

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

[471.84] **Section 1. Villages or towns, appropriation to private cemeteries.** The governing body of any village or town may, in its discretion, appropriate a sum not to exceed \$1500 per annum to any privately owned cemetery located within or without its boundaries if the cemetery is used for the burial of the dead of the village or town without restriction.

Approved March 24, 1951.

CHAPTER 122—H. F. No. 647

[Coded as Sections 518.41 to 518.53]

An act concerning the extension and reciprocal enforcement of duties of support.

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

[518.41] **Section 1. Duties of support, reciprocal enforcement.** The purpose of this act is to provide for the extension and reciprocal enforcement of duties of support.

[518.42] **Sec. 2. Definitions. Subdivision 1. Terms.** For the purposes of this act, unless the context otherwise requires, the terms defined in this section have the meanings ascribed to them.

Subd. 2. State. "State" includes a state, territory, or possession of the United States, and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

Subd. 3. Initiating state. "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

Subd. 4. Responding state. "Responding state" means a state in which a proceeding pursuant to a proceeding in an initiating state is or may be commenced.

Subd. 5. **Court.** "Court" means the district court of this state and, when the context requires, the court of another state as defined in a substantially similar reciprocal law.

Subd. 6. **Law.** "Law" includes both common and statute law.

Subd. 7. **Duty of support.** "Duty of support" includes a duty of support imposed or imposable by law or any court order, decree, or judgment, whether interlocutory, final, or incidental to a proceeding for divorce, legal or judicial separation, separate maintenance, or otherwise.

Subd. 8. **Obligor.** "Obligor" means a person who owes a duty of support to an obligee.

Subd. 9. **Obligee.** "Obligee" means the spouse, divorced spouse, legitimate or illegitimate minor child of an obligor to whom the obligor owes a duty of support.

[518.43] Sec. 3. **Remedies additional.** The remedies provided in this act are in addition to and not in substitution for any other remedies.

[518.44] Sec. 4. **Law of state.** When the court of a responding state determines to enforce the duties of support owed under the law of this state, the law of this state is declared to be:

(1) Unless relieved by conduct of the obligee, an obligor present in this state is bound by the duties of support imposed by the laws of this state regardless of the presence or residence of the obligee.

(2) When an obligee is a resident of this state, the obligor who is not present in this state is bound by the duties of support imposed by the laws of this state.

(3) This state or a political subdivision of this state is entitled to reimbursement from the obligor for support it has furnished under the laws of this state to an obligee.

[518.45] Sec. 5. **Proceedings for support.** Subdivision 1. **Initiation.** When the obligor is not present in this state, an obligee may initiate a proceeding for support under this section.

Subd. 2. **Petition, filing, contents.** A proceeding for support under this section is initiated by filing a verified petition in the district court of this state stating:

(1) The name and, so far as is known to the petitioner, the address and circumstances of the

(a) obligor, and

(b) obligee for whom support is sought; and

(2) Facts showing that the obligor owes a duty of support to the obligee.

Subd. 3. **Court determination.** Subject to subdivision 4, when an obligee initiates a proceeding under subdivision 1, the court shall comply with subdivision 5 if it determines by its order that the

(1) petition states facts sufficient to support a determination that the obligor owes a duty of support to the obligee, and

(2) court of the responding state may obtain jurisdiction of the obligor or his property.

Subd. 4. **Dismissal of petition.** The district court may dismiss the petition if the obligee was not a resident of this state at the time the petition was filed.

Subd. 5. **Copy of court order sent to court in responding state.** If the district court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and an authenticated copy of this act.

[518.46] **Sec. 6. Obligor not present.** Subdivision 1. **Initiation by state or political subdivision.** When the obligor is not present in this state, this state or a political subdivision of this state may initiate a proceeding to obtain reimbursement as defined in section 4, clause (3). The obligee need not be resident or present in this state at the time the proceeding for reimbursement is initiated.

Subd. 2. Petition, filing. A proceeding for reimbursement for support furnished an obligee is initiated by filing a verified petition in the district court of this state stating the facts required by section 5, subdivision 2, and that the petitioner is entitled to reimbursement as defined in section 4, clause (3).

Subd. 3. Determination by court. When a petition has been filed under subdivision 2, the district court shall comply with subdivision 4 if it determines by its order that the

(1) petition states facts sufficient to support a determination that the obligor owed a duty of support to the obligee during the period support was furnished by petitioner.

(2) petitioner is entitled to reimbursement as defined in section 4, clause (3), and

(3) court of the responding state may obtain jurisdiction of the obligor or his property.

Subd. 4. Certified copy to court of responding state. If the district court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and an authenticated copy of this act.

[518.47] **Sec. 7. Duties of court and initiating state.** When acting as the court of an initiating state, the court of this state shall receive and disburse payments made by the respondent or sent by the court of the responding state. This duty may be carried out through the clerk of court or any other appropriate agency, agent, or individual.

[518.48] **Sec. 8. Jurisdiction of court.** Subdivision 1. **In responding state.** The district court shall exercise jurisdiction over proceedings commenced in this state as a responding state.

