

CHAPTER 1028—H. F. No. 1798

An act relating to divorce; amending Minnesota Statutes 1967, Sections 518.24; 518.54, Subdivisions 3, and 5; 518.55; 518.59; 518.61; 518.62; and 581.63; repealing Minnesota Statutes 1967, Sections 518.56 and 518.60.

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

Section 1. Minnesota Statutes 1967, Section 518.24, is amended to read:

518.24 **Divorce; alimony and support; security; sequestration; contempt.** In all cases when alimony or other allowance is ordered or decreed ~~to the wife or children~~, the court may require sufficient security to be given ~~by the husband~~ for the payment thereof, according to the terms of the order or decree; and, upon ~~his~~ neglect or refusal to give such security, or upon ~~his~~ failure to pay such alimony or allowance, the court may sequester ~~his~~ *the obligor's* personal estate, and the rents and profits of ~~his~~ *of the obligor*, and appoint a receiver thereof, and cause such personal estate, and the rents and profits of such real estate, to be applied according to the terms of such order or decree. If the ~~husband~~ *obligor* has an income from any source sufficient to enable him to pay such alimony or other allowance, and fails and refuses to pay the same, the court may order him to pay such alimony or allowance ~~for the use of the wife or the children, or both~~. If any person or party shall disobey such order, he may be punished by the court as for contempt.

Sec. 2. Minnesota Statutes 1967, Section 518.54, Subdivision 3, is amended to read:

Subd. 3. **Alimony.** "Alimony" means an award made in a divorce proceeding of payments from the future income or earnings of ~~the husband~~ *one spouse* for the support and maintenance of the ~~wife only~~ *other*.

Sec. 3. Minnesota Statutes 1967, Section 518.54, Subdivision 5, is amended to read:

Subd. 5. **Property acquired during coverture.** *Except as provided in this subdivision*, "property acquired during coverture" means any property, real or personal, acquired by the parties, or either of them, to a divorce or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceedings; ~~whether such property is held in joint tenancy~~

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~~or separate estates. "Property acquired during coverture" includes, but without limitation, does not include any property real or personal, acquired by either spouse before, during, or after coverture, where said property is acquired by either party by as a gift, bequest, devise or inheritance; and any property, real or personal, in which one spouse has secured a vested interest from the other spouse by means of such direct or indirect conveyances or transfers thereof as are permitted by law, during the marriage or during such time as the parties are living together as husband and wife under a purported marriage relationship subsequently annulled made by a third party to one but not to the other spouse, or any property transferred from one spouse to the other.~~

Sec. 4. Minnesota Statutes 1967, Section 518.55, is amended to read:

518.55 Alimony or support money. Every award of alimony or support money in a judgment of divorce shall clearly designate whether the same is alimony or support money, or what part of the award is alimony and what part thereof is support money. ~~If there are no children, or if custody of the children is not awarded to the wife;~~ Any award of payments from future income or earnings of the ~~husband~~ *custodial parent* shall be presumed to be alimony. ~~If there are children of the parties the custody of whom is awarded to the wife, or if the custody is divided;~~ Any award of payments from the future income or earnings of the ~~husband~~ *non-custodial parent* shall be presumed to be support money unless otherwise designated by the court. In any judgment of divorce the court may determine, as one of the issues of the case, whether or not ~~the wife~~ *either spouse* is entitled to an award of alimony notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of alimony for determination at a later date.

Sec. 5. Minnesota Statutes 1967, Section 518.59, is amended to read:

518.59 Household goods, furniture, and other property. Upon a divorce for any cause, the court may also award ~~to the wife~~ *either spouse* the household goods and furniture of the parties, whether or not the same was acquired during coverture, and may also order and decree ~~to the wife~~ *either spouse* such part of the real and personal estate of the ~~husband~~ *other* not acquired during coverture, ~~exclusive of future earnings and income, and not exceeding in present value one-half thereof, as it deems just and reasonable, having regard to the amount of property decreed to the wife under sections 518.56 section and 518.58,~~ the amount of alimony and support

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money awarded, if any, the character and situation of the parties, the nature and determination of the issues, and all other circumstances of the case.

Sec. 6. Minnesota Statutes 1967, Section 518.61, is amended to read:

518.61 Trustees. The court may appoint trustees, when it is deemed expedient, to receive any money ordered to be paid ~~to the wife~~ as alimony or support money, or as an award under section 518.58 or section 518.59, upon trust to invest the same, and pay over the income ~~for the support of the wife, or of the wife and children of the parties, or any of them,~~ in such manner as the court shall direct, or to pay over ~~to the wife~~ the principal sum in such proportions and at such times as the court shall order, regard being had in all such cases to the situation and circumstances of the *wife recipient*, and the children, if there are any, ~~provided for in the order,~~ and such trustees shall give such bond, as *the court shall require, for the faithful performance of their trust.*

Sec. 7. Minnesota Statutes 1967, Section 518.62, is amended to read:

518.62 Temporary alimony. Temporary alimony may be awarded ~~to the wife~~ as provided in section 518.14, and temporary support money may be awarded ~~to the wife~~ as provided in section 518.16, for the support of any children of the parties, including children as defined in section 518.54; and the court may also award to either party to the action, having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the action and the right to the use of the homestead of the parties, exclusive or otherwise, pending the action; and the court may order and direct either party to remove from the homestead of the parties upon proper application to the court for such order, pending the action.

Sec. 8. Minnesota Statutes 1967, Section 518.63, is amended to read:

518.63 Homestead, occupancy. The court, having due regard to all the circumstances and the custody of any children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of divorce, or proper modification thereof, for such period of time as may be determined by the court, and such award of the right of occupancy of the homestead ~~when made to the wife,~~ whether exclusive or

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otherwise, may be in addition to the maximum amount which may be awarded to her under section 518.59.

Sec. 9. *Minnesota Statutes 1967, Sections 518.56 and 518.60, are repealed.*

Approved June 6, 1969.

CHAPTER 1029—H. F. No. 1806

[Coded]

An act relating to state parks, waysides, and recreational reserves; authorizing additional lands to be included within the boundaries of existing state parks, waysides, and recreational reserves; and correcting certain boundary descriptions.

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

Section 1. **[85.1874] State parks; additions to the state parks, waysides, and recreational reserves.** Subdivision 1. **Acquisition of lands.** The lands described in this section are added to the boundaries of the designated state parks, waysides, and recreational reserves and the commissioner of administration for the commissioner of conservation is authorized to acquire by gift, purchase, or if expressly authorized by law, by condemnation proceedings the lands as described. Any land which now is or hereafter becomes tax-forfeited land and is located within the described park boundaries is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of conservation, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. Any lands within the herein described boundaries which may be owned by the United States and managed by any of its agents may be acquired by land exchange, direct transfer, or purchase as federal laws may prescribe. The lands acquired pursuant to this section shall be administered in the same manner as provided for other state parks and shall be perpetually dedicated for such use.

Subd. 2. **Fort Ridgely State Park, Nicollet and Renville**

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