

**EXTRA SESSION  
CHAPTER 6—S.F.No.34**

*An act relating to retirement; administration of firemen's relief programs; amending Minnesota Statutes 1969, Sections 69.011, Subdivisions 1, 2, and 4; 69.021, Subdivisions 4, 6, 7, and 8; 69.031; 69.051; and 424.30, Subdivision 2; repealing Minnesota Statutes 1969, Sections 69.70, 69.31, 424.07 and 424.09.*

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

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

**69.011 RETIREMENT; FIREMEN'S RELIEF; ADMINISTRATION; 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 or director 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 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, appearing on abstracts filed with the commissioner of taxation or equalized by the state board of equalization.

Sec. 2. Minnesota Statutes 1969, Section 69.011, Subdivision 2, is amended to read:

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

Subd. 2. **CLERK TO FILE CERTIFICATE.** On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4 ~~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 the fire personnel and equipment of the fire department as of the preceding December 31~~ to the commissioner on a form prescribed by him together with the other facts the commissioner ~~or auditor~~ may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

Sec. 3. Minnesota Statutes 1969, Section 69.011, Subdivision 4, is amended to read:

Subd. 4. **QUALIFICATION FOR STATE AID.** 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 subsidiary 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 or equivalent as determined by the state fire marshal by July 1, 1972 :

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

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

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(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.

Sec. 4. Minnesota Statutes 1969, Section 69.021, Subdivision 4, is amended to read:

Subd. 4. **CERTIFICATION TO STATE AUDITOR.** Within ~~four~~ six months after ~~March~~ January 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.

Sec. 5. Minnesota Statutes 1969, Section 69.021, Subdivision 6, is amended to read:

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 official 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 furnishing fire protection service to ~~areas~~ cities, villages, towns or townships in other counties as evidenced by valid fire 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 protection service. ~~Until 1975~~ The amount of 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. Other necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.

Sec. 6. Minnesota Statutes 1969, Section 69.021, Subdivision 7, is amended to read:

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

Subd. 7. **APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.** *The county auditor shall apportion the state aid received by him 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 apportioned. ~~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~~ a city, village, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid ~~or~~ and the fire departments furnishing service ~~may~~ shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with ~~the county auditor and the commissioner~~ in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

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.

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

Sec. 7. Minnesota Statutes 1969, Section 69.021, Subdivision 8, is amended to read:

Subd. 8. **POPULATION AND VALUATION.** In computations requiring the use of population figures only official 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.

Sec. 8. Minnesota Statutes 1969, Section 69.031, is amended to read:

**69.031 AUDITORS WARRANT, APPROPRIATION PAYMENT AND ADMINISTRATION.** Subdivision 1. **AUDITORS WARRANT.** ~~At the end of the fiscal year,~~ The state auditor shall issue to the auditor of each county certified to him by the commissioner his warrant for an amount equal to the amount certified to by the commissioner pursuant to section 69.021.

Subd. 2. **PAYMENT.** The state treasurer shall, upon presentation to him of the warrant of the state auditor as provided for in this section, pay out of the general fund of the state the amount thereof to the auditor of the county presenting the warrant.

Subd. 3. **APPROPRIATIONS.** There is hereby appropriated annually from the state general fund to the counties who are entitled to payments under sections 69.021 and 69.031 an amount sufficient to make the payments specified in these sections not exceeding the tax collected.

Subd. 4. **COUNTY AUDITOR DUTIES.** When the county auditor receives the state aid provided for in subdivision 1, he shall immediately deposit it in a special fund for fire departments and firemen's relief associations and ~~as soon as possible before July 31,~~ annually within 30 days calculate and disburse the funds to the municipalities having fire departments and firemen's relief associations who have qualified for aid within the county.

Subd. 5. **DEPOSIT OF STATE AID.** The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay it over to the treasurer of the duly incorporated firemen's relief association if there is one organized, and the association has filed a financial report with the municipality; ~~but if~~

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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.

Subd. 6. ADMINISTRATION. The staff of the statistical-tax audit section, insurance division, shall be under the direction of the incumbent senior auditor, who shall be director of state aid for fire departments, firemen's relief and pension. Under the supervision of the director of state aid shall be an auditor, a senior account clerk, a clerk typist and other personnel and equipment the director may from time to time require to carry out the provisions of the law relating to the collection, apportionment and regulation of state aid for fire departments, firemen's relief and pension.

