

The sum of \$180,000 is appropriated from the game and fish fund to the commissioner of natural resources to develop and operate computerized licensing systems for the period ending June 30, 1983.

**Sec. 14. APPROPRIATION; EMERGENCY FEEDING.**

The sum of \$250,000 is appropriated from the game and fish fund to the commissioner of natural resources for the emergency feeding of deer, pheasants, and other wild animals during the winter of 1982. All money so appropriated which is unencumbered on July 1, 1982, shall revert to the game and fish fund.

**Sec. 15. EFFECTIVE DATE.**

Sections 1, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14 are effective the day after final enactment. Sections 2, 3, and 9 are effective March 1, 1983.

Approved March 18, 1982

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**CHAPTER 463 — S.F.No. 85**

*An act relating to towns; providing for election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, Subdivision 2.*

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

Section 1. Minnesota Statutes 1980, Section 367.03, Subdivision 2, is amended to read:

Subd. 2. **VACANCIES.** When a vacancy occurs in any town office the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies; provided, that a vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term. When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.

Approved March 18, 1982

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**CHAPTER 464 — S.F.No. 1641**

*An act relating to family law; defining a species of marital co-ownership of property and providing for its division in dissolution and annulment actions; amending Minnesota Statutes 1980, Section 518.54, Subdivision 5; and Minnesota Statutes 1981 Supplement, Section 518.58.*

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

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

Section 1. Minnesota Statutes 1980, Section 518.54, Subdivision 5, is amended to read:

Subd. 5. **MARITAL PROPERTY; EXCEPTIONS.** "Marital property" means property, real or personal, including vested pension benefits or rights, acquired by the parties, or either of them, to a dissolution, legal separation, 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 proceeding. All property acquired by either spouse subsequent to the marriage and before a decree of legal separation is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. Each spouse shall be deemed to have a common ownership in marital property that vests not later than the time of the entry of the decree in a proceeding for dissolution or annulment. The extent of the vested interest shall be determined and made final by the court pursuant to section 518.58. The presumption of marital property is overcome by a showing that the property is of a type listed in clauses (a) to (e) non-marital property.

"Non-marital property" means property real or personal, acquired by either spouse before, during, or after the existence of their marriage, which

- (a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse;
- (b) is acquired before the marriage;
- (c) is acquired in exchange for or is the increase in value of property which is described in clauses (a), (b), (d), and (e);
- (d) is acquired by a spouse after a decree of legal separation; or
- (e) is excluded by a valid antenuptial contract.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 518.58, is amended to read:

**518.58 ~~DISPOSITION~~ DIVISION OF MARITAL PROPERTY.**

Upon a dissolution of a marriage, an annulment, or in a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property and which has since acquired jurisdiction, the court shall make a just and equitable ~~disposition~~ division of the marital property of the parties without regard to marital misconduct, after making findings regarding the ~~disposition~~ division of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a

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party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets, ~~the amount of support, maintenance and income of each party, whether the property award is in lieu of or in addition to maintenance or support.~~ The court shall also consider the contribution of each in the acquisition, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker. It shall be conclusively presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife. The court may also award to either spouse the household goods and furniture of the parties, whether or not acquired during the marriage.

If the court finds that either spouse's resources or property, including his portion of the marital property as defined in section 518.54, subdivision 5 are so inadequate as to work an unfair hardship, considering all relevant circumstances, the court may, in addition to the marital property, apportion up to one-half of the property otherwise excluded under section 518.54, subdivision 5, clauses (a) to (d) to prevent the unfair hardship. If the court apportions property other than marital property, it shall make findings in support of the apportionment. The findings shall be based on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party.

*If the court finds that it is necessary to preserve the marital assets of the parties, the court may order the sale of the homestead of the parties or the sale of other marital assets, as the individual circumstances may require, during the pendency of a proceeding for a dissolution of marriage or an annulment. If the court orders a sale, it may further provide for the disposition of the funds received from the sale during the pendency of the proceeding.*

### Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment. The intent of the legislature in enacting this act is to confirm, clarify, and ratify legislative intent embodied in prior and existing state law, and state law as amended by this act, that the division or disposition of marital property caused by or incident to a decree of dissolution or annulment is not a sale, exchange, transfer, or disposition of or dealing in property but is a division of a common ownership by spouses in property for the purposes of the property laws of this state and for the purposes of United States and Minnesota income tax laws.

Approved March 18, 1982

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