

CHAPTER 682—H. F. No. 1588

[Coded in Part]

An act relating to municipal courts; fixing the salary of the judge of municipal court of Bemidji.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Municipal court of Bemidji; salary of judge.** The annual salary of the judge of the municipal court of Bemidji is \$5,600, notwithstanding the provisions of Laws 1959, Chapter 691, Section 1, Subdivision 2.

Sec. 2. [482.43] **Bemidji municipal court.** The revisor of statutes in compiling the next edition of the Minnesota Statutes shall substitute the salary fixed in section 1 hereof for the salary specified for such judge in Laws 1959, Chapter 691, Section 1, Subdivision 2.

Approved April 20, 1961.

CHAPTER 683—H. F. No. 1589

[Coded]

An act relating to municipal and justice of the peace courts except municipal courts in cities of the first class; amending Laws 1959, Chapter 660, Section 6, Subdivision 1; Section 10, Subdivision 6; Section 15, Subdivisions 4 and 7 and adding a new subdivision thereto; Section 20; Laws 1959, Chapter 388, Section 1; repealing Laws 1959, Chapter 691, Section 2, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1959, Chapter 660, Section 6, Subdivision 1 is amended to read:

Sec. 6. [488.06] **Judges.** Subdivision 1. If the governing body of the city, village, or borough determines that there be two judges, one shall be designated the municipal judge, the other may be designated the special municipal judge. If a special municipal judge is designated, he acts only in the absence or, disability, or *disqualification* of the municipal judge.

Sec. 2. Laws 1959, Chapter 660, Section 10, Subdivision 6 is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

[488.10] Subd. 6. (a) Except where otherwise specifically provided by law, or any ordinance, charter provision, rule or regulation of a city, village, or borough in which the court is situated or of any other city, village, or borough in the county of the court's jurisdiction, all fees, fines, and costs collected by the municipal court, or the clerk thereof, shall be paid to the treasurer of the city, village, or borough in which the court is situated and credited to the general fund;

(b) On or before the tenth day of each month, the clerk shall file with the treasurer a verified report showing:

(1) The names of all persons convicted during the preceding month, and the nature of the offense;

(2) The fine or other punishment imposed;

(3) *The amount paid by cash, and the amount of cash deposited in lieu of bail, since his last report;*

(4) The total amount of money received from all sources during the same period;

(5) The names of all persons discharged from jail by order of the court.

(c) The clerk shall receive all fines, deposits, penalties, and other moneys paid into court and keep detailed accounts thereof;

(d) Upon filing the reports required by this subdivision, he shall pay to the treasurer of the city, village, or borough, in which the court is situated, all sums in his hands to which the treasurer is entitled; he shall pay all other moneys to the other public officers entitled thereto; and he shall inform the treasurer of all moneys remaining in his hands pursuant to law or court order;

(e) The clerk shall pay such fees and mileage to witnesses as may be ordered by the judge in any action or proceeding involving a charged violation of a criminal law or municipal ordinance. The clerk shall obtain receipts therefor as vouchers for the sums paid and shall deduct these payments from the amounts otherwise due the officers to whom the clerk is required to pay fees, costs, and fines. If the clerk is without funds to make the payments required by this paragraph, the *jurors and witnesses shall be paid, upon certification by the clerk, by the county or the city, village, or borough whose municipal ordinance, charter provision, rule*

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or regulation is involved in the proceeding, and in all other cases by the city, village, or borough in which the court is situated, which would be entitled to all or any part of the fines, fees, and costs. No witness fees or compensation or mileage for jurors under this paragraph shall be paid in advance. No public officer or employee shall be paid any witness fees when he is called upon to testify in a matter resulting from his public employment.

Sec. 3. Laws 1959, Chapter 660, Section 15, Subdivision 4 is amended to read:

