

CHAPTER 488A

MUNICIPAL COURTS; HENNEPIN AND
RAMSEY COUNTIES

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488A.08 MISDEMEANOR VIOLATIONS BUREAUS.

Subdivision 1. **Establishment.** Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, and at any other northern and western suburban locations dispersed throughout the county as may be designated by a majority of the judges of the court.

[For text of subds 2 to 4, see M.S.1980]

History: 1981 c 235 s 1

488A.115 EMPLOYEES OF THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS.

Except as otherwise provided in Laws 1963, Chapter 877, the judges and employees of the municipal court of the city of Minneapolis, including court reporters and the employees in the probation office, on December 31, 1964, shall become employees of the municipal court of Hennepin county in the same positions for the same terms and at the same salaries.

History: 1981 c 224 s 217

488A.13 JUDGES; CLERKS; REPORTERS; SALARIES; QUARTERS.

Subdivision 1. **Judges of municipal court serve as judges; referees for conciliation court.** (a) The judges of the municipal court of the county of Hennepin shall serve as judges of the conciliation court for the periods and rotation as they determine. While serving they shall act and be known as conciliation judges.

(b) The municipal judge who conducts the conciliation court hearing shall act upon all applications to vacate a judgment or an order for judgment and sign the certificate upon a removed cause. However, any other municipal judge may act upon an application or sign a certificate in the event that the judge who conducted the hearing has not previously denied the application promptly or signed the certificate due to expiration of his term, death, disability, absence from the courthouse or any other cause.

(c) A majority of the judges of municipal court may appoint one or more suitable persons to act as referees in conciliation court. A majority of the judges of municipal court shall establish qualifications for the office, specify the duties and length of service of referees, and fix their compensation not to exceed an amount per day determined by the board of county commissioners.

[For text of subds 2 to 5, see M.S.1980]

History: 1981 c 235 s 2

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488A.20 ADMINISTRATOR; OTHER EMPLOYEES.

[For text of subs 1 to 3, see M.S.1980]

Subd. 4. **Disposition of fines, fees and other moneys; accounts.** (a) Except as otherwise provided herein and except as otherwise provided by law, the administrator shall pay to the Ramsey county treasurer all fines and penalties collected by him, all fees collected by him for services of himself, all sums forfeited to the court as hereinafter provided, and all other moneys received by the administrator.

(b) The administrator of court shall for each fine or penalty, provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed and the total amount of the fines or penalties collected for each such municipality or other subdivision of government.

(c) The state of Minnesota and any governmental subdivision within the jurisdictional area of the municipal court herein established may present cases for hearing before said municipal court. 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 Ramsey county, all fines, penalties and forfeitures collected shall be paid over to the county treasurer except where a different disposition is provided by law, and the following fees shall be taxed to the state or governmental subdivision other than a city or town within Ramsey County which would be entitled to payment of the fines, forfeitures or penalties in any case, and shall be paid to the administrator of the court for disposing of the matter. The administrator shall deduct the fees from any fine collected for the state of Minnesota or a governmental subdivision other than a city or town within Ramsey County and transmit the balance in accordance with the law, and the deduction of the total of the fees each month from the total of all the fines collected is hereby expressly made an appropriation of funds for payment of the fees:

(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 a 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) The court shall have the authority to waive the collection of fees in any particular case.

(d) At the beginning of the first day of any month, the amount in the hands of the administrator which is owing to any municipality or county shall not exceed \$5,000.

(e) On or before the last day of each month, the county treasurer shall pay over to the treasurer of each municipality or subdivision of government in Ramsey county one-half of all fines or penalties collected during the previous month from those imposed for offenses committed within such municipality or subdivision of government in violation of a statute, an ordinance, charter provision, rule or regulation of a city. All other fines and forfeitures and all fees and costs collected by the county municipal court shall be paid to the treasurer of Ramsey county who shall dispense the same as provided by law.

(f) Amounts represented by checks issued by the administrator or received by the administrator which have not cleared by the end of the month may be shown

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on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(g) The administrator may receive negotiable instruments in payment of fines, penalties, fees, or other obligations as conditional payments, and is not held accountable therefor but if collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

[For text of subds 5 to 7, see M.S.1980]

History: 1981 c 301 s 7

488A.23 FEES PAYABLE TO THE ADMINISTRATOR.

[For text of subds 1 and 5, see M.S.1980]

Subd. 6. **Exemptions from fees; no trial fees.** No filing fees, trial fees or fees for other services are payable by the county.

History: 1981 c 301 s 8

488A.285 TRANSFER OF EMPLOYEES.

Subdivision 1. Notwithstanding any other provision of law to the contrary, and except as may otherwise be provided in Laws 1973, Chapter 708, all employees of the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul on January 1, 1975 shall become the employees of the municipal court of Ramsey county, and the salary of any employees shall not be reduced by virtue of Laws 1974, Chapter 397.

