

CHAPTER 451—H. F. No. 1817

[Not Coded]

An act relating to the salaries of sheriffs in certain counties.

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

Section 1. **Clearwater county; sheriff's salary.** In any county in this state having an assessed valuation less than \$3,000,000 exclusive of money and credits, a population of over 10,000 and less than 15,000 inhabitants according to the 1950 federal census, and over 29 but less than 50 full and fractional congressional townships, the sheriff shall receive a salary of \$3,600 per annum, and his expenses, in lieu of fees for all services he renders.

Approved April 18, 1953.

CHAPTER 452—H. F. No. 1846

An act relating to fees of court reporters; amending Minnesota Statutes 1949, Section 486.06.

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

Section 1. Minnesota Statutes 1949, Section 486.06, is amended to read:

486.06 **Transcript charges.** In addition to such salary, the reporter may charge for a transcript of his record ordered by any person other than the judge 20 cents per folio and five cents per folio for each manifold or other copy thereof when so ordered that it can be made with such transcript. This section shall not apply to any county containing a city of the first class.

Approved April 18, 1953.

CHAPTER 453—S. F. No. 53

[Coded in Part]

An act relating to the retirement of highway patrolmen, amending Minnesota Statutes 1949, Section 172.08, Subdivisions 1, 2 and 5, and Section 172.10.

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

Section 1. Minnesota Statutes 1949, Section 172.08, Subdivision 1, is amended to read:

172.08 Membership eligibility. Subdivision 1. **Separation from service; life annuity; age limitation.** Every patrolman who shall have been in the employ of the state as such for 20 years or more and during such time shall have paid by salary deductions, or otherwise, into the state employees' retirement fund, the amount required by law and into the fund hereby created or into either fund, shall be entitled to separate himself from such state service and upon attaining the age of 55 years, shall be entitled to receive a life annuity, upon his separation from state service, of an amount equal to 60 per cent of the average annual salary which he received during the five years immediately prior to said separation from state service, except as hereinbefore [hereinafter] limited, which life annuity shall be paid in monthly installments during the remainder of his life. Any patrolman who has been employed by the state as such for more than 15 years, and less than 20 years, when he attains the age of 58 years, may, if physically qualified, continue as such patrolman until *he has completed the year of his employ during which* he has attained the age of 60 years, or he may pay a sum which will result by multiplying the number of months which he would be required to serve so as to complete 20 years of service, by the amount of his monthly salary deductions at the time when he attained 55 years of age, and thereupon, and upon his compliance with the provisions hereof relative to salary deductions, and upon his separation from state service, he shall be entitled to the annuity, as provided for in this subdivision; provided, that no patrolman shall continue as such after *he has completed the year in employ of the state during which* he attains the age of 60 years and in the event that he has not served 20 years as a patrolman, when he *completes said year*, he shall pay a lump sum equal to the salary deductions which would have been made had he continued in state employment until he had acquired a total of 20 years of service.

Sec. 2. Minnesota Statutes 1949, Section 172.08, Subdivision 2, is amended to read:

Subd. 2. Patrolmen employed 20 years or more. Patrolmen whose employment with the state has been 20 years or more, and during such time have paid, by salary deductions or otherwise, into the state employee retirement fund, the amount required by law, and into the fund created by Laws 1943, Chapter 637, or into either fund and who shall have attained the age of 55 years and who continues to serve as a highway patrolman or has served one or more years in excess of 20 years before reaching the age of 55 years shall be entitled to receive upon retirement an additional sum of \$3.00 per month for every year of service in excess of 20 years, to be

paid to him after retirement concurrently with retirement benefit otherwise provided in this chapter. The amount of contributions required from such highway patrolman in addition to contributions otherwise required from highway patrolmen, under this act, in order to qualify for such additional retirement benefits, may be increased from time to time to insure the actuarial soundness of such highway patrolmen's retirement fund.

Sec. 3. Minnesota Statutes 1949, Section 172.08, Subdivision 5, is amended to read:

Subd. 5. **Monthly annuity, limitation.** No patrolman shall receive an annuity in excess of \$150 per month, upon retirement for 20 years of service, *except* patrolmen qualifying through additional years of service and contributions pursuant to the provisions of Subdivision 2.

Sec. 4. Minnesota Statutes 1949, Section 172.10, is amended to read:

172.10 **Retired patrolmen.** *Subdivision 1. Refundment of payments.* Should any patrolman, prior to becoming 58 years of age, and with less than 20 years of service, become separated from state service as a patrolman, either voluntarily or involuntarily, such patrolman shall thereupon be entitled to receive all payments which have been made by salary deductions into the fund created by Laws 1943, Chapter 637; and in the event of his death the amount he had paid into said funds, less all payments received by him hereunder, shall be paid to the surviving spouse, if any, and if there be no surviving spouse, then to the heirs as provided by the laws of descent.

Subd. 2. Death; payment to spouse. In the event that a patrolman who has served as such for 20 years, and during such period has paid by salary deductions into the state employees' retirement fund, or into the fund created by Laws 1943, Chapter 637, the amount required by law, shall die before reaching the age of 58 years, the amount he has paid into said funds shall thereupon be paid to the surviving spouse, if any, and if there be no surviving spouse, then to the heirs as provided by the laws of descent.

Subd. 3. Re-entry into state service. *Should any patrolman, who has become separated from state service as a patrolman and has received a refundment of his payments into this fund or the state employees' retirement fund, re-enter the state service as a patrolman, such patrolman shall receive credit for the period of his prior state service as a patrolman provided he repays into the fund the amount of his refund-*

ment, plus interest thereon at the rate of three per cent per annum, at any time prior to his subsequent retirement. Such repayment may be made in installments as the Highway Patrolmen's Retirement Association shall direct.

Sec. 5. [172.103] **Patrolmen now retired.** The annuity payments provided for hereunder shall also apply to highway patrolmen who have retired heretofore and are now drawing annuities.

Approved April 18, 1953.

CHAPTER 454—S. F. No. 154

An act relating to the amount of attorney's fees in foreclosures of real estate mortgages; amending Minnesota Statutes 1949, Section 582.01.

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

Section 1. Minnesota Statutes 1949, Section 582.01, is amended to read:

582.01 Attorneys' fees. *Subdivision 1.* The mortgagor may, in the mortgage, covenant to pay or authorize the mortgagee to retain an attorney's fee in case of foreclosure; but such fees in case of foreclosure by advertisement shall not exceed the following amounts, and any provision for fees in excess thereof shall be void to the extent of the excess:

(1) When the debt secured by the mortgage does not exceed \$500, the fee shall not exceed \$50;

(2) When the debt exceeds \$500, but does not exceed \$1,000, the fee shall not exceed \$75;

(3) When the debt exceeds \$1,000, but does not exceed \$5,000, the fee shall not exceed \$125;

(4) When the debt exceeds \$5,000, but does not exceed \$10,000, the fee shall not exceed \$175;

(5) When the debt exceeds \$10,000, the fee shall not exceed \$225 plus \$50 for each added \$10,000 or major fraction thereof.

Subd. 2 The court shall establish the amount of the attorney's fee in case of foreclosure by action.

Subd. 3. This act shall apply only to mortgages executed after June 1, 1953.

Approved April 18, 1953.