

not exceeding \$320,000 for the purpose of financing such construction, including acquisition of land necessary therefor, all such proceedings and all bonds so authorized are hereby legalized and validated, and the city council of any such city is hereby authorized to issue, sell and deliver such bonds pursuant to and in accordance with said proceedings heretofore taken, notwithstanding any charter or statutory limitations, conditions or requirements; provided, that all bonds so issued shall be sold and provision shall be made for the security and payment thereof in the manner provided by Minnesota Statutes 1953, Sections 475.60 to 475.66.

**Sec. 2. Remedial.** It is expressly found and determined that this act is remedial in nature, being necessary to protect the financial credit of such cities, to prevent the pollution of public waters, and to promote sanitary conditions in and about such cities.

**Sec. 3. Limitation.** This act shall not apply to or effect any action or appeal now pending in which the validity of any such proceedings or of any such bonds is called in question.

Approved March 11, 1955.

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CHAPTER 151—H. F. No. 1096

[Coded]

*An act relating to police pensions in certain cities; repealing Minnesota Statutes 1953, Sections 423.011 to 423.061, and Laws 1955, Chapter 60.*

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

**Section 1. [423.82] Definitions.** Subdivision 1. For the purposes of this act the terms defined in this section have the meanings ascribed to them.

**Subd. 2.** "City" means any city having not less than 250,000 and not more than 450,000 inhabitants.

**Subd. 3.** "Member" means any person regularly employed and entered on the payroll in the police department of the city, on active duty, and includes any person who was a member of the police relief association of the city under any previous law.

Subd. 4. "Unit" means one-hundredth of the current maximum monthly pay of a patrolman in the police service of the city.

Subd. 5. "Widow" means a woman who was the wife of a member or a pensioner while he was an active member; but does not include a surviving wife of a member or a pensioner who deserts him or a surviving common law wife of a member or a pensioner.

**Sec. 2. [423.821] Park police force, transfer to police department.** If in any city there was, prior to January 1, 1953, a park police force and the council of the city provides for the merger of the park police force and the city police department and provides for the transfer of former park policemen to the city police department, any member of the former park police force who is a member of Public Employees Retirement at the time of this merger and transfer may apply to the governing board of the police relief association of the city for membership in such association. The governing board shall accept the application within ten days from the date of application. The applicant shall be given credit for his time of service in the park police force as though the service had been in the city police department if he pays into the police pension fund of the city a sum of money equal to the amount of money he would have contributed from his salary had such time of service been entirely in the city police department.

**Sec. 3. [423.822] Organization of association, pension fund.** Subdivision 1. The members of the police department of the city shall organize a policemen's relief association or maintain the policemen's relief association now existing.

Subd. 2. This association shall create, maintain, and administer a policemen's pension fund for the benefit of its members, their widows, and their children.

**Sec. 4. [423.823] Incorporation, government by board.** The association shall become incorporated. It shall be governed by a board of eight members. The mayor, the chief of police, and the treasurer of the city are ex officio members; or, if the police department of the city is under the direction and supervision of a commissioner of public safety, the commissioner of public safety, the chief of police, and the treasurer of the city are ex officio members. The other members of the board are elected by the members of the association. Those elected to the first board are elected for terms of one, two, three, four, five years respectively; thereafter election shall be for a term of five years. Each elective member of the board holds office until his successor is elected and has

qualified. Any vacancy in the office of an elective member of the board is filled by a special election called for that purpose. Any member of the board so elected holds office for the balance of the term for which his predecessor was elected.

The affairs of the association are regulated and governed by its articles of incorporation and bylaws.

Sec. 5. [423.824] **Policemen's pension fund.** The association shall establish a policemen's pension fund or continue to maintain the policemen's pension fund now existing in the city and shall have the management and control of any such fund.

