

organization or institution, not for profit, may take fish by angling in such waters or other adjacent waters without procuring a license, provided the organization or institution conducting the camp shall have a certificate from the commissioner that the camp is qualified hereunder, describing the waters affected as determined by the commissioner, and each such nonresident shall carry with him at all times while taking or attempting to take fish by angling in such waters a certificate identifying him and describing the waters, in such form as the commissioner shall prescribe, signed and dated by the officer or agent of the organization or institution in charge of the camp within the current calendar year.

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 98.47, Subdivision 8, is amended to read:

Subd. 8. A license to take fish by angling or spearing shall be issued to any citizen of Minnesota who is a recipient of supplemental security income for the aged, blind, and disabled, without charge.

Sec. 4. This act is effective the day following its final enactment.

Approved April 5, 1974.

CHAPTER 394—S.F.No.2918

An act relating to courts; civil procedure; eliminating certain statutory provisions which conflict with the rules of civil appellate procedure and the rules of civil procedure for the district courts; amending Minnesota Statutes 1971, Sections 50.12; 357.021, Subdivision 2; 357.08; 365.40; 373.07; 485.02; 540.12; 544.15; 546.25; and 546.33; repealing Minnesota Statutes 1971, Sections 540.01; 540.02; 540.04; 540.06; 540.10; 540.16; 541.12; 543.01 to 543.07; 543.09 to 543.18; 544.01 to 544.04; 544.05 to 544.14; 544.16 to 544.20; 544.23 to 544.35; 546.01 to 546.06; 546.095; 546.14; 546.20; 546.21; 546.26; 546.29; 546.30; 546.34; 546.36; 546.38 to 546.41; 548.01 to 548.03; 549.10; 557.04; 576.02; 595.03; 595.05; and Chapters 545; 547; 585; 587; 596; 597; 598; 603; 605; and 607.

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

Section 1. Minnesota Statutes 1971, Section 50.12, is amended to read:

50.12 COURTS; RULES OF CIVIL PROCEDURE; CONFLICTS WITH STATUTES; ACTION FOR DEPOSITS; LIMITATIONS. ~~When, in any action against a savings bank to recover money deposited therein, this money is claimed by any person not a party to the action, the court, on application of the bank, upon eight days' notice to the plaintiff and the claimant, may order that the claimant be made a party defendant, and thereupon the court shall hear and determine the rights of~~

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~~the several parties to this money, which may remain on deposit at interest during the pendency of the action or be paid into court by the bank. If paid into court, the bank may be stricken from the record as a party.~~ The statutes limiting the time for the commencement of actions shall have no application to actions brought by depositors, their representatives, or assigns against savings banks for deposits therein.

Sec. 2. Minnesota Statutes 1971, Section 357.021, Subdivision 2, is amended to read:

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$15.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$10.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$3.50 and \$2.50 for an uncertified copy.

(3) Issuing a subpoena 50 cents for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$3.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$4.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$3.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists,

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\$5.

~~(9)~~ (9) Filing and entering notice of appeal and bond and making return on appeal to supreme court, \$25, as provided by section 605.03.

~~(10)~~ (9) For the filing of each partial, final, or annual account in all trusteeships, \$5.

~~(11)~~ (10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 3. Minnesota Statutes 1971, Section 357.08, is amended to read:

357.08 PAID BY APPELLANT IN APPEAL TO SUPREME COURT. In lieu of all charges now provided by law as fees of the clerk of the supreme court, there shall be paid by the appellant, or moving party or person requiring the service, ~~the following amounts:~~

~~(1)~~ (1) in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of \$20 ; ~~and~~

~~(2)~~ (2) In all special proceedings, applications and motions, other than in causes pending in the court where the filing fee therefor has been paid, the sum of \$4; for the issuance of certificates to attorneys at law admitted to practice in this state, the sum of \$2; for a certified or authenticated copy of any record, proceeding, or paper, on file or of record in the office of the clerk, at the rate of ten cents per folio, or fraction thereof, and 50 cents for each certificate, except where copies are furnished for certification by the person requiring the same, in which case the charge shall be at the rate of four cents per folio for comparing and 50 cents for each certificate; and for services required by law or rules of court not herein provided for, such sum as shall be fixed by rule of the court .

