

which in the opinion of the court tends to interrupt the orderly procedure of the court and the due course of the trial, the court may proceed and make such orders as it deems necessary in accordance with subdivision 2.

Subd. 2. After the occurrence of any act or conduct of a defendant described in subdivision 1, the court may warn the defendant that if he continues to violate any one or more of the provisions of said subdivision he shall be ordered from the courtroom and the trial shall proceed without his presence up to and including the rendition of the verdict and that the continuance of the violation shall constitute a waiver of his right to be present during the trial. If the defendant thereafter acts or conducts himself in violation of one or more of the provisions of subdivision 1, his misconduct shall constitute a waiver of his right to be present during the trial up to and including the rendition of the verdict. The court may thereupon order the defendant removed from the courtroom and that the trial proceed without the presence of defendant. The order shall contain such conditions as the court may deem proper including the right of defendant's counsel to consult with defendant and that defendant shall be readmitted to the courtroom and the trial proceed in his presence upon defendant's promise or assurance to the court that he will no longer act or conduct himself in violation of one or more of the provisions of subdivision 1. When the determination of the court is to remove the defendant under the provisions of this act, the court shall provide the defendant an audio reproduction, tape recording or a transcript of the proceedings during the period of the defendant's absence.

Subd. 3. This act in no manner affects the power of the court to punish for contempt.

Approved June 3, 1971.

CHAPTER 695—H.F.No.1119

An act relating to police department aid, relief and pensions; providing for state aid to police relief associations and organized police departments by apportioning the tax on certain aid to police premiums; amending Minnesota Statutes 1969, Sections 69.011; 69.021; 69.031, Subdivisions 4 and 5; 69.04; and 69.051.

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 1969, Section 69.011, is amended to read:

69.011 POLICE DEPARTMENT AID; RELIEF AND PENSIONS; QUALIFYING FOR STATE AID. Subdivision 1. **DEFINITIONS.** Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of chapter 69 and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner of insurance and ex officio state fire marshal.

(b) "Municipality" means any city of any class, village, borough and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason.

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Qualifying municipality" means any municipality having a qualified police department as provided by section 69.011, subdivision 4, clause (2).

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **CLERK TO FILE CERTIFICATE.** (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) and having a duly incorporated relief association or a special fire department fund within its treasury or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact to the county auditor of the county where the fire department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department as provided in subdivision 4, clause (2) and having a duly incorporated relief association or a special police department fund within its treasury shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

Subd. 3. **FAILURE TO FILE CERTIFICATE DEEMED WAIVER.** If the certificate required by this section is not filed with the commissioner within the time prescribed by this section the municipality or nonprofit fire fighting corporation shall be deemed to have relinquished its rights for the year to the benefits under this chapter. Failure to receive the certificate form cannot be used as a defense for not filing.

Subd. 4. **QUALIFICATION FOR STATE AID.** (1) Any municipality in this state having for more than one year an organized fire department and officially established by the governing body of the municipality or an independent nonprofit fire fighting corporation created under the nonprofit corporation act of this state and operating exclusively for fire fighting purposes and providing retirement and relief benefits to its members or having a separate incorporated firemen's relief and pension association providing retirement and relief benefits may qualify to receive state aid if it meets the following minimum requirements:

(a) Ten paid or volunteer firemen including a fire chief and assistant fire chief, and

(b) Regular scheduled meetings and frequent drills including instructions in fire fighting tactics and in the use, care, and operation of all fire apparatus and equipment, and

(c) A motorized fire truck equipped with a motorized pump, 250 gallon or larger water tank, 300 feet of one inch or larger fire hose in two lines with combination spray and straight stream nozzles, five-gallon hand pumps — tank extinguisher or equivalent, dry

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chemical extinguisher or equivalent, ladders, extension ladders, pike poles, crow bars, axes, lanterns, fire coats, helmets, and

(d) Apparatus suitably housed in a building of good construction with facilities for care of hose and equipment, and

(e) A reliable and adequate method of receiving fire alarms by telephone or with electric siren and suitable means of sounding an alarm, and

(f) If response is to be provided outside the corporate limits of the municipality wherein the fire department is located, the municipality has another piece of motorized apparatus to make the response, and

(g) Other requirements the commissioner establishes by rule.

(2) Any municipality in this state having for more than one year an organized police department established by the governing body of the municipality may qualify to receive state aid.

Subd. 5. **FIRE DEPARTMENTS TO BE INSPECTED BY STATE FIRE MARSHAL.** It shall be the duty of the state fire marshal or his appointed deputy or designated assistants to inspect, or cause to be inspected, at the time other public buildings are inspected, the fire department of any municipality or nonprofit fire fighting corporations in this state; and, for that purpose, he or any of his deputies or designated assistants shall have the right to enter or have access thereto at any reasonable hour. When upon inspection, it is found that the fire department inspected does not conform to the requirements of subdivision 4 he shall make a report of the fact and the commissioner shall disqualify the municipality or nonprofit fire fighting corporation from participation in the state aid apportionment provided for in chapters 69 and 424.

