of prejudice against a substitute judge, the chief judge of the judicial district shall assign any other judge of any court within the district to hear the cause.

[1979 c 233 s 16,17]

CHAPTER 488A. MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES

Sec. 488A.01	Establishment; jurisdiction; powers; appeals.	Sec. 488A.18	Establishment; jurisdiction; powers; appeals.
488A.03	Clerks, deputies.	488A.25	Misdemeanor violations bureaus.
488A.08	Misdemeanor violations bureaus.	488A.27	Pleading, practice, procedure, and forms in criminal proceedings.
488A.10	Pleading, practice, procedure, and forms in criminal proceedings.	488A.282	Courts abolished.
488A.113	Courts abolished.		

488A.01 Establishment; jurisdiction; powers; appeals.

[For text of subds 1 to 4a, see M.S.1978]

Subd. 5. **Forcible entry and unlawful detainer or unlawful removal or exclusion.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 566.175, involving land located wholly or in part within Hennepin County and, notwithstanding any provision of subdivision 7 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Hennepin County.

[For text of subds 6 to 14, see M.S.1978]

Subd. 15. **Removal to district court.** Whenever a counterclaim in excess of \$6,000 is asserted, an equitable defense interposed, or it shall otherwise appear that the court is without jurisdiction in a cause pending therein, the fact shall be recorded, and the clerk shall transmit to the clerk of the district court a certified transcript of the record and all papers filed in the case. Thereafter the cause shall proceed to judgment in the district court as if it had there been commenced, and the costs shall abide the event.

[1979 c 56 s 8; 1979 c 95 s 1]

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488A.08

488A.03 Clerks, deputies.

[For text of subs 2 to 10, see M.S.1978]

Subd. 11. **Fees payable to administrator.** (a) The civil fees payable to the administrator for his 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 himself 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 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 clerk of the court 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.

[For text of subs 11a to 13, see M.S.1978]

[1979 c 318 s 2]

488A.08 Misdemeanor violations bureaus.

Subdivision 1. **Establishment.** Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, St. Louis Park, Wayzata, and Crystal and at such additional places as a majority of the judges of the court may establish consistent with Rule 23 of the rules of criminal procedure.

Subd. 2. **Supervision.** The court shall supervise and the clerk of municipal court shall operate the misdemeanor violations bureaus in accordance with Rule 23 of the rules of criminal procedure. Subject to approval by a majority of the judges the clerk shall assign one or more deputy clerks to discharge and perform the duties of the bureaus.

Subd. 3. **Uniform traffic ticket.** The county board of Hennepin County may alter by deletion or addition the uniform traffic ticket, provided in section 169.99, in such manner as it deems advisable for use in Hennepin County.

Subd. 4. **Procedure by person receiving misdemeanor citation.** A person who receives a misdemeanor or petty misdemeanor citation shall proceed as follows:

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(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified in the citation. Payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and a consent to the imposition of a sentence for the violation in the amount of the fine paid. A receipt shall be issued to evidence the payment and the receipt shall be satisfaction for the violation charged in that citation.

(b) When a fine is not paid, the person charged must appear at a bureau within the time specified in the citation, state whether he desires to enter a plea of guilty or not guilty, arrange for a date for arraignment in court and appear in court for arraignment on the date set by the bureau.

[1979 c 233 s 19]

488A.10 Pleading, practice, procedure, and forms in criminal proceedings.

Subdivision 1. **General.** Except as otherwise provided in this chapter 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.

Subd. 2. **Court rules.** A majority of the judges may adopt rules governing pleading, practice, procedure and forms in actions or proceedings, charging 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 this chapter and any other statute of this state.

Subd. 3. [Repealed, 1979 c 233 s 42]

Subd. 4. [Repealed, 1979 c 233 s 42]

Subd. 5. [Repealed, 1979 c 233 s 42]

[For text of subs 6 to 8, see M.S.1978]

Subd. 9. [Repealed, 1979 c 233 s 42]

[For text of subs 10 to 12, see M.S.1978]

[1979 c 233 s 7,8]

488A.113 Courts abolished.

All courts in Hennepin County except district and probate courts are abolished as of January 1, 1965. The municipal court of the city of Minneapolis is merged into the municipal court of the county of Hennepin as hereinafter provided, as of January 1, 1965.

[1979 c 41 s 5]

488A.18 Establishment; jurisdiction; powers; appeals.

[For text of subs 1 to 4, see M.S.1978]

Subd. 6. **Forcible entry and unlawful detainer or unlawful removal or exclusion.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 566.175, involving land located wholly or in part within Ramsey County and, notwithstanding any provision of subdivision 8 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Ramsey County.

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MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES

488A.27

[For text of subds 7 to 14, see M.S.1978]

Subd. 15. **Removal to district court.** Whenever a counterclaim in excess of \$6,000 is asserted, an equitable defense interposed, or it shall otherwise appear that the court is without jurisdiction in a cause pending therein, the fact shall be recorded, and the clerk shall transmit to the clerk of the district court a certified transcript of the record and all papers filed in the case. Thereafter the cause shall proceed to judgment in the district court as if it had there been commenced, and the costs shall abide the event.

