

the validity or amount of any special assessment made pursuant to chapters 429, 430, any special law or city charter.

Sec. 2. Minnesota Statutes 1976, Section 429.081, is amended to read:

429.081 **APPEAL TO DISTRICT COURT.** Within ~~20~~ 30 days after the adoption of the assessment, any person aggrieved may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the clerk of the district court within ten days after its service. The municipal clerk shall furnish appellant a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. The court shall either affirm the assessment or set it aside and order a reassessment as provided in section 429.071, subdivision 2. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to the assessment shall be deemed waived unless presented on such appeal. This section provides the exclusive method of appeal from a special assessment levied pursuant to this chapter.

Sec. 3. This act is effective the day following its final enactment but shall not apply to any appeal filed prior to that date.

Approved April 5, 1978.

CHAPTER 750-H.F.No.1734

[Coded in Part]

An act relating to court referees; permitting the appointment of law clerks; providing for certain referees and judicial officers; prescribing and limiting their duties; providing for the rotation of the duties of juvenile court judge in Hennepin and Ramsey counties; requiring the supreme court to submit recommendations; amending Minnesota Statutes 1976, Sections 484.545, Subdivision 1; 508.13; and 508.20; and Minnesota Statutes, 1977 Supplement, Sections 484.70; and 487.08; repealing Minnesota Statutes 1976, Section 260.021, Subdivisions 1, 2, and 3.

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

Section 1. Minnesota Statutes 1976, Section 484.545, Subdivision 1, is amended to read:

484.545 **LAW CLERKS.** Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second and fourth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every ~~three~~ two district court judges and ~~additional fraction of three judges~~ of the judicial district. In addition, the Dakota county board of

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commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 484.70, is amended to read:

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. Subdivision 1. Persons holding the office of referee full time on June 30, 1977, in the second, fourth and sixth judicial districts may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family or juvenile court.

Subd. 2. No referee sitting in family court may hear any final trial involving a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court may, by rule, specify the time within which the objection must be filed.

Subd. 3. No referee sitting in juvenile court may hear a contested trial on any petition, or any motion made pursuant to section 260.125.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 487.08, is amended to read:

487.08 JUDICIAL OFFICERS; OFFICE ABOLISHED. Subdivision 1. The office of judicial officer is abolished.

Subd. 2. Persons holding the office of judicial officer full time or part time on January 1, 1978, in St. Louis county and full time on January 1, 1978, in Steele county may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. One full time judicial officer may be appointed in Carlton county.

Subd. 3. The persons holding the office of judicial officer in Nobles and Rock, Brown, Nicollet, Morrison, Goodhue, Wabasha, Scott, and Polk counties on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointments.

Subd. 4. The person holding the office of judicial officer in Beltrami county on January 1, 1978 may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of his appointment until December 31, 1981, or until a judge learned in the law assumes office in the Clearwater county court, whichever occurs sooner. The person holding the office of judicial officer in LeSueur county on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of his appointment until May 31, 1983, or until a judge learned in the law assumes office in the LeSueur county court, whichever occurs sooner.

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Subd. 5. All judicial officers are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3. They shall be learned in the law, and shall hear and try matters as assigned to them by the chief judge. Their salary shall be fixed by the chief judge, with the approval of the county board or boards of the counties in which they hold office, and shall be paid by the county or counties.

Sec. 4. Minnesota Statutes 1976, Section 508.13, is amended to read:

508.13 REFERENCES TO EXAMINERS; POWERS; REPORTS. Immediately after the filing of the abstract of title, the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine into the title of the land described in the application, and into the truth of all matters set forth therein. He shall ascertain whether or not the land is occupied, and, if occupied, he shall ascertain the nature thereof, and by what right the occupation is held. He shall also ascertain whether or not any judgments exist which may be a lien upon the land. He shall search all public records, and fully investigate all facts pertaining to the title which may be brought to his notice, and shall file in the case a full report thereof, together with his opinion upon the title. The court shall not be bound by any report of the examiner of titles, but may require further or other proof. An examiner of titles shall have full power to administer oaths and examine witnesses concerning any matter involved in his investigation of titles. ~~In such matters he shall possess the same authority as is vested by law in referees appointed by the district court.~~ When, in the opinion of the examiner, the state has any interest in, or lien upon, the land, he shall state the nature and character thereof in his report, and in such cases, the state shall be joined as a party, and named in the summons as a party thereto, in order that its interest, estate or lien may be defined and preserved. The clerk shall give notice to the applicant of the filing of such report. If the report of the examiner is adverse to the applicant, he shall have a reasonable time in which to proceed further, or to withdraw his application. This election shall be made in writing and filed with the clerk. Examiners shall, upon the request of the registrar, advise him upon any act or duty pertaining to the conduct of his office, or prepare the form of any memorial to be made or entered by the registrar.

In all cases where under the provisions of this chapter application is made to the court for any order or decree, the court may refer the matter to the examiner of titles for hearing and report in like manner as herein provided for the reference of the initial application for registration.

Sec. 5. Minnesota Statutes 1976, Section 508.20, is amended to read:

508.20 TRIAL; REFERENCE. When an answer is filed, the case shall be tried by the court in like manner as an ordinary civil action. The court may refer the case, or any part thereof, to one of the examiners; ~~as referee;~~ to hear the parties and their evidence, and make report thereon to the court. ~~Any report of an examiner shall have the same weight as that of a referee appointed by the district court.~~ After the filing of such the report, the court may order such other or further hearing of the cause before the court, or before the examiner, and may require such other or further proof by any of the parties to the cause as it shall deem proper.

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Sec. 6. **VACANCIES.** No vacancy in the office of referee or judicial officer shall be filled, nor new office created, except as specified in section 487.08, subdivision 2. If the chief justice determines, after investigation by the state court administrator, that the judicial personnel of the district are working at maximum capacity and that the work of the district cannot be accomplished with present judicial personnel, including those temporarily transferred from other judicial districts pursuant to section 2.724, a temporary referee or judicial officer may be appointed by the chief judge of the district for a period that shall terminate no later than July 31, 1981.

Sec. 7. **[260.019] JUVENILE COURT; HENNEPIN AND RAMSEY COUNTIES.** Subdivision 1. In Hennepin and Ramsey counties, the district court is the juvenile court.

Subd. 2. In each county, the chief judge of the district shall designate one or more judges to hear cases arising under sections 260.011 to 260.301.

Subd. 3. The chief judge shall not designate any judge to hear cases arising under sections 260.011 to 260.301 as his principal or exclusive assignment for more than three years out of any six year period.

Subd. 4. The incumbent "District Court Judge, Juvenile Court Division" in Hennepin county is a judge of district court subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3.

Sec. 8. **SUPREME COURT; LEGISLATIVE REPORT.** The supreme court, or an agency designated by it, shall study and review the following issues, and report its findings and recommendations to the legislature on or before October 1, 1980: whether the office of referee or judicial officer should be retained or abolished; whether, if it is recommended that referees and judicial officers be retained, their powers and duties should be modified; whether, in the event that some or all of the existing offices of referee and judicial officer are recommended for abolition, new judgeships should be created and in which districts; whether a consolidated family division should be created in the district or county municipal court of Hennepin and Ramsey counties, and what categories of cases should be assigned thereto; and any other issues the court deems relevant to the function of the office of referee and judicial officer in the state court system.

Sec. 9. **REPEALER.** Minnesota Statutes 1976, Section 260.021, Subdivisions 1, 2, and 3, are repealed.

Sec. 10. **EFFECTIVE DATE.** This act is effective July 31, 1978.

Approved April 5, 1978.

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