Sec. 2. Minnesota Statutes 1969, Section 69.021, is amended to read:

69.021 REPORTING PREMIUMS; CALCULATION OF AID.
Subdivision 1. **MINNESOTA FIRETOWN PREMIUM REPORT AND MINNESOTA AID TO POLICE PREMIUM REPORT.** The commissioner of insurance shall, at the time he mails annual statement and tax forms, send blank copies of the Minnesota Firetown Premium Report and when applicable the Minnesota Aid to Police Premium Report to each insurer, including township and farmers mutual insurance companies licensed to write ~~fire, lightning, sprinkler leakage, and extended coverage or additional lines insurance~~ as described in section 69.011, subdivision 1, clause (c) and new clause (g) of section 1 of this act in this state. ~~This report~~ These reports shall contain space for the insurers name, address, gross premiums less return premiums, dividends, net premiums, certification and other facts the commissioner may require.

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Subd. 2. **REPORT OF PREMIUMS.** Each ~~fire~~ insurer, including township and farmers mutual ~~fire~~ insurers where applicable, shall return to the commissioner with its annual financial statement ~~a report~~ the reports described in subdivision 1 certified by its secretary and president or chief financial officer. The Minnesota Firetown Premium Report shall contain a true and accurate statement of the total premium for all gross direct fire, lightning, and sprinkler leakage insurance of all domestic mutual insurers and the total premiums for all gross direct fire, lightning, sprinkler leakage and extended coverage insurance of all other insurers, less return premiums and dividends received by them on that business written or done during the preceding calendar year upon property located within the state or brought into the state for temporary use. The fire and extended coverage portion of multi-peril and multiple peril package premiums and all other combination premiums shall be determined by applying percentages determined by the commissioner or by rating bureaus recognized by the commissioner. The Minnesota Aid to Police Premium Report shall contain a true and accurate statement of the total premiums, less return premiums and dividends received, on all direct business received by such insurer in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for perils described in section 69.011, subdivision 1, clause (g).

Subd. 3. **PENALTY FOR FRAUDULENT, INCORRECT, INCOMPLETE RETURNS AND LATE FILING OF REPORT.** When it appears that any insurer has made an incomplete or inaccurate report the commissioner shall return the report and demand that a complete and accurate report be filed with him. If the insurer fails to file a report by March 1, annually, or within 30 days after demand by the commissioner the insurer shall be liable and shall pay \$25 for each seven days delinquent or fraction thereof.

Any insurer who knowingly makes and files an inaccurate or false report shall be liable to a fine of not less than \$25 nor more than \$1,000 and the commissioner may revoke the insurer's certificate of authority.

If any person whose duty it is to make the report fails or refuses to make it within 30 days after notification by the commissioner he shall be fined not more than \$1,000. Failure of the insurer to receive a reporting form shall not excuse the insurer from filing the report.

Subd. 4. **CERTIFICATION TO STATE AUDITOR.** Within four months after March 1 the commissioner shall certify to the state auditor the name of each county qualified to receive state aid and the amount of state aid each county is to receive. At the same time the commissioner shall certify to each county auditor the municipalities or independent fire departments in such county who have qualified to receive state aid and other information he deems necessary to carry out the requirements of this section.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 5. **CALCULATION OF STATE AID.** The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and one percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to state aid shall not be greater or lesser than one half the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. Of the total amount for apportionment in respect to police state aid, 20 percent of this amount shall be paid to the treasurer of the police and fire fund of the public employees retirement association to be applied against the deficit of said fund, and the remaining 80 percent shall be distributed to the counties for apportionment to municipalities maintaining police departments. The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous years available premiums using the same premiums as a basis for comparison.

Subd. 6. **CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.** One half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last statewide federal census. One half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments or police departments furnishing fire protection or police service to areas in other counties as evidenced by valid fire or police service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire and police protection service. Until 1975 the amount of firemen's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No county shall receive less than provided for under this subdivision.

Subd. 7. **APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDI-**

Changes or additions indicated by underline, deletions by ~~strikeout~~.

TOR. (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one half in proportion to the population and one half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. Until 1975 the county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality and/or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to an area only the population and valuation of the area served by each fire department shall be considered in calculating the state aid or the fire departments furnishing service may enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of service area. Agreement shall be in writing and filed with the county auditor and the commissioner.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

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(2) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Aid to Police Premium Reports filed pursuant to this chapter to each municipality in the same manner that state aid is apportioned to the counties, one half in proportion to the population and one half in proportion to the assessed property valuation of the qualifying municipalities in the county for which aid is apportioned.