Sec. 6. [423.825] **Sources of funds.** These funds are derived from the following sources:

- (1) gifts made for such purpose;
- (2) rewards received by members;
- (3) moneys coming into the hands of members which remains unclaimed for six months;
- (4) proceeds from sales of property coming into the hands of members which remains unclaimed for six months; and the chief of police of the city shall sell such unclaimed property;
- (5) an amount equal to four percent of the monthly pay of each member, which four percent shall not exceed four percent of the current maximum monthly pay of a patrolman, deducted by the city treasurer from the monthly salary of each member, except as provided in clause (6);
- (6) an amount equal to five percent of the monthly pay of each member, which five percent shall not exceed five percent of the current maximum monthly pay of a patrolman, deducted by the city treasurer from the monthly salary of each member during the calendar year following the end of any two consecutive years wherein the reserve fund of the association is less than \$200,000;
- (7) all moneys paid in as provided in section 2;
- (8) all moneys derived by taxation as provided by section 7;
- (9) moneys now in any policemen's pension fund continued to be maintained by the association.

Any surplus funds remaining in these funds at the close of any fiscal year shall continue therein.

Sec. 7. [423.826] **Tax levy.** In addition to the rate allowed to be expended for cost of government by the charter of the city, the city shall levy a tax of one and one-half mills at the times and in the manner it levies other taxes, and the proceeds of this tax shall be paid into the policemen's pension fund.

Sec. 8. [423.827] **Pension fund, uses.** The policemen's pension fund shall be used only for the payment of service, disability, or dependency pensions and the expenses of administering the fund.

Sec. 9. [423.828] **Pensions.** Subdivision 1. The association shall grant pensions payable from the policemen's pension fund in monthly installments in the manner provided in its articles of incorporation and bylaws and as provided in subdivisions 2 to 8.

Subd. 2. The association shall pay to each member who retired from the service of the police department prior to January 1, 1949, a pension of 40 units per month, if the member had served 20 years or more and had reached the age of 50 years.

Subd. 3. The association shall pay to each member who retired from the service of the police department prior to January 1, 1949, after having served 20 years but at the time of retirement had not attained the age of 50 years a pension of 40 units per month beginning at the time the member attains the age of 50 years.

Subd. 4. The association shall pay to each member who retires from the service of the police department after January 1, 1949, after having served 20 years and having attained the age of 50 years, or who retires after that date, having served 20 years, when he attains the age of 50 years, a pension of 40 units per month.

Subd. 5. In addition to the pension of 40 units per month provided for in subdivisions 2 to 4, the association shall pay a pension of one unit per month for each additional year of service over 20 years, but the total of these pension payments shall not exceed 50 units per month.

Subd. 6. The association shall pay to any member permanently disabled physically or mentally because of an injury received while on duty as a member of the city police department so as to render necessary his retirement from active police service, a pension of 40 units per month, if the date of the retirement was prior to January 1, 1949. If the date of such retirement is subsequent to January 1, 1949, and occurs during

the first 20 years of his service, the association shall pay him a pension of 40 units per month. If such retirement occurs after 21 years of service, the association shall pay him a pension of one unit per month for each additional year of service over 20 years, regardless of whether he has attained the age of 50 years; but the total of these pension payments shall not exceed 50 units per month.

Subd. 7. The association shall pay to any member who, after not less than ten and not more than 20 years of service in the police department, retires because of sickness or injury occurring while not on duty and not engaged in police work and the retirement is necessary because the member is unable to perform police duties, a pension of 20 units per month, and for each additional year of service over ten years, a pension of two units per month.

Subd. 8. No member shall receive a pension for any disability unless a certificate of at least one competent physician chosen by the governing board is presented to the board of directors. This certificate shall state the cause, nature, and extent of the disability and that the member is unable by reason of the disability to perform his necessary duties in the police department.

Sec. 10. [423.829] **Reserve fund, depletion; pension reduction.** If, at the end of any calendar year, the reserve fund of the association is less than \$200,000, the pensions paid to service or disability pensioners who retired prior to January 1, 1949, shall be reduced ten percent per month for the following calendar year.