Subd. 2. Powers of court. When the district court receives from the court of an initiating state a petition and any other papers required by an act substantially similar to this act, the district court shall

- (1) docket the case,
- (2) notify the county attorney,
- (3) set a time and place for hearing, and
- (4) take such action as is necessary in accordance with the law of this state to obtain jurisdiction of the obligor.

Subd. 3. **Conduct of proceedings.** Except as expressly provided in this section, the district court shall conduct a proceeding under this section in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Subd. 4. **Enforcement of duties of support.** The district court shall, at its discretion, enforce the duties of support owed under the law of

- (1) the state where the obligee resided when the obligor failed to support the obligee, or
- (2) this state, as declared in section 4, clause (1), for the whole period of non-support.

Subd. 5. **Orders for enforcement of such duties.** When the district court finds a duty of support it may

- (1) order the obligor to furnish support or reimbursement therefor,
- (2) subject the property of the obligor to the order,
- (3) require obligor to make payments at specified intervals to the clerk of the district court of this state, the court of the initiating state, or the obligee,
- (4) require the obligor to report personally at specified intervals to an officer of the district court appointed by the court for that purpose,
- (5) require the obligor to furnish recognizance in the form of a cash deposit or bond of an amount sufficient to assure payment of any amount required to be paid by the obligor,

(6) punish the obligor for violation of a court order made under clause (1) to the same extent as is provided by law for contempt of the court in any other action or proceeding cognizable by the court,

(7) subject the obligor to such other terms and conditions as are necessary to assure compliance with the order made under clause (1).

Subd. 6. Copies of orders sent to court of initiating/ state. The district court shall send to the court of the initiating state a copy of all orders of support or orders for reimbursement for support.

Subd. 7. Payments. When the district court receives payment from the obligor pursuant to court order or otherwise, the district court shall send the payment to the court of the initiating state.

Subd. 8. Statement as to payments. When the court of the initiating state requests a statement of all payments made by the obligor, the district court shall prepare and send to the court of the initiating state a certified statement containing that information.

Subd. 9. Duties of court officials. The district court may direct that the duties imposed in subdivision [subdivisions] 7 and 8 shall be carried out by the clerk or other official of the court.

[518.49] **Sec. 9. County attorney, duties.** The county attorney shall appear on behalf of and represent the petitioner in all proceedings under this act and shall obtain and present such evidence as may be necessary.

[518.50] **Sec. 10. Laws attaching privilege not to apply.** Laws attaching a privilege against the disclosure of communications between husband and wife do not apply to proceedings under this act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

[518.51] **Sec. 11. Governor, duties, extradition. Subdivision 1. Demand by governor.** The governor of this state may

(1) demand from the governor of another state the surrender of a person found in the other state who is charged in this state with the crime of failing to provide for the support of a person in this state, and

(2) surrender on demand by the governor of another state a person found in this state who is charged in the other state with the crime of failing to provide for the support of a person in the other state.

Subd. 2. Extradition provisions apply. The provisions for extradition of criminals not inconsistent with this section apply to a demand under subdivision 1 although the person whose surrender is demanded

(1) was not in the demanding state at the time of the commission of the crime, or

(2) did not flee from the demanding state.

Subd. 3. Contents of demand. The demand, oath, or any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded

(1) was, at the time of the commission of the crime, in

(a) the demanding state, or

(b) the state on which the demand for extradition is made, or

(2) has fled from justice.

Subd. 4. Surrender. The governor of this state shall neither demand nor grant the surrender of an obligor subject to this section who submits to the jurisdiction of the court of a responding state

(1) so long as the obligor complies with an order of that court for support, or

(2) in the absence of an order for support, while a proceeding for support is pending in that court.

[518.52] Sec. 12. Section 480.051 not limited. This act does not limit the power of the supreme court under Minnesota Statutes, Section 480.051.

[518.53] Sec. 13. Citation. This act may be cited as the Minnesota Reciprocal Enforcement of Support Act. Approved March 24, 1951.

CHAPTER 123—H. F. No. 664

[Section 2 Coded as Section 168.013, Subd. 11]

An act relating to motor vehicles, providing for the regulation and taxation thereof; amending Minnesota Statutes 1949, Section 168.013.

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

Section 1. Minnesota Statutes 1949, Section 168.013, Subdivision 1, is amended to read:

168.013. **Rate of tax.** Subdivision 1. **How computed.** Motor vehicles, except as set forth in section 168.012, using the public streets or highways in the state, shall be taxed in lieu of all other taxes thereon, except wheelage taxes, so-called, which may be imposed by any borough, city or village, as provided by law, and except gross earnings taxes paid by companies subject or made subject thereto, and shall be privileged to use the public streets and highways, on the basis and at the rate for each calendar year as follows:

1. ~~On passenger automobiles, house trailers, ambulances, and hearses, except as otherwise provided, the tax during each the first three years of life shall be based on the manufacturer's shipping weight and graduated according to the following schedule:~~

Manufacturer's Shipping Weight	Tax
Under 801 lbs.	\$ 5.00
801 to 2000 lbs. inclusive	15.20