

CHAPTER 186—S. F. No. 490

An act amending Minnesota Statutes 1949, Section 340.14, Subdivision 2, pertaining to the sale of alcoholic beverages.

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

Section 1. Minnesota Statutes 1949, Section 340.14, Subdivision 2, is amended to read:

Subd. 2. **Sales, where forbidden.** No intoxicating liquors shall be sold within the capitol or upon the grounds thereof, or upon the state fair grounds, or in any place where such sales shall be prohibited by law or by the ordinance of any city, village, or borough. Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control, to be used as a resort for prostitutes or other disorderly persons. No person under 21 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on sale." No pool table or billiard table shall be kept or used in any "on sale" premises except a club.

The retail sale for beverage purposes of ethyl alcohol or neutral spirits, or substitutes therefor, possessing the taste, aroma, and characteristics generally attributed to ethyl alcohol or neutral spirits, as such, is hereby prohibited. Nothing in this paragraph shall be construed to prohibit the manufacture or sale of other products obtained by the use of ethyl alcohol or neutral spirits as defined in *U. S. Treasury Department, Bureau of Internal Revenue, Regulations 125, Article II, Standards of Identity for Distilled Spirits.*

Approved March 18, 1955.

CHAPTER 187—S. F. No. 1001

[Not Coded]

An act relating to police pensions in certain cities of the first class; amending Laws 1953, Chapter 91, Sections 8, 9, 10, 15, and Section 1, Subdivisions 2, 9, and Section 11, Subdivi-

sion 1; and repealing Laws 1953, Chapter 91, Section 11, Subdivision 4.

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

Section 1. Laws 1953, Chapter 91, Section 1, Subdivision 2, is amended to read:

Subd. 2. "Member" means any person duly employed as a police officer of the police department of the city or any other employee of such department duly sworn in as a police officer who is not subject to transfer to another department of the city and not required to be a member of any other public employees retirement or pension system; but does not include any person temporarily employed by such police department *or any elective officer or employee of such police department* not within the classified service of the city. Any member of the association appointed as chief of police shall continue to remain a member thereof. Any police officer who is a member of the association who is assigned to serve as an officer of the municipal court of the city shall continue to remain as a member thereof.

Sec. 2. Laws 1953, Chapter 91, Section 1, Subdivision 9, is amended to read:

Subd. 9. "Unit" means *one-eightieth* of the current monthly salary of a first-class patrolman.

Sec. 3. Laws 1953, Chapter 91, Section 8, is amended to read:

Sec. 8. **Funds, derivation.** These funds shall be derived from the following sources:

- (a) Gifts made for such purpose;
- (b) Rewards received by members;
- (c) Money coming into the custody or control of the police department remaining unclaimed for six months;
- (d) Proceeds from the sales of property coming into custody or control of the police department and remaining unclaimed for six months, and the chief of police shall sell such unclaimed property;
- (e) An amount equal to four percent of the current maximum monthly pay of each member deducted by the city treasurer from the monthly salary of the member, but such amount shall not exceed four percent of the current maximum monthly pay of the first-class patrolman;
- (f) All moneys derived from taxation, as provided by section 9; and

(g) Moneys now in any police pension fund continued to be maintained by the association.

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

Sec. 4. Laws 1953, Chapter 91, Section 9, is amended to read:

Sec. 9. **City Contribution.** Subdivision 1. Except as provided in subdivision 2, in addition to the rate allowed to be levied by the charter of the city, the city shall levy an amount sufficient to pay pensions due and payable under this act in the following fiscal year at the time and in the the manner in which it levies other taxes, and the proceeds of this tax shall be paid into the police pension fund. This levy shall never be less than *two and one-half* mills, shall be in addition to any per capita limitation in the charter of the city, and shall not be considered as a part of the tax levy under any limitation in the charter of the city.

Subd. 2. In the event the police pension reserve fund in any year is less than \$500,000 on August 1, the city shall increase such tax levy to *three* mills.