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment therefor shall have been made, and when made he shall pay such sum into the state treasury as provided for by section 15A.01.

The charges provided for herein shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or so furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 4. Minnesota Statutes 1971, Section 365.40, is amended to read:

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365.40 ACTIONS, IN WHAT NAME. In all actions or proceedings the town shall sue and be sued in its name, except where town officers are authorized to sue in their official names for its benefit. In every action against a town, process and papers shall be served on the chairman of the town board or ~~in his absence,~~ on the town clerk; and such chairman shall attend to the defense of the action, and lay before the voters at the first town meeting a full statement of the facts relating thereto for their direction in defending the same.

Sec. 5. Minnesota Statutes 1971, Section 373.07, is amended to read:

373.07 SUITS AGAINST COUNTIES; SERVICE; JURORS. Service of summons or other original process in actions against a county shall be made upon the chairman ~~or clerk~~ of the board or upon the county auditor, either during a session of the board, or within ten days before the day appointed for one. The person served shall forthwith notify the county attorney of such service and lay before the board at its next regular meeting all the information he may have regarding such action. In actions where the county is a party, its inhabitants, if otherwise qualified, may be jurors.

Sec. 6. Minnesota Statutes 1971, Section 485.02, is amended to read:

485.02 MONEY PAID INTO COURT; FEES. ~~Where money is paid into court to abide the result of any legal proceedings, the judge, by order, may cause the same to be deposited in some duly incorporated bank, to be designated by him, or such judge, on application of any person paying such money into court, may require the clerk to give an additional bond, with like condition as the bond provided for in section 485.01, in such sum as the judge shall order. For receiving and paying over any money deposited with him, the clerk shall be entitled to a commission of one percent on the amount deposited, one-half of such commission for receiving, the other for paying, the same to be paid by the party depositing such money; provided, that where the money is paid or deposited in any court by or for a city of the first class or the state of Minnesota, no fee or commission shall be paid to or for the clerk for any service performed by him in receiving or paying over any such money deposited with him.~~

Sec. 7. Minnesota Statutes 1971, Section 540.12, is amended to read:

540.12 ACTION NOT TO ABATE BY DEATH; TORTS. No action shall abate by reason of the death or disability of a party, or the transfer of his interest, if the cause of action continues or survives. ~~In such cases the court, on motion, may substitute the representative or successor in interest, or, in cases of transfer of interest, may allow the action to proceed in the name of the original party.~~ After a verdict, decision, or report of a referee, fixing the amount of damages for a wrong,

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such action shall not abate by the death of any party thereto.

Sec. 8. Minnesota Statutes 1971, Section 544.15, is amended to read:

544.15 SUBSCRIPTION AND VERIFICATION. Every pleading in a court of record shall be subscribed by the party or his attorney, and may be verified in the manner following:

(1) By the affidavit of the party, or of one or more of the parties pleading together, that the affiant knows the contents of the pleading, that the averments thereof are true of his own knowledge, save as to such as are therein stated on information and belief, and that as to those he believes them to be true;

(2) If the party be a corporation, the affidavit may be made by any officer thereof having knowledge of the facts sworn to; if the state, or any officer thereof acting in its behalf, by the attorney general;

(3) If no party or officer acquainted with the facts and capable of making such affidavit be within the county where the attorney resides, the pleading may be verified by the attorney or agent of the party, stating the fact of such absence and that the pleading is true to the best of his knowledge and belief.