[488.15] Subd. 4. Petit jurors shall be drawn from the list of persons properly qualified as certified. *Upon receipt of such a list or supplemental list the clerk or, if there is no clerk, the municipal judge or senior judge shall write each name appearing on such list on a separate slip of paper. Each slip shall be folded as nearly as possible in the same manner, so that the name is not visible, and all the slips shall then be deposited in a box. Whenever the judge or judges determine that petit jurors are needed for the business of the court, the clerk, in the presence of one or more of the judges and one of the court officers, or if there is no clerk, the judge or senior judge in the presence of one of the court officers, shall draw from the box the names of as many persons as the judge or judges may determine to serve as such jurors. The clerk of municipal court or, if there is no clerk, the judge shall forthwith issue a venire for the jurors drawn which shall be returnable to one or more of the court officers commanding him or them to summon said persons to jury duty on such dates and hours as the judge or judges direct. The summons shall be served forthwith and service may be made by registered or certified mail to the last known address of the person, or by personal service, or by leaving it with a person of suitable age residing at the residence of the person to be summoned. The officer making the service shall return the venire to the court before the opening thereof, specifying who was summoned and the manner in which each was notified. No person shall be drawn as a juror more than once in two years, nor shall any juror be required to serve more than 15 days and until completion of the case on which he is sitting.*

Sec. 4. Laws 1959, Chapter 660, Section 15 is amended by adding a new subdivision to read:

[488.15] [Subd. 9.] *The names of the persons summoned as provided in subdivision 4 shall be written on*

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separate slips of paper and placed in a box by the clerk, or, if there is no clerk, by the judge or senior judge. When a jury is to be selected for the trial of any case, the clerk, or, if there is no clerk, the presiding judge shall draw from the box the names of as many persons as the judge may determine, who shall be examined as to their qualifications to sit as jurors. If any such persons are excused or challenged, the names of other persons may be drawn in their place until there are a sufficient number of jurors qualified to sit.

Sec. 5. Laws 1959, Chapter 660, Section 15, Subdivision 7 is amended to read:

[488.15] Subd. 7. *In civil actions jurors shall be paid by the city, village, or borough in which the court is situated the same compensation and mileage as prescribed by law for the jurors of the district court. The clerk of municipal court shall deliver to each juror a certificate showing the number of days of service and the mileage for which he is entitled to receive compensation. This certificate shall be filed with the clerk of the city, village, or borough in which the court is situated and the amount due shall be paid from the treasury of such city, village, or borough. The certificate is a proper and sufficient voucher for the issuance of a warrant. Any juror regularly summoned who actually attends at the time named in such summons is entitled to per diem and mileage whether or not sworn as a juror.*

Sec. 6. Laws 1959, Chapter 660, Section 20 is amended to read:

Sec. 20. [488.20] **Appeals to district court.** Appeals may be taken to the district court of the county from the judgments of municipal courts in the same cases, upon the same procedure, and with the same effect as provided by law respecting appeals from justice courts, and all laws relating to such last named appeals shall be adapted and applied to appeals from the municipal courts. The time for appeal shall not start to run until the judgment has been perfected, the costs taxed, and notice of entry of judgment served upon the adverse party. *On appeal to district court the appellant shall not be entitled to a trial by jury if trial by jury was held in municipal court.*

Sec. 7. Laws 1959, Chapter 388, Section 1, Subdivision 1 is amended to read:

Changes or additions indicated by italics, deletions by strikeout.

Section 1. Subdivision 1. [484.63] **Appeal, jury trial on appeal.** Any person convicted of a violation of a municipal ordinance in any court may appeal from the conviction to the district court in the same manner and with the same effect as provided by Minnesota Statutes 1957, Chapter 633, except that the appellant shall have the right to a jury trial *if he was not tried by jury in the municipal court.*

Sec. 8. *Laws 1959, Chapter 691, Section 2, Subdivision 2 is repealed.*

Sec. 9. *This act becomes effective July 1, 1961.*

Approved April 20, 1961.

CHAPTER 684—H. F. No. 1591

[Coded in Part]

An act relating to municipal courts fixing the salary of the judge of the municipal court of Cass lake.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Municipal court of Cass lake; salary of judge.** The annual salary of the judge of the municipal court of Cass Lake is \$1800, notwithstanding the provisions of Laws of 1959, Chapter 691, Section 1, Subdivision 2.

Sec. 2. [482.44] **Cass lake municipal court.** The revisor of statutes in compiling the next edition of the Minnesota Statutes shall substitute the salary fixed in Section 1 hereof for the salary specified for such judge in Laws 1959, Chapter 691, Section 1, Subdivision 2.

Approved April 20, 1961.

CHAPTER 685—H. F. No. 1594

[Not Coded]

An act authorizing the town of Nichols in St. Louis county to accept, own, purchase, construct, and operate public water and sewer systems and to issue bonds for water and sewer purposes pledging therefor the revenues of both or either such systems.

Changes or additions indicated by italics, deletions by ~~strikeout~~.