Sec. 9. 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 located in any municipality of any class 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 commissioner may require, and, on or before March 1 June 30 following, file a copy with the treasurer of the municipality wherein the relief association is located and a copy two copies with the state public examiner commissioner . The commissioner shall forward one copy to the county auditor of the county wherein the municipality is located. No money state aid or tax moneys shall be paid over by the treasurer of the municipality to an association until the report is filed with the treasurer of the municipality. The financial report shall be certified by an independent public accountant who shall give his opinion as to the condition of the funds and comment upon any exception to the report, or in lieu thereof file with the commissioner an audit report prepared by the state public examiner. The fire department relief association shall not qualify to receive future aid until the report is filed with the commissioner and the requirements of this chapter have been complied with.

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.

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

Subd. 3. **REPORT BY MUNICIPALITY.** ~~The treasurer of~~ Each municipality having an organized fire department and not having a duly incorporated firemen's relief association shall annually prepare a certified detailed financial report as prescribed by the commissioner of the special fire department fund showing receipts, and disbursements and balances of the fund by the municipality for fire protection service during the preceding calendar year, showing for what purposes the money has been paid and expended and any other information the state public examiner commissioner may require, and, on or before March 1 June 30 following, file a copy two duly certified copies with the state public examiner and the county auditor commissioner . No state aid shall be paid to the municipality if the report is not filed with the county auditor by the due date The commissioner shall forward one copy to the county auditor of the county wherein the municipality is located. The municipality shall not qualify to receive future state aid until the report is filed with the commissioner .

Subd. 4. **EXAMINATION BY COMMISSIONER AND PUBLIC EXAMINER.** The detailed financial report of relief associations and municipal ~~special financial reports for fire department funds~~ shall ~~protection may be examined by the public examiner, and he may examine other financial records and accounts of associations and municipalities as he deems necessary commissioner , and when he finds that it appears the money, or any part thereof, paid under the provisions of this Minnesota Statutes, Chapter 69 or 424 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 notify the state public examiner of the fact. The state public examiner may examine the financial reports and records of the firemen's relief association and municipality and when he finds that the money, or any part thereof, paid under the provisions of chapter 69 or 424, has been or is being expended for an unauthorized purpose he shall order the funds restored and take whatever steps he deems necessary to assure restoration. No further aid shall be paid to the municipality until the funds are restored . The relief association shall be liable to the state for the total cost and expenses of such examination.~~

Sec. 10. Minnesota Statutes 1969, Section 424.30, Subdivision 2, is amended to read:

Subd. 2. The town, borough, village or city treasurer , when the tax and state aid is received by him , shall pay the same over to the treasurer of the duly incorporated firemen's relief association of such town, borough, village or city, if there is one organized, together with all penalties and interest collected thereon; but if there is no firemen's relief association so organized in any such town, borough,

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village or city, or if any such association resign, be removed or has heretofore resigned or has been removed as trustee of such money, then the ~~treasurer of such municipality~~ shall keep the money in a ~~special fund~~ the municipal treasury to be disbursed only for the purposes authorized by section 424.31 or for the equipment and maintenance of the fire department and for construction, acquisition, or repair of buildings, room, and premises for fire department use.

Sec. 11. Minnesota Statutes 1969, Sections 69.70, 69.31, 424.07 and 424.09 are repealed.

Sec. 12. This act is effective July 1, 1971.

Approved July 8, 1971.

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EXTRA SESSION  
CHAPTER 7—S.F.No.52

[Coded in Part]

*An act relating to the district court; second judicial district in Ramsey county and the fourth judicial district in Hennepin county; family court divisions; and providing for additional judges for the fourth judicial district and the second judicial district; amending Minnesota Statutes 1969, Sections 484.64; 2.722; and Chapter 484, by adding a section.*

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

Section 1. Minnesota Statutes 1969, Section 484.64, is amended to read:

**484.64 SECOND AND FOURTH JUDICIAL DISTRICTS; JUDGES; FAMILY COURT DIVISION; SECOND JUDICIAL DISTRICT.** Subdivision 1. In the ~~second and fourth judicial districts~~ district a family court division of the district court is hereby created to be presided over by a district court judge to be appointed by the chief judge of the district court to serve for a term of one year. The judges appointed to said office shall be designated as the judge of the family court division.

Subd. 2. The district court judge, family court division, shall hear and determine all matters involving divorce, annulment or separate maintenance, including proceedings for civil contempt for violations of orders issued in such proceedings. In addition, he shall

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