Sec. 11. [423.83] **Service in United States military forces.** In the case of any applicant for a service pension who, following his entry into the service of any such police department, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service and resumed active duty in such police department, the period that such applicant has served in such military or defense emergency service shall be counted in computing the period of service herein provided for, but during such period of military or defense emergency service, he shall not be considered as an active member of his association, and shall not be entitled to any disability pension for disability incurred in such military service.

Sec. 12. [423.831] **Members not entitled to pensions.** A member who is convicted of a felony is not entitled to receive a pension during the period of his incarceration in any penal institution as a punishment for the commission of the felony.

**Sec. 13. [423.832] Widows, children; pensions.** The association shall pay a pension to the widow or any child under 18 years of age of any pensioned and retired member, or to the widow or any child under 18 years of age of any member who dies while in the service of the city police department, or to the widow or any child under 18 years of age of any member who, after being a member of the city police department for not less than 20 years, severs his connection with the department and dies before attaining the age of 50 years. The association shall pay to any such widow a pension of 20 units per month. The association shall pay to any such child under 18 years of age a pension of five units per month until the child attains the age of 18 years. If the widow and children reside together, the pension payable to the children shall be paid to the widow and shall be used for the support of such children. If a widow remarries, her pension immediately ceases and the association shall not make any further pension payments to her.

**Sec. 14. [423.833] Limitation on payment of pensions.** The pensions authorized shall not be paid to any person while drawing salary in any amount from such city as an employee or from any department of the state or any county or municipality therein as an employee. This provision shall not affect the status as a pensioner of any person whose status as a pensioner has been fixed by retirement while another provision of law was in effect.

**Sec. 15. [423.834] Member not a resident of United States.** No member is entitled to receive a pension after he removes his residence from the United States.

**Sec. 16. [423.835] Wife and child of member convicted of felony.** If a member convicted of a felony is receiving a pension at the time of his conviction and his wife and any of his children under 18 years of age had no part in the commission of such felony, in the event of the death of such member, such widow and children may receive such pensions as they would otherwise be entitled to receive from the association.

**Sec. 17. [423.836] Pensions; exempt from process, not assignable.** No pension is subject to any legal process. No person entitled to a pension may assign it. The association may not recognize in any manner any purported assignment of a pension. The association may not pay over any part of the amount of any pension to any person upon any purported assignment of a pension.

**Sec. 18. Repealer.** Subdivision 1. Minnesota Statutes 1953, Sections 423.011 to 423.061, are hereby repealed.

Subd. 2. Laws 1955, Chapter 60, is hereby repealed.  
Approved March 11, 1955.

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CHAPTER 152—H. F. No. 81

*An act relating to the sale of intoxicating liquor; amending Minnesota Statutes 1953, Section 340.72.*

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

Section 1. Minnesota Statutes 1953, Section 340.72, is amended to read:

340.72. **Sales, where forbidden.** The sale of intoxicating liquor in any quantity whatever is also forbidden in the following places:

(1) In any town or municipality in which a majority of votes at the last election at which the question of license was voted upon shall not have been in favor of license, or within one-half mile of any such municipality, except that any intoxicating liquor, manufactured within any such district, may be sold to be consumed outside of such district;

(2) Within the capitol, or upon the grounds thereof;

(3) Upon the state fair grounds, or within one-half mile thereof;

(4) At any place on the east side of the Mississippi river within one mile from the main building of the University of Minnesota;

(5) Within 1,500 feet of any state *teachers college* or, *when the place of sale is not within a municipality, within 1,500 feet of any public school* outside of a municipality;

(6) At more than five places on any one side of a block within and fronting upon the patrol limits of cities of the first class.

Approved March 15, 1955.

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CHAPTER 153—H. F. No. 129

[Not Coded]

*An act relating to the fixing of working hours of employees in the fire department in any city now or hereafter having*