[1979 c 56 s 9; 1979 c 95 s 2]

488A.25 Misdemeanor violations bureaus.

Subdivision 1. **Establishment.** Misdemeanor violations bureaus shall be established within those municipalities in which court sessions are conducted and at such additional places as a majority of the judges of the court establish consistent with Rule 23 of the rules of criminal procedure.

Subd. 2. **Supervision.** The court shall supervise and the administrator shall operate the misdemeanor violations bureaus in accordance with Rule 23 of the rules of criminal procedure. The administrator shall assign a sufficient number of employees to staff and operate the bureaus.

Subd. 3. **Administrator.** The administrator shall perform the duties relating to misdemeanor violations bureaus authorized to be performed by the clerk of court pursuant to Rule 23 of the rules of criminal procedure.

[1979 c 233 s 20]

488A.27 Pleading, practice, procedure, and forms in criminal proceedings.

Subdivision 1. **General.** Except as otherwise provided in this chapter but subject to the provisions of section 480.059, pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision or rule shall be governed by the rules of criminal procedure.

Subd. 2. **Court rules.** A majority of the judges may adopt rules governing pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision or rule. The rules shall be consistent with the rules of criminal procedure, the provisions of this chapter and any other statute of this state.

Subd. 3. **Complaints.** Complaints charging violation of a statute, ordinance, charter provision, rule or regulation shall be governed by Rule 2 of the rules of criminal procedure. The administrator or other employees of the court shall perform the duties relating to complaints authorized to be performed by the clerk or deputy clerk of court pursuant to Rule 2 of the rules of criminal procedure.

Subd. 4. **Tab charges.** Tab charges are governed by Rule 4 of the rules of criminal procedure. The administrator shall perform the duties relating to tab charges authorized to be performed by the clerk of court pursuant to Rule 4 of the rules of criminal procedure.

Subd. 5. **Pleas.** Pleas are governed by Rule 14 of the rules of criminal procedure. The administrator shall perform the duties relating to pleas authorized to be performed by the clerk of court pursuant to Rule 14.03 of the rules of criminal procedure.

[For text of subds 6 to 8, see M.S.1978]

Subd. 9. [Repealed, 1979 c 233 s 42]

[For text of subds 10 to 13, see M.S.1978]

[1979 c 233 s 9-13]

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488A.282 MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES

488A.282 Courts abolished.

All courts in Ramsey County, except the supreme, district and probate courts, are abolished as of the effective date of Laws 1973, Chapter 708. The municipal court of the city of Saint Paul is merged into the municipal court of the county of Ramsey as hereinafter provided, as of the effective date of Laws 1973, Chapter 708.

[1979 c 41 s 6]

CHAPTER 490. JUDGES RETIREMENT, JUDICIAL STANDARDS

Sec.		Sec.	
490.108	Transfer of the county and probate court judges survivors' account to the judges retirement fund.	490.12	Half pay.
490.109	Survivor benefit contribution by judges.	490.121	Definitions.
490.1091	Survivor benefits; amount.	490.124	Maturity of benefits; retirement and survivors' annuities.

490.108 Transfer of the county and probate court judges survivors' account to the judges retirement fund.

As of June 1, 1979 the liability for the payment of any retirement benefits to the surviving spouses of deceased county and probate court judges payable and the liability for the retirement benefit coverage provided from and after June 1, 1979 to the spouses of county and probate court judges pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 7 shall be transferred from the county and probate court judges survivors' account established pursuant to Minnesota Statutes 1978, Section 490.12, Subdivisions 7 and 8 to the judges retirement fund established pursuant to Minnesota Statutes, Sections 490.121 to 490.132. On June 1, 1979 the executive director of the Minnesota state retirement system shall transfer the entire assets, including all accounts payable, of the county and probate court judges survivors' account to the judges retirement fund. Any accounts payable on June 1, 1979 shall also be transferred to the judges retirement fund. The judges retirement fund shall be the successor in interest to all claims for and against the county and probate court judges survivors' account. Upon the transfer of the assets of the county and probate court judges survivors' account to the judges retirement fund, the county and probate court judges survivors' account shall cease to exist as a legal entity.

[1979 c 296 s 4]

490.109 Survivor benefit contribution by judges.

From and after June 1, 1979, each judge who is required on June 1, 1979 to make a contribution pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 8 shall continue to be obligated to make an employee contribution for purposes of financing retirement benefits for the prospective surviving spouse of the judge. The employee contribution shall be at the rate of four percent of the salary of the judge and shall be made by salary deduction periodically by the employer. All amounts received under this section shall be paid to the executive director of the Minnesota state retirement system and shall be deposited to the credit of the judges retirement fund.

[1979 c 296 s 3]

490.1091 Survivor benefits; amount.

The amount of the retirement benefit which shall be payable after June 1, 1979 to each surviving spouse of a deceased county or probate court judge receiving a retirement benefit from the county and probate court judges survivors' account on June 1, 1979 and to each surviving spouse of a county or probate court judge who has made contributions to the county and probate court judges survivors' account pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 8 and dies after June 1, 1979 shall be calculated pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 7.

[1979 c 296 s 6]