Sec. 5. Laws 1953, Chapter 91, Section 10, is amended to read:

Sec. 10. **Fund, use.** The police pension fund shall be used only for the payment of:

- (a) service, disability, or dependency pensions;
- (b) expenses of *the association as authorized by the governing board.*

Sec. 6. Laws 1953, Chapter 91, Section 11, Subdivision 1, is amended to read:

Sec. 11. **Pensions, payment.** Subdivision 1. The association shall grant pensions payable from the police pension fund in monthly installments in the manner and for the following purposes:

- (1) To any member of the age of 50 years or more who performs duty as a member of the police department of the city for 20 years or more, upon his written application after retiring from such duty there shall be paid monthly during his lifetime a pension *not to exceed 31* units and an additional unit for each year of such service in excess of 20 years, but not to exceed 40 units; *except that if such member became a member after December 31, 1955, he shall receive a pension of not to*

exceed 30 units and an additional unit for each year of such service in excess of 20 years but not to exceed 40 units;

(2) to any member who performs duty as a member of the police department of the city for 20 years or more who retires from such duty before he attains the age of 50 years, upon his written application after reaching the age of 50 years, there shall be paid monthly during his lifetime a pension *not to exceed 31 units and an additional unit for each year of such service in excess of 20 years, but not to exceed 40 units; except that if such member became a member after December 31, 1955, he shall receive a pension not to exceed 30 units and an additional unit for each year of such service in excess of 20 years but not to exceed 40 units;*

(3) to any member not eligible for a service pension who, while a member of the police department of the city, becomes diseased or sustains an injury which permanently unfits him from the performance of police duties there shall be paid monthly during his lifetime a pension, *as provided in the bylaws of the association but not to exceed 40 units*, while so disabled; but no member shall be awarded, granted, or paid a pension pursuant to this clause, except upon the certificate of two or more physicians or surgeons chosen by the governing board. This certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member shall be awarded, granted, or paid a pension pursuant to this clause unless the certificate states that the disability, disease, or injury was incurred or sustained by him while a member of the police department. Each such certificate shall be filed with the association; and at its discretion the governing board may require any such person to submit to a re-examination by a competent physician chosen by the board. If found by this re-examination to be physically fit such person shall be reinstated to the position held immediately prior to the commencement of his disability.

(4) to the widow or to a surviving child of a member who dies while in the service of the police department of the city or to the widow or to a surviving child of any pensioner or any deferred service pensioner during the period of his deferment there shall be paid monthly a benefit as follows:

(a) *not to exceed 20 units to the widow, while she remains such;*

(b) *not to exceed 8 units to a surviving child until such child becomes 18 years of age.*

In the event the widow and such surviving children reside together, the benefits to be paid to such children shall be paid

to the widow for the support of the children, but such widow shall not receive more than 40 units per month in any event. If a widow remarry, her benefit shall cease as of the date of the remarriage. *Upon the death of a widow, each surviving child shall receive a pension as provided in the bylaws of the association of not to exceed 40 units.*

Sec. 7. Laws 1953, Chapter 91, Section 15, is amended to read:

Sec. 15. **Limitation.** Subdivision 1. The provisions of this act shall not affect any pensions or other benefits which have been allowed or which are being paid by any existing police pension association under or in accordance with any prior act in effect at the time this act becomes effective. Payment of such pensions and benefits shall be continued by the association in accordance with its articles of incorporation, constitution, and bylaws, subject to all the provisions thereof existing at the time of the passage of this act.

Subd. 2. Any pensioner receiving a pension under any prior act may elect to receive a pension as provided in sections 1 to 14, but in no event shall any such pension *exceed 40 units.*

Subd. 3. *The governing board, in order to protect the funds of the association may adjust pensions within the limitation of sections 1 to 14.*

Sec. 8. **Repealer.** Laws 1953, Chapter 91, Section 11, Subdivision 4, is hereby repealed.

Approved March 18, 1955.

CHAPTER 188—S. F. No. 1012

An act relating to firemen's relief associations in certain cities of the first class; amending Minnesota Statutes 1953, Sections 69.36, 69.361, 69.40, 69.41, 69.42, 69.44, 69.45, 69.48.

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

Section 1. Minnesota Statutes 1953, Section 69.36, is amended to read:

69.36 **Tax levy.** The city council or other governing body of each city wherein such a relief association is located shall each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax of three-fourths of one mill on all taxable property within said city. In the event the balance in said relief association's special fund,