~~When any pleading is so verified, all subsequent pleadings in the case, except demurrers, shall be verified also. The verification may be omitted when an admission of the truth of the allegation might subject the party to prosecution for felony.~~

Sec. 9. Minnesota Statutes 1971, Section 546.25, is amended to read:

546.25 ENTRIES ON RECEIVING VERDICT; RESERVING CASE. Upon receiving the verdict an entry shall be made in the minutes, specifying the time and place of trial, the names of the jurors and witnesses, the verdict, and any order of the court made in reference to the case. The court may reserve the case for argument and further consideration ; ~~or in its discretion and upon the proper terms, may stay the entry of judgment and further proceedings under the verdict until the hearing and determination of a motion for a new trial; in arrest of judgment; for judgment notwithstanding the verdict, to set the verdict aside or to dismiss the action .~~

Sec. 10. Minnesota Statutes 1971, Section 546.33, is amended to read:

546.33 TRIAL BY REFEREES; FEES PAID BY THE COUNTY. ~~By consent of the parties to any civil action or proceeding, the court may appoint one or more referees, not exceeding three in number:~~

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(1) To try any or all of the issues therein, whether of law or of fact, except in an action for divorce, and to report judgment thereon;

(2) To ascertain and report any fact involved therein;

(3) To take and report the evidence therein.

When, in ~~such cases~~ a trial by referee the court shall state in the order of appointment that the reference is made necessary by press of business, the fees of the referee, as taxed and allowed by the court, shall be paid out of the county treasury, as the salaries of county officers are paid.

Sec. 11. **REPEALER.** Minnesota Statutes 1971, Sections 545.01; 545.02; 545.03; 546.01; 546.02; 546.03; 546.05; 546.06; 546.095; 546.14; 546.21; 546.30; 547.01; 547.02; 547.023; 547.03; 547.04; 547.05; 547.06; 585.01; 585.02; 585.03; 585.04; 587.01; 587.02; 587.03; 587.04; 587.05; 595.05; 596.01; 596.02; 596.03; 596.04; 596.05; 597.01; 597.02; 597.03; 597.04; 597.05; 597.06; 597.07; 597.08; 597.09; 597.10; 597.11; 597.12; 597.13; 597.14; 597.15; 597.16; 597.17; 597.18; 598.01; 598.02; 598.03; 598.04; 598.05; 598.06; 598.07; 598.08; 598.09; 598.10; 598.11; 598.12; 603.01; 605.001; 605.01; 605.02; 605.03; 605.045; 605.05; 605.065; 605.07; 605.08; 605.09; 605.10; 605.115; 605.14; 605.16; 605.17; 605.18; 605.19; 605.20; 605.21; 605.225; 607.01; and 607.02; are repealed.

Sec. 12. **REPEALER.** Minnesota Statutes 1971, Sections 540.01; 540.02; 540.04; 540.06; 540.10; 540.16; 541.12; 543.01; 543.02; 543.03; 543.04; 543.05; 543.06; 543.07; 543.09; 543.10; 543.11; 543.12; 543.13; 543.14; 543.15; 543.16; 543.17; 543.18; 544.01; 544.02; 544.03; 544.04; 544.05; 544.06; 544.07; 544.08; 544.09; 544.10; 544.11; 544.12; 544.13; 544.14; 544.16; 544.17; 544.18; 544.19; 544.20; 544.23; 544.24; 544.25; 544.26; 544.27; 544.28; 544.29; 544.30; 544.31; 544.32; 544.33; 544.34; 544.35; 546.04; 546.20; 546.26; 546.29; 546.34; 546.36; 546.38; 546.39; 546.40; 546.41; 548.01; 548.02; 548.03; 549.10; 557.04; 576.02; and 595.03, as the text of these sections appear in the 1949 compilation of Minnesota Statutes, are repealed.

Approved April 9, 1974.

CHAPTER 395—S.F.No.2957
[Not Coded]

An act relating to Ramsey county; providing for a park and open space system and recreational program; conferring power on the Ramsey county board to acquire land and personal property, to provide by regulation and ordinance for the governance of park, open space and recreational areas and to provide penalties for violation thereof, to preserve the natural drainage within the county, to make appropriations, levy taxes, borrow money and issue bonds therefor, and to expend

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