Subd. 2. Any person employed by the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul on January 1, 1975 shall be entitled to and be given credit for all benefits heretofore accrued to the person as an employee of a municipal court.

History: 1981 c 224 s 218

488A.30 JUDGES; ADMINISTRATOR; SALARIES; QUARTERS.

Subdivision 1. **Judges.** (a) The judges of the municipal court shall serve as judges of the conciliation court for such periods and in such rotation as the judges may determine. While so serving they shall act and be known as conciliation judges.

(b) The municipal judge who conducts the conciliation court hearing shall act upon any applications to vacate a judgment or an order for judgment whatever the grounds may be and shall sign the certificate upon a removed cause, but any other municipal judge may act upon such an application or sign such a certificate in the event that the judge who conducted the hearing has not previously denied the application and cannot act upon the application promptly or sign the certificate due to expiration of his term, death, disability, absence from the courthouse or any other cause.

(c) A majority of the judges of the municipal court may appoint attorneys to act as referees in conciliation court. A majority of the judges of the municipal court shall establish qualifications for the office, specify the duties and length of service of such referees. The board of Ramsey county commissioners is authorized to fix the compensation of such referees. The compensation shall not exceed \$75 per day or any part thereof. This compensation is payable out of the county treasury at the same time and in the same manner as salaries of the judges of conciliation court.

[For text of subds 2 to 4, see M.S.1980]

History: 1981 c 301 s 9

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488A.31 COMMENCEMENT OF ACTION.

Subdivision 1. **Filing fee.** An action is commenced against each defendant when the complaint is filed with the administrator of conciliation court and a filing fee set by the board of Ramsey County commissioners is paid to the administrator or the prescribed affidavit in lieu of filing fee is filed. No filing fee is payable by the county.

[For text of subs 2 to 4, see M.S.1980]

Subd. 5. **Counterclaim.** (a) The defendant may interpose as a counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the administrator a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant, his attorney or agent, and paying the filing fee set by the board of Ramsey County commissioners to the administrator. The administrator shall draw up the counterclaim on request. No filing fee is payable by the county.

(c) The administrator shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge, in his discretion, may require the payment of absolute or conditional costs up to \$50 by the defendant to the plaintiff as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim which exceeds the jurisdiction of the court and the defendant files an affidavit by himself, his attorney or agent with the administrator not less than five days before the date set for court hearing showing that he has filed with the administrator of a specified other court of competent jurisdiction a complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the administrator shall strike the action from the calendar and so advise the plaintiff by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally determined, the administrator shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter-affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the administrator or any judge. Prior to the expiration of this three year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

[For text of subd 6, see M.S.1980]

History: 1981 c 301 s 10,11

488A.33 NOTICE OF ORDER FOR JUDGMENT; ENTRY OF JUDGMENT; COSTS AND DISBURSEMENTS; PAYMENT; VACATING; DOCKETING.

[For text of subs 1 to 4, see M.S.1980]

Subd. 5. **Vacation of order for judgment within 20 days.** When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within 20 days after notice thereof was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of his failure to appear. Absolute or conditional costs not exceeding \$50 to the other party may be ordered as a prerequisite to that relief. The administrator shall notify the other party by mail of the new hearing date.

[For text of subs 6 and 7, see M.S.1980]

Subd. 8. **Vacation of judgment after 20 days.** When a defendant shows that he did not receive a summons before the hearing within sufficient time to permit a defense and that he did not receive notice of the order for default judgment within sufficient time to permit him to make application for relief within 20 days or shows other good cause, a judge may vacate a default judgment after notice to the plaintiff and grant a new hearing on the merits with or without payment of absolute or conditional costs. The administrator shall notify the parties by mail of the new hearing date.

History: 1981 c 301 s 12,13

488A.34 REMOVAL OF CAUSE TO MUNICIPAL COURT.

[For text of subd 1, see M.S.1980]

Subd. 2. **Procedure for removal of cause.** No cause shall be so removed unless all the following acts are performed by the aggrieved party within 20 days after the date the administrator mailed to him notice of the order for judgment:

(a) Serve on the opposing party or his attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) File with the administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand be made within the 20 day period, the aggrieved party may file with the administrator within the 20 day period the original and a copy of the demand, together with an affidavit by himself or his attorney showing that due and diligent search has been made and that the opposing party or his attorney cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the administrator shall mail the copy of the demand to the opposing party at his last known address.

(c) File with the administrator of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay to the administrator of conciliation court the fee set by the board of Ramsey County commissioners when the demand is for trial by court, plus \$6 additional when the demand is for trial by a jury of six. The above fee is not payable by the county.

[For text of subs 3 to 12, see M.S.1980]

History: 1981 c 301 s 14