In the case of municipalities qualifying for the aid the county auditor shall calculate the state aid for the municipality on the basis of the population and the property valuation of the area furnished police protection service by the police department as evidenced by duly executed and valid police service agreements filed with him. If one or more police departments are furnishing contracted police service to an area only the population and valuation of the area served by each police department shall be considered in calculating the state aid or the police departments furnishing service may enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of service area. Agreement shall be in writing and filed with the county auditor and the commissioner.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association if such an association exists. In the case of all other municipalities or cities of the first and second class if no relief association exists aid shall be paid to the treasurer of the municipality where the police department is located and the treasurer of the municipality shall within 30 days transmit the aid to the police retirement or relief fund if such fund exists and has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Subd. 8. POPULATION AND VALUATION. In computations requiring the use of population figures only statewide federal census figures are to be used. Increases or decreases in population disclosed by reason of any special census shall not be taken into consideration.

In calculations requiring the use of assessed property valuation figures only the latest available assessed property valuation figures are to be used.

Subd. 9. APPEAL. In the event that any fire or police department feels itself to be aggrieved, it may request the county board of the county wherein the fire or police department is located to review and adjust the apportionment of funds within the county and the

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decision of the county board shall be subject to appeal, review, and adjustment by the district court in the county.

Sec. 3. Minnesota Statutes 1969, Section 69.031, Subdivision 4, is amended to read:

Subd. 4. **COUNTY AUDITOR DUTIES.** When the county auditor receives the state aid provided for in subdivision 1, he shall immediately deposit ~~it~~ that portion received on account of insurance premiums reported on the Minnesota Firetown Premium Report in a special fund for fire departments and firemen's relief associations and as soon as possible before July 31, annually calculate and disburse the funds to the municipalities having fire departments and firemen's relief associations who have qualified for aid within the county. He shall deposit the portion of such state aid received on account of insurance premiums reported on the Minnesota Aid to Police Premium Report in a special fund for police departments and police retirement funds and as soon as possible, annually calculate and disburse the funds to qualifying municipalities.

Sec. 4. Minnesota Statutes 1969, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. **DEPOSIT OF STATE AID.** (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt ~~pay it over~~ the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized, but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in a special fire department fund in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay all state aid received on account of insurance premiums reported in the Minnesota Aid to Police Premium Report to the duly incorporated police relief associations of the police department or to the special police department fund within the treasury of such municipality if no police relief association is in existence.

Sec. 5. Minnesota Statutes 1969, Section 69.04, is amended to read:

69.04 SPECIAL FUND, PAYMENTS. ~~Such amount shall be kept~~ Amounts deposited in the special fund for firemen's relief provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 6. Minnesota Statutes 1969, Section 69.051, is amended to read:

69.051 FINANCIAL REPORT, BOND, EXAMINATION. Subdivision 1. **FINANCIAL REPORT OF ASSOCIATION.** The secretary and treasurer of each duly incorporated fire department relief association or police relief association shall annually prepare and sign jointly a detailed financial report of the association's receipts, disbursements and balances in its special and general funds for the preceding calendar year ending December 31, showing for what purpose the money has been paid and expended and any other information the state public examiner may require, and, on or before March 1 following, file a copy with the treasurer of the municipality wherein the relief association is located and a copy with the state public examiner. No money shall be paid over by the treasurer of the municipality to an association until the report is filed with the treasurer of the municipality.

Subd. 2. **TREASURERS BOND.** No treasurer of a relief association shall enter upon his duties until he has given the association a good and sufficient bond in an amount set by the association for the faithful discharge of his duty according to law.

Subd. 3. **REPORT OF SPECIAL FIRE DEPARTMENT FUND.** The treasurer of each municipality having an organized fire department and not having a duly incorporated firemen's relief association and the treasurer of each municipality having an organized police department and not having a duly incorporated police relief association shall annually prepare a certified detailed financial report of the special fire department fund and the special police department fund showing receipts, disbursements and balances of the fund for the preceding calendar year, showing for what purposes the money has been paid and expended and any other information the state public examiner may require, and, on or before March 1 following, file a copy with the state public examiner and the county auditor. No state aid shall be paid to the municipality if the report is not filed with the county auditor by the due date.

Subd. 4. **EXAMINATION BY PUBLIC EXAMINER.** The detailed financial report of relief associations and municipal special fire department funds shall be examined by the public examiner, and he may examine other financial records and accounts of associations and municipalities as he deems necessary, and when he finds that the money, or any part thereof, paid under the provisions of this chapter has been or is being expended for an unauthorized purpose, he shall order the funds to be restored and report to the commissioner, upon whose direction to the county auditor no further warrants shall be issued to the municipality or duly incorporated fire department relief association until the money expended has been replaced.

Approved June 3, 1971.

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